

Trafficking in Human Beings

Ten years of independent monitoring

Colophon

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Foreword

This report marks the tenth anniversary of the establishment of the post of National Rapporteur on Trafficking in Human Beings as an independent monitoring mechanism of the Netherlands' efforts to combat human trafficking. It also marks ten years of making recommendations, 200 in all. Many of those recommendations have been acted upon, the importance of some has receded and others have been regularly repeated. This report outlines the progress made in efforts to tackle human trafficking in the Netherlands over the last ten years in light of those recommendations.

This report contains no new recommendations. Nevertheless, the contents clearly illustrate the aspects of the fight against human trafficking that still give cause for concern and demand vigilance. New developments are highlighted that might present a different kind of challenge in the efforts to combat human trafficking.

Political and public attention for the subject of human trafficking has grown in the last ten years. Tackling human trafficking is a priority for the police and the public prosecution service. The growing public and political awareness of human trafficking has also increased the abhorrence of this abject form of crime. The political outrage is reflected in the decision to raise the maximum sentences for this serious offence with effect from 1 July 2009.

At the same time, the statistics show that the number of criminal cases registered by the district offices of the public prosecution service has fluctuated over the years and that in 2009 the figure was lower than in 2000. The statistics also show that the proportion of custodial sentences of less than one year is increasing, while prison sentences of more than four years are declining, both in first instance and on appeal.

Any self-respecting society should do everything in its power to ensure that the five Ps, *prevention, protection, prosecution, punishment and partnership*, which together form the cornerstone of efforts to combat human trafficking, are a constant and integral facet of anti-trafficking policies and their implementation in practice. That was also the message conveyed by the European Court of Human Rights in its judgment in the case of *Rantsev versus Cyprus and Russia*.

Effective progress depends on cooperation between the various actors responsible for implementing the 5P paradigm. Enormous efforts have also been made in this respect in recent years. But cooperation in the anti-trafficking chain is not in itself a magic formula. Success demands a constant willingness on the part of every actor to help find solutions for those elements of the paradigm that are not necessarily their own direct responsibility.

Human trafficking is a worldwide problem. Although roughly a quarter of the registered victims in the last ten years were Dutch, the majority are still people who have fled from poverty in their own country in search of a more dignified existence, only to end up being exploited in the sex industry or in other sectors.

Their experience is vividly illustrated by ‘Journey’, an exhibition that BNRM is bringing to the Netherlands to mark its tenth anniversary. The exhibition tells the story of a young East European girl who was trafficked for the purpose of exploitation in prostitution in the United Kingdom. The exhibition makes a deep impression and provides inspiration for continuing the fight against human trafficking.

For the last ten years the Rapporteur has held a mirror up to the agencies engaged in the fight against human trafficking in the Netherlands. They have looked in that mirror.

Various agencies and individuals helped in the production of this report. I am very grateful to Comensha, the IND and the CJIB for their assistance and for the data they provided. I would also like to thank the WODC (Siba) for its analysis of the public prosecution service’s data.

As always, the staff of BNRM has displayed the inspiration they draw from the subject of human trafficking. I would also like to thank them.

C.E. Dettmeijer-Vermeulen
National Rapporteur on Trafficking in Human Beings

1.1 Introduction

The basis for the appointment of a National Rapporteur on Trafficking in Human Beings in the Netherlands was laid by the The Hague Declaration, which was adopted in 1997 following a ministerial conference on trafficking in women organised by the European Union (EU).¹ One of the recommendations made in this Declaration was that member states should appoint national rapporteurs to report to their governments on the scale, prevention and combating of trafficking in women. National rapporteurs were also encouraged to promote mutual cooperation on a regular basis.² This description of the tasks of national rapporteurs remains valid to this day. The European Council's conclusions on the establishment of an informal network of national rapporteurs on trafficking in human beings or similar mechanisms in 2009 also illustrates the need for objective, reliable, comparable and up-to-date strategic information about human trafficking in the EU.^{NRM7}³ In these documents, the scope of the offence is no longer confined to trafficking in women, but extends to trafficking in *human beings*.

The nature of the mandate requires that the National Rapporteur on Trafficking in Human Beings must be independent.⁴ The Rapporteur submits annual reports to the Minister of Justice. The government responds to the reports and informs parliament of its conclusions. Through these reports, the Rapporteur plays an important role in monitoring policies to combat human trafficking and the associated legislation. The government generally publishes a reaction to substantive reports by the Rapporteur, which is then the subject of a plenary debate in the Lower House of Parliament. The fight against human trafficking is a topic that is also regularly addressed in the election manifestos of many of the political parties.

This chapter discusses the steps taken to monitor and report on efforts to combat human trafficking. After a brief review of a report that can be regarded as an early precursor of the reports of today's Rapporteur, there is a brief discussion of the terms of reference of the Rapporteur and of equivalent mechanisms in other countries. The following sections contain interviews with three different rapporteurs: the current *UN Special Rapporteur on Trafficking in Persons*, the first National Rapporteur in

1 *The Hague ministerial declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation.*

2 *Ibidem*, III.1.4. See also NRM1, Chapter 3.

3 *Council Conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings*, 2946th meeting, Luxembourg, 4 June 2009.

4 See the interviews in §1.2.

the Netherlands and Finland's first National Rapporteur. The chapter concludes with a glimpse into the future, including a consideration of the recent expansion of the tasks of the Rapporteur in the Netherlands.

1.1.1 A brief history

As early as the beginning of the 20th century, research into the nature and scale of human trafficking was conducted in the Netherlands.⁵ In 1900, J. Balkestein, a police inspector in Haarlem, went undercover in the world of prostitution in an attempt to unravel the practices of traffickers in women.⁶ The report of that investigation can be regarded as an early precursor of the reports of today's Rapporteur. The author of the report made a number of recommendations on the basis of his investigation. One noteworthy recommendation was that the government should continue conducting research into the nature and scale of human trafficking. In 1908, the 'National office for the collection of data concerning so-called traffic in women and girls' was established.⁷ This office can also be regarded as an early precursor of the Office of the National Rapporteur on Trafficking in Human Beings (BNRM).⁸

The author's recommendations concerning the treatment of victims and his analysis of the methods used at that time to induce women to prostitute themselves remain valid to this day. The following text box contains a passage from the concluding section of the report in 1901.

Report of an investigation into trafficking in women⁹

'Your assignment to me read: conduct a study into the nature and scale of the trafficking in women and girls in this country. Your committee suspected that such trafficking existed and wished to know to what extent it could be combated. I feel that careful consideration of my report will show that it has provided important building blocks for answering the latter question. Nevertheless, because of my investigation, I am perhaps better placed than anyone to judge how necessary it is for such work to continue and, in that context, feel justified in making the following comments in view of the possibility that either the government or private parties will later conduct similar investigations again.

If a study is to be complete, it is not enough for the police to confine themselves to providing information; they will have to provide their direct cooperation, which they undoubtedly would have done if the investigation had been commissioned by the government. Experience has taught me that the best method of investigation is to question the prostitutes. In that context, the main priority for the researcher is not to learn how the interviewees feel about their own lives, but only how they have become who they are.

[...] There are two ways of doing this, both of which must be followed. Questioning the women themselves and verifying what they have said. [...] For the first, the questioning of the women themselves, the two main requirements are that the women are questioned as far as possible beyond the influence of the brothel owner or madam and that the interviewer possesses the maximum possible knowledge of human nature and experience so that he is able to form something of an

5 Balkestein, 1901.

6 For more background information on the production of this report and the measures taken in response to the recommendations, see Blekendaal 2007.

7 Royal Decree of 13 March 1908, *Bulletin of Acts, Order and Decrees*, no. 85.

8 For a description of the history of the establishment of the post of Rapporteur, see NRM1, chapter 3.

9 Balkestein, 1901.

impression of what the woman before him was like before she entered prostitution, and finally, that he is able to win the trust of the woman.

[...] It will be impossible to gain a satisfactory answer to the question of whether violence or deception on the part of traffickers is an important element in women and girls becoming prostitutes if one persists in searching for the very few cases where entirely innocent girls or women are brought into prostitution by acts of open violence or deception entirely against their will and without their prior knowledge. [...] What one should search for is the following: are a series of acts of indirect compulsion and deception committed by a large number of persons acting in concert against women and girls, whose lives may not be unimpeachable, but who without these acts of indirect compulsion and deception would still never have accepted the life of a prostitute, as I have partially described it above and has been explored for the first time by me? Although I acknowledge that this question has been posed in such a way that it must already influence the answer, I am still firmly convinced that only by proceeding in the direction I suggest is an investigation likely to bear fruit and lead to the answer to the question of how this indirect coercion and deception can be tackled.'

1.1.2 Terms of Reference of the National Rapporteur on Trafficking in Human Beings

The task of the National Rapporteur on Trafficking in Human Beings is report annually on the nature and scale of human trafficking, the mechanisms that play a role in human trafficking, the developments taking place in this field and the effects of relevant policy. The Rapporteur has no executive tasks at operational level.¹⁰

The Rapporteur is assisted by the staff of the Office of the National Rapporteur on Trafficking in Human Beings, which gathers quantitative and qualitative information through its own research, through secondary analysis of existing databases, and by organising meetings and attending regular consultations. BNRM is also represented on review committees for studies into subjects relating to human trafficking and associated topics.¹¹ The Rapporteur also participates in international forums, such as steering groups and roundtable meetings on EU policy to combat human trafficking.

It is difficult to measure the scale of human trafficking. The Rapporteur has repeatedly referred in reports to how important it is for the responsible agencies to keep proper records so that quantitative data can be collected about human trafficking and the efforts to address it.¹² Better registration and improved methods of registration of victims also remain important areas of concern at the international level.¹³ Such quantitative records can, however, give a distorted view of reality.^{NRM5} Qualitative research is therefore also important for a deeper insight into human trafficking. This is reflected, for

10 The most recent appointment is laid down in the Regulation of 28 October 2009, no. 5627003/09, on the appointment of the National Rapporteur on Trafficking in Human Beings (Regulation on the appointment of the National Rapporteur on Trafficking in Human Beings 2009), *Government Gazette*, 2009, 18798.

11 One of these was the second evaluation of the lifting of the ban on brothels. For a list of other review committees of which BNRM is a member, see the lists of activities in the reports, and appendix 4.

12 NRM1, recommendation 27; NRM 3, recommendation 33; NRM5, recommendations 61 and 64; NRM7, recommendations 41 to 45.

13 For example, see Kutnick et al., 2007. This publication used data from the Dutch Rapporteur and described various methods of registration relating to human trafficking.

example, in the recommendations to find out more about what happens to victims after they have been recognised as such.¹⁴

Other recommendations in the last 10 years have concerned the desirability of research into other subjects, such as the disappearance of victims from shelters and the reasons for it, as well as the experiences of victims after they have returned to their country of origin.¹⁵ The Rapporteur has also referred to the importance of thoroughly investigating whether prostitutes who work *legally* are victims of human trafficking.¹⁶ If research that has been recommended has not been carried out, the Rapporteur may decide to conduct the research personally, especially if the subject is urgent.

The first report was primarily a survey of the state of affairs with respect to human trafficking and the efforts being made to tackle it at that time, which was shortly after the abolition of the general ban on brothels. BNRM has carried out more research of its own for many of the subsequent reports. One of the studies involved an exploration of the existence of exploitation outside the sex industry ('other forms of exploitation') following the entry into force in 2005 of the new article of the criminal code on human trafficking. The results of that study appeared in the Fifth report, which also published the findings of a study into financial investigations. For the most recent report, BNRM conducted studies into the application of the non-punishment principle, cases that have been 'shelved' by the police and objections to decisions not to prosecute (Article 12 of the Code of Criminal Procedure) and the case-law on human trafficking in the sex industry.

Because good research is extremely important for combating human trafficking effectively, the growing academic interest in the subject of human trafficking is a welcome development.

1.1.3 National rapporteurs or equivalent mechanisms in other countries

Various international bodies, including the United Nations (UN), have urged countries to appoint rapporteurs.¹⁷ The explanatory report to the Council of Europe's Convention on Action against Trafficking in Human Beings (2005) – which also calls for the appointment of national rapporteurs or equivalent mechanisms – expressly mentions the Dutch national rapporteur as an example of an independent monitoring mechanism.¹⁸

Following the European Commission's evaluation of the EU Action Plan on Human Trafficking in 2008, one of the principal recommendations made by the Commission was to establish national rapporteurs or equivalent mechanisms.¹⁹ The Commission said these national agencies should be given the task of monitoring trends in human trafficking as well as the results of policies and measures to combat human trafficking. The Council of Ministers of the European Union adopted conclusions on the subject

14 NRM 3, recommendation 29.

15 NRM3, recommendation 29.

16 NRM5, recommendation 18.

17 For example, the UN General Assembly (in resolution A/RES/59/166 of 10 February 2005) recommended the appointment of national rapporteurs. A report on the UK by Anti-Slavery International stated that: 'An independent National Rapporteur on Trafficking in Human Beings should be established in the UK, along the lines of the role of the Dutch National Rapporteur' (Anti-Slavery International, 2006, p.30).

18 The Convention calls on States Parties to consider appointing a national rapporteur (or equivalent mechanism) for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements, Article 29 (4) of the Council of Europe Convention on Action against Trafficking in Human Beings, *Bulletin of Treaties* 2006, 99.

19 The Hague Declaration of 1997 also called for the appointment of national rapporteurs. See §1.1.

in June 2009.^{NRM7} There is now an informal network of national rapporteurs, which is an important step since national rapporteurs can promote the exchange of best practices and share experiences at national and European level. The network has held two meetings so far.²⁰

There are not yet many other countries with an *independent* national rapporteur on trafficking in human beings.²¹ In practice, a growing number of countries have established an equivalent mechanism, which is usually integrated in a ministry or the police force.

A number of countries have appointed a coordinator, in addition to a national rapporteur or equivalent mechanism.^{NRM7} In some cases, the same agency performs the role of coordinator and of national rapporteur (or equivalent mechanism).

Coordination

The purpose of coordinating mechanisms is to match policies with measures taken to combat human trafficking. For example, the Council of Europe's Convention on Action against Trafficking in Human Beings provides that the parties must take steps to coordinate the policies and measures of ministries and other public bodies responsible for combating human trafficking. Where appropriate, they should establish special bodies for that purpose.

The Action Plan of the Organisation for Security and Cooperation in Europe (OSCE) (2003) refers to the appointment of national coordinators as an element of *national referral mechanisms*. This means that every member state must create an instrument for providing help and protection to victims. The national referral mechanism is assigned a referring and coordinating task in the activities of the partners in the anti-trafficking chain. According to the OSCE Action Plan, it should create a framework that both enables the member state to meet its obligations towards victims and provide a mechanism in which civil-society organisations and the relevant government institutions can cooperate.²² In its annual report for 2008, the OSCE published an evaluation of the progress made in drafting national action plans and establishing national coordination structures and reporting mechanisms.²³ Although there was variation in the structures of national coordination mechanisms, at least 58% of the member states and partner countries had such a mechanism. Slightly less than 40% (26) of the member states and partner countries said that they have a national rapporteur or equivalent mechanism, while almost 24% of the states reported that they did not.

In the Netherlands, the Ministry of Justice coordinates the formulation of policy. The Task Force on Human Trafficking also plays a coordinating role, in the sense of providing a platform where the partners responsible for preventing and combating human trafficking can meet to identify areas where efforts are falling short and eliminate problems by removing practical obstacles. The members of the task force represent the entire spectrum from prevention to prosecution and improving the position of victims.²⁴

20 The most recent meeting was held in Brussels on 2 June 2010.

21 Finland has an independent rapporteur. In Belgium, a reporting mechanism very similar to that of the Netherlands is the Centre for Equal Opportunities and Opposition to Racism, which also reports annually on measures to combat human trafficking.

22 As far as referrals in relation to victims are concerned, CoMensha (until the end of 2007 the Stichting tegen Vrouwenhandel (STV)) is the central body in the Netherlands for the notification, placement and registration of victims of human trafficking, see §2.4.3.

23 NRM7, pp. 97 *et seq.*

24 Decision establishing the Task Force, *Government Gazette* 2008, 47..

1.2 Interviews

This section contains interviews with three different rapporteurs: the UN Special Rapporteur on Trafficking in Persons, the first independent National Rapporteur on Trafficking in Human Beings in the Netherlands and Finland's first National Rapporteur. Finland was the latest country to appoint an independent National Rapporteur.

1.2.1 Joy Ngozi Ezeilo, UN Special Rapporteur on Trafficking in Persons²⁵

Joy Ezeilo, the current UN Special Rapporteur on Trafficking in Persons, especially women and children, is the second person to occupy that position.²⁶ The task of the rapporteur is to focus on the human rights of victims of human trafficking and to report each year to the Commission, as well as making recommendations on measures that might be required to protect the human rights of victims. The rapporteur also receives individual complaints of violations of human rights of victims and undertakes working visits to countries in order to make recommendations for improvements in the prevention of human trafficking and in measures to address it and for improvements in the protection of the human rights of victims.^{NRM5} Because the UN Special Rapporteur also has an important role in monitoring international policy on human trafficking, this interview with her is very relevant to this chapter on the work of rapporteurs.

Appointment of the UN Special Rapporteur on Trafficking in Persons

I was appointed as UN Special Rapporteur on Trafficking in Persons, especially women and children, in June 2008. My term of office commenced in August of that year and runs until 2011. I was appointed by the UN Human Rights Council. When I heard of my nomination, I had no reservations about accepting the position. Of course I realised that the position would carry enormous responsibility and significant obligations. It was, however, an opportunity for me, and a privilege to lead this process at a global level and to be able to report to the General Assembly in New York.

Challenges as UN Special Rapporteur

As rapporteur, I see a number of challenges in the fight against human trafficking. The first major challenge is to gather reliable statistics on human trafficking. There are conflicting estimates of the scale of human trafficking from different organisations and countries. It is therefore very difficult to be certain about the scale of the problem, which underlines the need for the systematic and coordinated collection and management of data. The lack of reliable data makes it difficult to ascertain whether the number of victims of human trafficking is rising or falling. Take the economic crisis, for example. There may be more victims of human trafficking at the moment because of the crisis, but the difficulty of acquiring reliable statistics complicates efforts to generate reliable data on the possible effects of the crisis.

Prosecuting human trafficking is also difficult. Human trafficking is a criminal activity; it is dynamic and the methods employed by human traffickers are constantly changing. Those factors make prosecuting human traffickers a complex business. In many countries, it is difficult to gather evidence. It is therefore important for countries to share information.

Human trafficking has been made a criminal offence in most countries but the definition of the offence is not always equally comprehensive. In many countries, although sexual exploitation of women and children has been criminalised, other forms of exploitation or trafficking of men have not. Furthermore,

²⁵ Joy Ngozi Ezeilo was interviewed by telephone on 26 May 2010.

²⁶ The decision to appoint the UN Special Rapporteur was made by the UN Human Rights Commission in April 2004, UN Doc. E/CN.4/2004/L.62.

in some countries human trafficking has been criminalised under the definition of another offence, such as kidnapping. That is ineffective and I would like to see specific national legislation for every form of human trafficking.

Effective coordination of efforts to combat human trafficking is still a problem. Countries should have national rapporteurs who can act as coordinators. These rapporteurs should have statutory powers to address human trafficking. Countries should also have a national action plan containing specific measures designed to combat human trafficking. National action plans and national rapporteurs on human trafficking help us to monitor and evaluate policy. They can also provide statistics that can be used to measure the effectiveness of steps taken to prevent human trafficking, to prosecute suspects and to protect victims.

Vulnerable groups of victims

Child victims of human trafficking are particularly vulnerable. They need a different form of intervention than adult victims, but at the moment there is no specific approach tailored to the needs of young victims of human trafficking. The same applies for male victims, such as victims of exploitation outside the sex industry. Many countries have no shelters for male victims. This is an aspect that we need to focus on. I am also concerned about the forced surrender of organs. We know that this is a growing phenomenon, which is why it is important for more action to be taken in this area, starting with the creation of the correct legal framework.

Five Ps, three Rs and three Cs

In addressing human trafficking I focus on the five Ps, three Rs and three Cs. Let me explain what the letters stand for.

Five Ps

The five Ps stand for protection of victims, prosecution, punishment, prevention and promotion of international cooperation.

In my view, prevention must be at the heart of efforts to combat human trafficking. We do not do enough in terms of prevention, tending instead to focus mainly on the problems. However, people need information and advice about human trafficking, particularly vulnerable groups. That is the key to preventing human trafficking. The fifth P, promotion of international cooperation, is also very important. Human trafficking does not recognise borders. It affects every country in the world: countries of origin, countries of transit and countries of destination. We have to cooperate; we have to share information.

Three Rs

The three Rs stand for redress, rehabilitation and reintegration. Redress is very important for victims who must, for example, be compensated for loss of income and for the harm caused to them. This compensation must be recovered from the human trafficker.

We need to be mindful of rehabilitation since that helps us to understand the practical needs of victims, such as access to medical care, medical facilities and adequate shelter.

As far as the reintegration of victims is concerned, cooperation between countries and organisation is important. When a victim returns to his or her country of origin, cooperation with the authorities and with organisations in that country are essential for the victim's successful reintegration.

Three Cs

The three Cs highlight the need for capacity, coordination and cooperation. These elements are needed to address human trafficking effectively. Coordination is essential for the correct identification of victims. In practice, it can be difficult to make a distinction between illegal migrants and victims of human trafficking. The procedure for identifying victims should be the same everywhere. That calls for coordination and cooperation. Furthermore, agencies involved in the identification of victims, such as the police, the immigration service and the labour inspectorate require specific training.

Sharing best practices

I share best practices in one country that increase the effectiveness of anti-trafficking efforts with other countries. I do not want to stigmatise any countries. In my view, it is important to visit countries with a good record so that I can learn from these good examples and share them with other countries. This interaction can make a difference. My reports are a way of sharing information.

Victim-centred approach

It is very important not to address human trafficking only on the basis of criminal law. From my years of experience as a pro bono lawyer for women and other vulnerable groups, a victim-centred approach to human trafficking is very important to me. I place a lot of emphasis on victims in my position as UN Special Rapporteur. My first report, which focused specifically on victims, was well received.

Linking the causes of human trafficking to the Millennium Development Goals

I try to link the causes of human trafficking to the Millennium Development Goals (MDGs). For example, the first Millennium Development Goal, eradicating poverty and hunger, is closely related to human trafficking, since poverty is a root cause of human trafficking. Poverty makes people vulnerable and that increases the risk that they will be exploited. The third Millennium Development Goal, on gender equality, is also linked to human trafficking because gender inequality is a cause of human trafficking.

By linking the MDGs to human trafficking, countries have become more aware of the causes of human trafficking. Because states have accepted obligations based on the MDGs, they can be held accountable if they fail to meet them.

The importance of a rapporteur

As UN Special Rapporteur I am able to devote special attention to human trafficking. The UN Human Rights Council cannot do everything it would like to do in the field of human rights. The appointment of a Special Rapporteur on Trafficking in Persons means that specific attention can be devoted to the subject of human trafficking.

My strength as UN Special Rapporteur is that I can report on human trafficking and call on countries to undertake action. I can also mobilise all the chain partners and work with them. It is important for the Rapporteur to be a representative of the government. The Rapporteur must not be influenced and must be entirely independent. You could say the UN Special Rapporteur is placed above the system in order to guarantee her independence.

1.2.2 Anna Korvinus, First National Rapporteur on Trafficking in Human Beings in the Netherlands²⁷

Anna Korvinus was the first National Rapporteur on Trafficking in Human Beings in the Netherlands, making her the first independent Rapporteur in the world. She held the position from April 2000 to October 2006. Her reflections on that period provide interesting insights into how human trafficking was viewed at that time and give an idea of the challenges she faced as the first National Rapporteur on Trafficking in Human Beings and the results she achieved.

Appointment as the first independent National Rapporteur on Trafficking in Human Beings

I was appointed as Rapporteur on 1 April 2000. One of the recommendations made by an EU ministerial conference on trafficking in women in 1997 was that countries should appoint national rapporteurs. The intention was that they would provide governments with adequate and reliable information and with objective advice. The rapporteur therefore had to be independent. In 1999 the Netherlands had not yet acted on this recommendation, but the process of implementing the recommendation really took off after the D66 political party had submitted questions to the Minister of Justice.

My appointment as Rapporteur on 1 April 2000 was arranged by Minister of Justice Korthals, who was the minister responsible for coordinating government policy on human trafficking. The Office of the National Rapporteur on Trafficking in Human Beings commenced operations on 18 September of that year.

Trafficking in human beings or trafficking in women

An important issue for me before deciding whether to accept the appointment as Rapporteur was that the scope of my tasks and powers, and particularly the fields of research, had to be clear. In the communication with the Lower House of Parliament, the article of the criminal code that had, even then, long been known as the 'human trafficking article' was used as a reference. The ministerial conference in 1997, which recommended that countries should appoint a national rapporteur, was mainly concerned with trafficking in women and children. Moreover, the negotiations in Vienna on the conclusion of the UN Convention for the suppression of transnational organised crime and the associated protocol, which relates to and refers to human trafficking, were already at an advanced stage. This legislation, which the States Parties to the Convention had to follow in amending national legislation, was not confined to women, but refers to persons. I therefore felt it was logical that I should be appointed as the National Rapporteur on Trafficking in *Human Beings*. The Minister agreed with me and informed the Lower House of Parliament that a National Rapporteur on Trafficking in Human Beings would be appointed, referring to Article 250a of the Dutch Criminal Code. Although in practice this article applied mainly to women in prostitution, in the case of minors it could apply to both boys and girls. It was also anticipated that the article of Dutch law would be extended to conform with the internationally agreed definition.

There was – I learned later – initially some criticism in feminist circles that the new rapporteur would focus on human trafficking and not specifically on trafficking in women. They wanted the emphasis to be on women as victims, but in view of developments and from an international perspective, it was simply better and more orderly, particularly in terms of research and to avoid confusion of terminology, to define the area of concern as 'trafficking in human beings'.

²⁷ The interview was held on 29 April 2010. Ms Korvinus' valedictory address on 29 September 2006 was also incorporated in the interview.

Human trafficking as ‘an issue of public morals’

One aspect of my function as Rapporteur that was difficult in the beginning was that the institution was not known. At first, it was still only associated with prostitution. People regarded the subject of human trafficking in very narrow terms. It was treated a little disparagingly. Victims were seen as women who had brought it on themselves to a certain extent. There was a lot of prejudice. It was also felt to be purely a ‘public morals issue’, in the sense of a departure from good moral standards. People felt it was exaggerated to appoint a rapporteur specifically for this subject. The perception was lacking that human trafficking was connected with organised crime, and often transnational crime, and was a highly profitable branch of crime.

The public prosecution service treated human trafficking as an offence against public morals. When I wanted to discuss the subject of human trafficking with the Council of Procurators General, one of them said, ‘Which portfolio does human trafficking fall under? Public morals or organised crime?’ I replied, ‘Both.’ I felt it was important for human trafficking to be addressed not only as a public morals issue but also in the context of the fight against organised crime. When it was solely a matter for the vice squad, cases of human trafficking were usually only discovered by chance. After all, there was already a policy of tolerance towards operators in the prostitution business at that time and the police were not actively looking for human trafficking. From time to time they might discover a victim of human trafficking. This was also partly due to the fact that the vice teams were small and had few resources. They did not have sufficient manpower to address human trafficking on a structural basis.

From the perspective of victim support, this view was initially seen as a deterioration of the situation for victims, so I had to operate delicately. Victims should be helped, but repression is also needed if you want a structural solution.

Women are victims, men are offenders

In November 2002, I attended a UN meeting on human trafficking outside New York. During the meeting I remarked that men could also be victims and that women could be perpetrators. At first everyone attacked me for saying this, since surely women could not be perpetrators. They actually found it shocking. I was initially regarded suspiciously for this remark, but was later proved right.

Human rights

One of the most important challenges was to have human trafficking seen in the context of a violation of human rights. I repeatedly pointed out that even with enforcement under criminal law the key was protection of human rights and that it could not be regarded as a government activity separate from that. The argument that I consistently made was that a government that failed to adequately support the criminalisation of human trafficking, through intensive enforcement in practice and by making efforts to prevent it, not only harmed the interests of the individual victims but also undermined public confidence in the value of the protection of human dignity as a foundation of internationally accepted human rights and fundamental freedoms.

Long legislative process

I do feel that it took the Netherlands a very long time to bring its legislation into line with the UN Palermo Protocol, which the Netherlands signed in 2000. It is a pity that it took until 1 January 2005. It therefore took longer to build public support in the Netherlands. It is also more difficult to win public

support for legislation that is based on international conventions than for legislation that is adopted in response to direct calls from the society itself. If it had been left solely to the Netherlands, I do not think the expansion of the human trafficking article to cover other forms of exploitation would have occurred. People didn't realise, and often probably still do not, that exploitation also occurred and still occurs in other sectors in the Netherlands.

The importance of a Rapporteur

The importance of appointing a Rapporteur was that it increased attention for this special offence and highlighted the subject of human trafficking and efforts to combat it for the police, the public prosecution service, politicians and the general public. There is certainly greater 'public awareness' of human trafficking. The importance of catching the perpetrators in this sector has also been highlighted. The victim support organisations realised the importance of a Rapporteur from the very beginning. I have always had enormous admiration for the people who work in these organisations. It is they who see the distress of clients most immediately. I was amazed that they did not become disheartened. When I left office, the person who spoke on behalf of the social services clearly articulated the growing realisation in the social services of the need to do more to deal with perpetrators. Because of my background in the public prosecution service, they thought that I focused too much on catching perpetrators. It is to the credit of the social services that they can certainly also see the bigger picture. On the other hand, the police and the public prosecution service have become more aware of the interests of victims. More intensive contacts between the police and the social services have helped in this. They also have a greater understanding of each other's roles.

1.2.3 Johanna Suurpää, first Finnish National Rapporteur on Trafficking in Human Beings

Johanna Suurpää was appointed as Finland's first independent National Rapporteur on Trafficking in Human Beings in 2009. She worked as Rapporteur for a year and was succeeded in the middle of 2010 by Eva Biaudet. At the time of writing, Johanna Suurpää was the most recently appointed independent Rapporteur, so it is interesting to learn of the challenges she faced nine years after the appointment of the first independent National Rapporteur on Trafficking in Human Beings.

Appointment as Finland's first independent National Rapporteur on Trafficking in Human Beings

When the decision was taken to appoint an independent Rapporteur in Finland,²⁸ the authorities first considered establishing the position as part of an existing organisation. The most important criterion was that the Rapporteur should be assigned to an independent government organisation. The Ombudsman for Minorities met that criterion. Since I was the Ombudsman for Minorities at that time, I was appointed as the first National Rapporteur on Trafficking in Human Beings in Finland. My mandate was actually formulated fairly broadly. It refers to both human trafficking and to related subjects such as pimping and certain serious forms of discrimination. In addition to publishing reports, it is important for the Rapporteur to build up a good network and to concentrate on the implementation of international legislation.

²⁸ The decision to appoint a National Rapporteur of Trafficking in Human Beings was made on the basis of a recommendation by the Finnish Coordination Committee on Trafficking in Human Beings (chaired by the Ministry of the Interior) to the Finnish government.

Early period as Rapporteur

At the time that I became the Rapporteur in 2009, there was already a certain degree of understanding of human trafficking. To say the least, there was a growing interest in the subject. There was a growing awareness that human trafficking also occurred in Finland, that it was not something that only happened in other countries. There was a willingness among chain partners to cooperate with other partners and with the Rapporteur. Although not a lot was known about human trafficking, understanding of the phenomenon was increasing. The appointment of an independent Rapporteur was well received.

Challenges facing Finland's first national rapporteur

One of my greatest challenges was that I had a good and broad mandate but few resources. Apart from the Rapporteur, there was only one staff member. The limited resources could have undermined the office's credibility, but although the office only consisted of two people, the Rapporteur's views were well received in Finland.

Another challenge was to gather information for my reports. Formally speaking, that was not a problem, since I had been given a broad statutory mandate. In practice, however, it proved difficult to secure information in time, for example about investigations. Because the police force has a regional structure, it was difficult to exercise my legal mandate in the various police regions. To do so, I had to create a network. I also had to negotiate with the police and labour inspectorate on the timely provision of information. That took time.

The importance of a Rapporteur

The first thing I want to stress is that to have any added value, a Rapporteur must be independent. That is an absolute precondition. In my view, the added value of a Rapporteur lies in providing an objective analysis of how human trafficking is being addressed. The Rapporteur can expose bottlenecks and make recommendations for resolving them. The Rapporteur collects all the relevant information from the different agencies and explores ways of advancing the fight against human trafficking.

Although I was the Rapporteur for only a year, we still accomplished a number of things. I devoted a lot of energy to cooperation in the chain. A positive factor was that everyone showed a willingness to cooperate with the National Rapporteur. I am also proud of my first recommendation, in which I called for every victim of human trafficking to have access to unlimited legal assistance, not only during the criminal proceedings against the human trafficker but also during other legal proceedings, such as proceedings to secure a residence permit or civil proceedings for victims who have children. My recommendation has led to practical changes in Finland.

1.3 A look into the future

These interviews show that the mandates of the Dutch and Finnish National Rapporteurs on Trafficking in Human Beings are largely similar. Both agencies report independently on efforts to tackle human trafficking in their country. Both agencies also stress the importance of being independent in order to carry out their tasks. One of the challenges facing them, which is also mentioned by the UN Rapporteur, is that of acquiring reliable data. The exchange of information at the international level also remains very important in view of the often transnational nature of human trafficking.

In addition to reporting obligations under various UN human rights conventions,^{NRM7} the establishment of the Group of Experts on Action Against Trafficking in Human Beings (GRETA) pursuant to the Council of Europe's Convention on Action against Human Trafficking²⁹ also means that states have to report on their current efforts to tackle human trafficking at a national level. The European Commission's draft of an EU directive on human trafficking also contains a provision that will require member states to provide information to the Commission about efforts to tackle human trafficking. According to the draft, the Commission will use the information to prepare a report for the European Parliament and the European Council.³⁰ Although the directive has not yet been adopted, it is expected to assign an important role to the proposed Anti-Trafficking Coordinator. These developments further underline the importance of monitoring.

In June 2010, US Secretary of State Hillary Clinton and Luis CdeBaca, Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons, presented the US State Department's tenth annual *Trafficking in Persons Report*. This report is prescribed by the *US Trafficking Victims Protection Act of 2000* and is intended to encourage countries to intensify efforts to tackle human trafficking. The report describes the situation in more than 170 countries, dividing countries into different categories known as 'tiers'. Tier 3 is the lowest category; tier 1 the highest. The Netherlands was assigned to tier 1 for the tenth time.³¹ For the first time, the report also contained an evaluation of measures taken to address human trafficking in the United States itself (which is also categorised as tier 1).

Recent expansion of the Dutch Rapporteur's mandate to include child pornography

The mandate of the National Rapporteur on Trafficking in Human Beings was extended on 1 October 2009 to include reporting on efforts to address child pornography. From 2011, the Rapporteur will also report on the nature and scale of child pornography in the Netherlands. This development was dictated by a widespread sense of urgency after various organisations had observed an increase in the volume of digital images of sexually abused children. Various agencies had called for the creation of a 'national authority' and proposed that the investigation or monitoring of efforts to combat child pornography could be added to the responsibilities of the National Rapporteur on Trafficking in Human Beings.³²

29 The *Group of Experts on Action against Trafficking in Human Beings* consists of independent experts who monitor the implementation of the convention by the parties to it and write a report identifying problems. On the basis of GRETA's report, the Committee of the Parties makes recommendations to a state. The convention does not provide for a procedure to compel the implementation of recommendations.

30 *Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA*, 29 March 2010, COM(2010)95 final, 2010/0065 (COD), Article 19 section 2.

31 US Department of State (2010). *Trafficking in Persons Report 2010*, pp. 248-249. Available at <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

32 See, for example, the Programme to Improve Efforts to Combat Child Pornography of the National Police Services Agency (KLPD), available at www.tweedekamer.nl/images/31700H06VI0114bijlage01_118-193870.pdf; *Parliamentary Documents II 2007/08*, 31 200 VI, no 35; Amended motion by the members De Pater-van der Meer and Arib; positions of Stichting Kinderporno op Internet and ECPAT Nederland, available at <http://www.meldpunt-kinderporno.nl/files/Biblio/AO%20Kinderporno%2010%20december.pdf>.

A similar idea has actually existed since the appointment of the first National Rapporteur on Trafficking in Human Beings in 2000.³³

The national monitoring of child pornography is an extension of the current responsibilities of the National Rapporteur on Trafficking in Human Beings. Child pornography regularly contains elements – such as sexual exploitation and coercion – that fall within the definition of human trafficking.

A similar relationship between child pornography and human trafficking also follows from the Council of Europe's Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention).³⁴ In addition to the – often – transnational nature of these offences, information and communication technology (ICT) plays an increasingly important role. In both human trafficking and child pornography ICT can be used to target children (grooming on chat sites and/or by mobile phones)³⁵ or for blackmail (with compromising photographs) or for distribution or sale. The internet can therefore also constitute an environment for human trafficking. One example of this is forced webcam sex. There is also a growing overlap in the conduct of people engaged in human trafficking and child pornography.

The concerns about these effects of information and communication technology on child pornography and human trafficking are shared at international, European and national level.

The Rapporteur will publish a separate report on child pornography. The first report of child pornography will probably be published in the first half of 2011.

33 NRM1, p. 35.

34 *Bulletin of Treaties* 2008, 58.

35 The Hague District Court, 7 May 2010, LJN: BM3656.

2.1 Introduction

This chapter reviews the results of the work of the National Rapporteur on Trafficking in Human Beings in the ten years since the position was created in the Netherlands. It describes the recommendations made by the Rapporteur on some important topics and what has been done in response to them. This review gives an impression of the issues that have arisen in relation to efforts to combat human trafficking in the last 10 years, the attempts that have been made to find solutions for those problems, and the role played by the Rapporteur in that process. This report is not intended to present a complete picture, but rather to give some idea of how an independent rapporteur can help to improve policies relating to human trafficking. It was decided to focus on the Rapporteur's recommendations because, although it is certainly not the only instrument with which the Rapporteur can exert influence, it is the most prominent. The Rapporteur can use the expertise and information that has been accumulated over the years to draw attention to specific subjects, accelerate changes, promote good practices, expose bottlenecks, make suggestions and, occasionally, actually intervene in an individual case. In this context, making a recommendation sends a powerful signal, even though its actual effect on policy is not always directly measurable in practice.

From the very beginning, the Rapporteur has made recommendations on subjects that include legislation, immigration policy, the position of and help for victims, investigation, the prosecution and trial of offenders, administrative enforcement, awareness and identification of victims, registration, international cooperation and prevention. Many of these recommendations, all of them covered by the three Ps (protection, prevention and prosecution), together with the additional Ps (punishment and partnership), have been endorsed by the government, and have led, directly or indirectly, to improvements in policy. The National Action Plan on Human Trafficking (NAP)¹ performed an important role in that context. In the action plan, the government formulated Dutch policy on combating human trafficking, adopting many of the recommendations made in the Rapporteur's Third report, and attaching practical measures to implement some of them. In February 2006, the action plan was supplemented with additional measures relating mainly to underage victims.² Another important actor is the Task Force on Human Trafficking, which was established in 2008 in response to a recommendation by the Rapporteur. The task force is composed of representatives of some of the key organisations in the fight against human trafficking, including the police, the public prosecution service, the judiciary, the ministries

1 The National Action Plan on Human Trafficking, *Parliamentary Documents II* 2004/05, 28 638, no. 13.

2 Additional measures to the National Action Plan on Human Trafficking (*Parliamentary Documents II* 2005/06, 28 638, no. 19), pp. 4 and 8-9.

most closely concerned with the problem and officials from a number of large cities. The Rapporteur is also a member, although without executive responsibilities, and plays a critical role with respect to the task force. The Rapporteur has consistently called for the involvement of NGOs in the task force: CoMensha attends its meetings and a formal membership is intended. The task force is responsible for identifying bottlenecks, removing obstacles to the effective implementation of the anti-trafficking policy through targeted interventions and promoting experiments with new techniques. Some of the task force's action points, formulated as 'quick wins', reflect some of the more recent recommendations by the Rapporteur.³ The Minister of Justice has published a reaction (also on behalf of other relevant ministers and secretaries) to the Seventh report. Following the fall of the government, this reaction was placed on the list of subjects that the Lower House of Parliament declared controversial in connection with the government's caretaker status. Consequently, the planned debate on the report between the government and parliament was cancelled.

This chapter covers the following subjects: developments in legislation; international developments; help for victims, immigration law; the chain approach; investigation and enforcement; identification; awareness and training; suspects and offenders; and prosecution and trial.

The developments in efforts to tackle human trafficking will be outlined on the basis of the recommendations the Rapporteur has made since the First report. A subject that is not covered is human trafficking with a view to organ removal. The Fifth and Seventh reports included information about trends and developments with respect to this form of human trafficking, but did not contain any recommendations relating to the situation in the Netherlands. Furthermore, no significant changes have occurred in the situation as described in the earlier reports. The Rapporteur will continue to monitor this form of human trafficking very closely.

2.2 Legislation

2.2.1 Article 273f of the Dutch Criminal Code

In the First report, the Rapporteur said that the definition of human trafficking in the UN Protocol (2000) was a broad definition that covered not only exploitation in prostitution or other types of sexual services (as was the case with Article 250a of the Dutch Criminal Code, which was the human trafficking provision that applied at that time in the Netherlands) but also embraced other forms of exploitation, such as forced labour or labour under such conditions that one could refer to it as modern slavery.⁴ Given the obligation to criminalise all phenomena that could be defined as human trafficking – including the forced removal of organs – the human trafficking article that applied at that time should be amended, the Rapporteur said.⁵ That had not yet been done when the Third report was published, prompting the Rapporteur to stress that Dutch criminal law should be brought into line as soon as possible with the internationally accepted basic principles and requirements laid down in the UN Convention against Transnational Organised Crime, the associated UN Protocol on Trafficking in Persons and the EU Frame-

3 Task Force on Human Trafficking, 2009b.

4 Protocol to prevent, suppress and punish trafficking in human beings, especially women and children, supplementing the United Nations Convention against transnational organised crime (New York, 15 November 2000). *Bulletin of Treaties* 2001, 69 and 2004, 35

5 NRM1, recommendation 2.

work Decision on Combating Trafficking in Human Beings, which had by that time (in 2002) entered into force.⁶ The report called on parliament to show urgency in passing the bill to expand the definition of human trafficking.⁷

The new human trafficking provision, Article 273a of the Dutch Criminal Code, entered into force on 1 January 2005. (In September 2006, it was renumbered as Article 273f, without substantive amendment.) In contrast to the former Article 250a, which was included under the title ‘Serious Offences against Public Morals’, the new article was inserted in the criminal code under the title ‘Serious Offences against Personal Liberty’, thus emphasising the fact that the conduct was punishable not because of the sector in which the exploitation took place but because the exploitation constituted a violation of the victim’s personal liberty. This implemented recommendation 4 in the First report.

Article 273f replaced the former Article 250a of the Dutch Criminal Code, in which only human trafficking in the sense of exploitation in the sex industry was made a criminal offence. It incorporated the terms of the former Article 250a of the Dutch Criminal Code⁸ – albeit not verbatim – so that the further interpretation in the case-law of what constituted criminal behaviour remained valid under the new provision. The new provision marked a significant expansion of the conduct that was made punishable as human trafficking to include, in addition to sexual exploitation, other forms of exploitation in the area of work and services and the forced removal of organs.

2.2.2 Exploitation in sectors other than the sex industry (‘other forms of exploitation’)

It was not known at the time of the introduction of the new human trafficking article whether there was a genuine social need to criminalise exploitation outside the sex industry. Neither researchers nor the investigative services knew the scale of its existence in the Netherlands, although a survey of the literature by Van der Leun and Vervoorn⁹ did indicate a growing risk. The Office of the National Rapporteur on Trafficking in Human Beings (BNRM) therefore carried out an exploratory study designed to collect case studies on grave abuses in working situations.^{NRM5} Many people in the Netherlands regard slavery as a thing of the past, but the case studies collected by BNRM painted a different picture. Other forms of exploitation do occur in the Netherlands, although it was not – and is still not – possible to conclude on what scale.^{NRM5, NRM7}

The entry into force of the new human trafficking article did not establish where reprehensible working conditions become exploitation that falls under Article 273f (2) of the Dutch Criminal Code. The legislature had left it partially to the courts to determine the precise scope of the new provision, but as long as there was very little case-law on this point it was difficult to investigate and prosecute other forms of exploitation. The Netherlands was not the only country to face difficulties in precisely defining the term ‘exploitation’ and the associated means of coercion. In February 2009, the University of Utrecht and BNRM organised an international conference¹⁰ devoted to other forms of exploitation. The pretext for

6 Framework Decision 2002/629/JHA, 19 July 2002, (OJ 2002, L 203/1).

7 NRM3, recommendation 1.

8 *Parliamentary Documents II 2003/04*, 29 291, no. 3, p. 13 (Explanatory Memorandum).

9 Van der Leun and Vervoorn (2004).

10 Conference ‘Human Trafficking, turning our attention to labour exploitation’, 13 February 2009. A lengthy summary of the conference proceedings is available at www.bnrm.nl.

this conference was a study by Coster van Voorhout,¹¹ which had shown that other countries encountered similar problems in determining the scope of exploitation in sectors other than the sex industry ('other forms of exploitation').¹² One of the findings to emerge from the conference was the enormous uncertainty that still exists concerning the boundary between poor employment practices and exploitation. Uncertainties about the definition and scope of the means of coercion 'abuse of a vulnerable position' also played a role in the case-law.^{NRM7}

The Rapporteur had said in the Third report that the legislature should more clearly define the term 'exploitation' in relation to working situations outside the sex industry and not leave it solely to the courts.¹³ It is now five years since the human trafficking article was expanded, and although there were initially few prosecutions for other forms of exploitation, the number of cases brought before the courts has risen steadily. The interpretation of the definition of the offence is also becoming clearer. In the so-called 'Chinese restaurant case', the Supreme Court gave clear definitions of the means of coercion 'abuse of a vulnerable position' and 'abuse of authority arising from the actual state of affairs'.¹⁴ In that judgment, the Supreme Court also provided guidance on the interpretation of 'exploitation', or the intention to exploit, as an element of the offence. The number of prosecutions and convictions for other forms of exploitation has risen steeply in the Netherlands since the Supreme Court's judgment.¹⁵ That judgment, and the later case-law, has confirmed that the scope of the prohibition on human trafficking for the purpose of other forms of exploitation is becoming steadily clearer.¹⁶

That the term 'exploitation' is being further defined by case-law has also become apparent from a number of convictions for exploitation in crime.¹⁷ Although this form of exploitation is not explicitly mentioned in the law or in the explanatory memorandum, the courts have had no difficulty in also finding that this form of exploitation falls under the definition of the offence in Article 273f of the Dutch Criminal Code.

2.2.3 Prostitution policy and efforts to combat human trafficking

There has always been a clear relationship between human trafficking and prostitution in the Netherlands. Human trafficking has been associated with prostitution ever since it was included in Dutch criminal law.^{NRM1, 18}

The ban on brothels was removed from the Dutch Criminal Code on 1 October 2000, the same year as the office of the National Rapporteur on Trafficking in Human Beings was established. The purpose of that amendment was to decriminalise the exploitation of prostitution and so legalise a situation that was already tolerated. 'The existence of prostitution is a fact, even for the government. That calls for a

11 Coster van Voorhout, J. (2009).

12 See also NRM7, section 12.4.3 for a comparative international survey.

13 NRM3, recommendation 3.

14 Supreme Court, 27 October 2010, LJN: BL7099. For a discussion of this judgment, see §2.8.5.

15 See also §2.8.5.

16 See also NRM6, pp. 1-2 and NRM7, pp. 494-521.

17 See: The Hague District Court, 21 November 2006, LJN: AZ2707; Rotterdam District Court, 5 July 2007 (not published); Haarlem District Court, 22 April 2009, LJN: BL3519; The Hague District Court, 17 February 2010, LJN: BL4298; The Hague District Court, 18 March 2010, LJN: BL8022; Dordrecht District Court, 20 April 2010, LJN: BM1743.

18 For a discussion of need, usefulness and possibility of regulating or legalising prostitution, see, for example, Vermeulen (2007).

realistic approach, without moralising', said the Minister of Justice in the explanatory memorandum to the amendment.¹⁹ One of the most important objectives of the bill was to prevent and combat human trafficking.²⁰ From this perspective, the Rapporteur made recommendations on a number of aspects of prostitution policy.

During the parliamentary debate on the abolition of the ban on brothels, the question was raised of whether the (categorical) prohibition on issuing work permits for work in the sex industry in the Foreign Nationals (Employment) Act Implementing Decree could be maintained.^{NRM1} In the Third report, the Rapporteur said that greater certainty was needed about the course the government proposed taking in that regard.²¹ To prevent human trafficking or to make it easier to identify, the Rapporteur said the government should also clarify its intentions in the longer term with respect to opening up the sex sector in the Dutch labour market for new EU nationals, for the purposes of salaried employment. 'After all, a lack of clarity (about conditions and possibilities) is not generally conducive to combating human trafficking, but an excessively intricate system of conditions (such as those for the self-employed) might also be counterproductive because of dependence on third parties that may arise as a result.'²²

It has since become clear that the general ban on issuing work permits for prostitutes from outside the EU – including prostitutes from Romania and Bulgaria (countries for which the free movement of workers does not yet apply) will be maintained. The government has announced that the Labour Inspectorate will make available capacity for integrated enforcement actions in the prostitution sector instigated by municipalities. The inspectors will also be on the lookout for signs of human trafficking during investigations of illegal employment.²³

Act on the regulation of prostitution

When the ban on brothels was lifted in 2000, it was decided to adopt a system of local regulation of legal prostitution businesses, with local authorities granting licences containing conditions. The Rapporteur had already said in the First report that, although the benefit of decentralised regulation is that it leaves room for local policy, diversity of policy would also increase the need for harmonisation of rules and procedures. This is a particularly pressing problem where differences in policy could create the risk of cases of human trafficking occurring not being addressed.²⁴ In the Fifth report, the Rapporteur recommended that the legislature should develop a national framework for prostitution policy, the basic principle being that every municipality *must* lay down rules for *all* establishments where commercial sexual transactions are carried on.²⁵ In the Seventh report, the Rapporteur stressed the importance of laying

19 *Parliamentary Documents* 1996/97, 25 437, no. 3; see also §2.6.1.

20 The amendment had several purposes. Six main objectives were formulated: 1. Controlling and regulating the exploitation of prostitution, 2. Improving efforts to combat the exploitation of involuntary prostitution, 3. Protecting underage persons against sexual abuse, 4. Protecting the position of prostitutes, 5. Disentangling prostitution and the criminal milieu, and 6. Reducing the number of illegal immigrants in prostitution. See NRM1, p. 15 *et seq.*

21 NRM3, recommendation 6.

22 NRM3, recommendation 7.

23 NRM7, p.28.

24 NRM1, recommendation 23. See also §2.6.1.

25 Or where commercial facilities are provided for such transactions to be performed with or for a third party, NRM5, recommendation 2.

down rules in the Act on the Regulation of Prostitution to harmonise policy in the municipalities to prevent the so-called waterbed effect.²⁶

In November 2009, the bill containing Rules on the regulation of prostitution and on combating abuses in the sex industry (Act to regulate prostitution and combat abuses in the sex industry) appeared.²⁷ According to the explanatory memorandum, 'The bill is intended to create the most comprehensive possible administrative system that by regulating the sector can improve efforts to address abuses in the sex industry, provide better protection for prostitutes and provide better support for combating human trafficking, prostitution by minors and forced prostitution through criminal law. Accordingly, the proposed legislation creates the framework for a robust approach to abuses in the sex industry'.²⁸ Contrary to what the title suggests, however, the bill is mainly concerned with regulating prostitution and sex businesses. In his memorandum in response to the report, the Minister said on this point that 'naturally the background to the bill is the concern about abuses, but tackling them is not the primary objective of the bill'.²⁹

In December 2009, parliament's permanent committees for Home Affairs and Kingdom Relations and for Justice invited a number of civil-society organisations to a meeting to discuss the proposed bill. The National Rapporteur on Trafficking in Human Beings took this opportunity to reiterate a number of points.

The Rapporteur said that the current bill still failed to provide sufficient guarantees for effective measures against human trafficking.³⁰ These comments concerned the lack of uniformity in the rules on issuing licences and the conditions to be attached to them; supervision and enforcement; the registration of sex workers and the criminalisation of prostitutes. The Rapporteur also addressed the question of whether the minimum age for working in prostitution should be raised to 21, but said it was not possible to properly anticipate the effects of raising the minimum age for working in prostitution, partly because not enough is known about illegal prostitution. To prevent raising the minimum age from leading to more young people working illegally in prostitution, the Rapporteur said that it was first necessary to learn more about the world of illegal prostitution and to address it more effectively. The Rapporteur therefore recommended first investigating what improvements the changes in the rules governing sex-related businesses had yielded in this regard before possibly raising the age limit. The Rapporteur therefore suggested that the first evaluation of the act (Article 39) should also investigate the age of sex workers who are working illegally and who are forced to work.

26 NRM7, recommendation 1.

27 *Parliamentary Documents* 2009/10, 32 211, no. 1-2.

28 Rules on the regulation of prostitution and on combating abuses in the sex industry (Act to regulate prostitution and combat abuses in the sex industry), *Parliamentary Documents* 2009/10, 32 211, no. 3, p. 3-4.

29 *Parliamentary Documents* 2009/10, 32 211, no. 8, p. 3.

30 Input by the National Rapporteur on Trafficking in Human Beings to the roundtable discussion on the Act to regulate prostitution and combat abuses in the sex industry, letter from the Rapporteur to the members of parliament's Permanent Committee for Home Affairs and Kingdom Relations and Permanent Committee for Justice, 11 December 2009. The letter from the Rapporteur to the Minister of the Interior and Kingdom Relations of 21 January 2009 in response to the draft bill was attached to this letter, see NRM7 p. 48 *et seq.* and Appendix 5.

The Third report contained a recommendation to start a broad debate on the question of whether it should be a criminal offence to consciously buy sexual services from a person who is obviously being forced to provide them.³¹ The recommendation said that the discussion should address the desirability and practical enforceability of such criminalisation. The question is still valid, particularly in connection with the current legislative proposal.³²

In the government's general reaction to the Seventh report on human trafficking, the Minister of Justice said that he expected that the Act on the regulation of prostitution and combating abuses in the sex industry would make it easier for public authorities and law enforcement agencies to prevent and suppress abuses in prostitution. The Minister also noted that the recommendations concerned with the supervision of the prostitution sector had already been adopted in the existing bill.³³

The Rapporteur replied to the government's reaction by repeating the concerns she had expressed during the roundtable discussion of the Act on the regulation of prostitution on 15 December 2009. The bill says nothing about a duty on the part of the authorities to make best efforts or about the allocation of tasks between the local authority and the police. The explanatory memorandum to the act states that it is not usual for a law to include a provision requiring the local law enforcement triumvirate (the mayor of a municipality, the chief public prosecutor and the chief superintendent of police) to make agreements on supervision and enforcement and therefore no such provision was included in the bill. This omission increases the risk that the rules laid down in the law will not be supervised and enforced adequately.³⁴

Accordingly, the Rapporteur disagreed with the Minister's view that the Act on the regulation of prostitution would strengthen supervision and enforcement, unless it prescribed obligations to make best efforts to do so. The findings in the Police Monitor 2008 confirmed that supervision and enforcement in the prostitution sector are particularly weak elements in efforts to tackle human trafficking.

The report by the Lower House of Parliament³⁵ subsequently caused the Minister of Justice (who is also acting Minister of the Interior and Kingdom Relations) to amend the bill in some respects. For example, the allocation of tasks between local authorities and the police is further clarified in the bill; municipalities can no longer assign their supervisory duties to the police, although the police will remain 'closely involved' and there will 'ideally be integrated enforcement'. The Minister has also proposed raising the minimum age for prostitution to 21.³⁶ It is also now the intention to register prostitutes in a small number of municipalities, at which time an intake interview will be mandatory. Victims of human traf-

31 NRM3, recommendation 9.

32 For more on this subject, see §2.7.3.

33 Letter from the Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, *Parliamentary Documents* 2009-2010, 28 638, no. 47. The Minister of Justice replied also on behalf of the State Secretary for Justice, the Minister of the Interior and Kingdom Relations, the Minister of Social Affairs and Employment, the Minister for Youth and Family and the State Secretary for Health.

34 Letter from the National Rapporteur on Trafficking in Human Beings to parliament's Permanent Committee for Justice regarding the government's reaction to the Seventh Report on Trafficking in Human Beings, 10 February 2010.

35 *Parliamentary Documents* 2009/10, no. 5.

36 *Parliamentary Documents* 2009/10, 32 211, no. 9; Memorandum of amendment; Agema amendment, raising the age for prostitution from 18 to 21, *Parliamentary Documents* II 2009/10, 32 211, no. 6.

ficking will not be prosecuted for working without being registered; the details of this have still to be worked out. The possibility of making arrangements to allow authorities to enquire whether licences have been *denied* will also be explored.

If the minimum age for working as a prostitute is raised to 21, it is a subject that should receive special attention during the periodic evaluations of the Act on the Regulation of Prostitution. It is not self-evident – as the memorandum in response to the report seems to assume – that the study into the effects of raising the age should then fall within the remit of the National Rapporteur on Trafficking in Human Beings.

2.2.4 Maximum sentences

From 1 January 2005, the maximum sentence for human trafficking without aggravating circumstances was six years' imprisonment. The maximum prison sentences for aggravated human trafficking were eight, 10 and 12 years, and – if the offence led to the death of the victim – 15 years. Since 1 July 2009, the maximum prison sentence for all aggravated forms of human trafficking has been at least 12 years.³⁷ Consequently, offenders can be held in pre-trial detention on the basis of the so-called '12-year ground', which represents a significant expansion of the possibilities of remanding a person in custody. In the Fifth report, the Rapporteur observed that the sentence for the basic offence, at least, which was then six years, could be described as lenient in comparison with other offences of a similar nature and seriousness.³⁸ The raising of the maximum prison sentence for non-aggravated forms of human trafficking to eight years also makes it possible to bring a prosecution for preparation to commit the offence (Article 46 of the Dutch Criminal Code).^{NRM7}

The aggravating circumstance based on the age of sexual majority (which is 16 in the Netherlands) is irrelevant for human trafficking, in the sex industry or elsewhere. In the Seventh report, the Rapporteur recommended raising the age of sexual majority creating an aggravating circumstance in Article 273f (3) (2) of the Dutch Criminal Code to 18.³⁹ Various children's rights organisations had already recommended extending the aggravating circumstance in the human trafficking provision with respect to sexual exploitation to all minors.^{NRM7} In October 2009, the Minister of Justice⁴⁰ said in response to the Annual Report on Children's Rights⁴¹ that negotiations are currently underway in Brussels on new EU legislation relating to human trafficking. The Minister also said that the Netherlands supports the provision in the draft legislation that would make all forms of human trafficking committed against a child (every person

37 The specific changes are as follows: in the first section (non-aggravated forms of human trafficking) the maximum term of imprisonment was raised from six to eight years; in the third section (human trafficking performed by two or more persons acting in concert or human trafficking committed against a victim under the age of 16) the maximum term of imprisonment was raised from eight to 12 years; in the fifth section (human trafficking resulting in serious physical injury or threatening the life of another person) the maximum term of imprisonment was raised from 12 to 15 years; in the sixth section (human trafficking leading to the death of another person) the maximum term of imprisonment was raised from 15 to 18 years.

38 The Rapporteur had also pointed out in this context that the level of the sentence also has consequences for the possibilities of applying pre-trial detention, NRM5, p. 20. level of

39 NRM7, recommendation 2.

40 *Parliamentary Documents* 2009/10, 31 001, no.76.

41 Defence for Children-ECPAT and UNICEF, Annual Report on Children's Rights 2009.

under the age of 18) grounds for a heavier sentence⁴² and that implementation of the new legislation would probably lead to an amendment of Article 273f of the Dutch Criminal Code.⁴³ At the time of writing, the EU directive has not yet been finally adopted.

2.3 International developments

Many of the measures taken to address human trafficking at the national level are a reaction to international instruments and treaties.^{NRM1} Combating human trafficking is a high priority for numerous international governmental organisations, including the United Nations (UN), the European Union, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE). The measures proposed embrace what can be summed up as the three Ps (Prevention, Protection and Prosecution), to which list can be added two more Ps (Partnership⁴⁴ and Punishment).

A number of binding UN and EU agreements are particularly relevant for the most recent legislation on human trafficking in the Netherlands. They include the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)*⁴⁵ and the *EU Framework Decision on combating trafficking in human beings (2002)*.⁴⁶ These instruments oblige states to make human trafficking a criminal offence and to take measures to combat it and encompass every form of exploitation of persons, regardless of the sector in which it occurs. The international definition of human trafficking⁴⁷ now covers not only exploitation in prostitution but also other forms of social and economic exploitation and forced organ donation.⁴⁸ A number of earlier treaties relating to human trafficking, such as the *International Convention on the Suppression of Traffic in Women of Full Age (1933)*, also apply to the Netherlands. This convention obliged states

42 At that time it was a draft of a new EU Framework Decision on Human Trafficking (see NRM7, p. 435). After the entry into force of the Treaty of Lisbon, the European Commission made a new proposal for a directive, see §2.3.5. The draft provision concerning this aggravating circumstance was not amended in the new proposal.

43 Letter from the Minister of Justice of 20 October 2009, Lower House of Parliament 2009/10, 31 001 no. 76, p. 2.

44 The UN Rapporteur uses the term 'Promotion of cooperation'. See Report submitted by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, UN Doc. A/HRC/10/16, 20 February 2009, pp. 25-26.

45 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against transnational organised crime (New York, 15 November 2000), *Bulletin of Treaties* 2001, 69 and 2004, 35.

46 Framework Decision 2002/629/JHA, 19 July 2002 (OJ L 203/1). For a complete list of relevant international legislation, see Implementation of international legislation to combat migrant smuggling and human trafficking, Explanatory Memorandum, *Parliamentary Documents II* 2003/04, 29 291, no. 3, p. 1.

47 In fact, the definitions of human trafficking used in these instruments often differ somewhat. This explains in part why the offences criminalised in different countries – under the title of human trafficking or otherwise – are not precisely the same. It is also connected with differences in attitudes towards prostitution.

48 The Council of Europe and the United Nations published a detailed report on this subject in October 2009, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs, http://www.coe.int/t/dghl/monitoring/trafficking/Docs/News/OrganTrafficking_study.pdf, consulted on 17 June 2010.

to make the procurement of women of full age a criminal offence if it is done for immoral purposes to be carried out in another country, 'even with their approval'.⁴⁹

However, efforts to combat human trafficking have to be seen in a wider context. There are many other treaties concerned with these problems, including, traditionally, the Slavery Convention of 1926, the 1953 Protocol to that convention and the supplementary Convention of 1956. Human rights treaties are also relevant.^{NRM7} The International Labour Organisation (ILO) has adopted a number of important instruments, including the *ILO Convention No. 29 on Forced or Compulsory Labour*⁵⁰ (1930) and the *ILO Convention No. 182*⁵¹ (1999), which prohibits the most serious forms of child labour. Other, more recent anti-human trafficking instruments include the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), which in fact also encompasses child pornography.⁵² Although it is made a criminal offence in the Netherlands under a different provision than the human trafficking provision (Article 273f of the Dutch Criminal Code), child sex tourism is also internationally regarded as a form of human trafficking.⁵³

In the very first report, the Rapporteur referred to the fact that human trafficking would continue to find a fertile breeding ground as long as the gap between rich and poor countries remained and as long as young people found it difficult to make a life for themselves in their own country. The call on the government to devote constant and intensive attention to the root causes of international human trafficking was repeated in the Third report. The Rapporteur recommended incorporating factors such as the absence of possibilities for work and development, poverty and issues of gender equality more explicitly in relation to human trafficking in relations with other countries, including development relationships. This idea was expressed in the Action Oriented Paper⁵⁴ on strengthening the EU external dimension on action against trafficking in human beings published at the end of 2009, which called for, among other things, greater synergy between policy areas such as foreign relations, development cooperation, social affairs, employment, gender equality and good governance.

2.3.1 Ratification of recent human trafficking conventions by the Netherlands

The Rapporteur referred in the First report to the adoption of the UN human trafficking protocol to supplement the UN Convention against Transnational Organised Crime (2000) and called in the first recommendation for the early ratification of these instruments.⁵⁵ The protocol is essentially concerned with organised crime, but cannot be seen separately from respect for the human rights of suspects and victims. In the Third report, the Rapporteur referred to the fact that if ratification was delayed the Nether-

49 *Bulletin of Acts, Orders and Decrees* 1935, 598.

50 *Bulletin of Acts, Order and Decrees* 1933, 236

51 *Bulletin of Treaties* 1999, 177

52 *Bulletin of Treaties* 2008, 58.

53 Resolution 63/156, *Trafficking in women and girls*, for example, contains recommendations not only on tackling human trafficking but also explicitly refers to child sex tourism, UN Doc. A/Res/156, 30 January 2009. The *Trafficking in Persons* report, published annually by the United States, also contains information about efforts made to combat child sex tourism, which is prosecuted in the Netherlands under Article 248b or Article 244, in conjunction with Article 5 or 5a, of the Dutch Criminal Code.

54 *Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards global EU action against trafficking in human beings*, Council Document 6865/10.

55 NRM1, recommendation 1.

lands would be unable to take advantage of the mechanisms for monitoring and further implementation that had already been set in motion and the Netherlands would consequently become increasingly unable to maintain its pioneering and leading position in the area of combating human trafficking.⁵⁶ The Netherlands ratified the protocol for the entire Kingdom on 27 July 2005.

The Council of Europe's Convention on Action against Trafficking in Human Beings was adopted in 2005. The Convention is based on the UN Protocol but applies to all forms of human trafficking, whether national or transnational and whether or not connected with organised crime (Article 2). In the Fifth report, the Rapporteur called for early ratification of this Convention.⁵⁷ The Netherlands signed the convention on 17 November 2005 but took a long time to ratify it. The main reason was that in the course of the ratification process the government decided that it would adopt the maximum scope of protection afforded by the Convention and accordingly proposed expanding jurisdiction for the offences defined in the Convention in three respects.^{NRM7} Parliamentary completed its handling of the act of approval last autumn,⁵⁸ the implementing legislation has already taken effect⁵⁹ and the Convention entered into force for the Netherlands on 1 August 2010.⁶⁰

2.3.2 Human rights approach

The basic principle that human trafficking is a violation of human rights and that states are consequently obliged to tackle this phenomenon is now internationally accepted.^{NRM7} The Netherlands also endorses with a human rights approach to combating human trafficking.

The importance of a human rights approach is apparent from the EU Action Plan on Combating Human Trafficking (2005),⁶¹ which, in accordance with the EU Framework Decision (2002), focuses on the protection of human rights.⁶² A human rights approach was also expressed in the UN High Commissioner for Human Rights' *Recommended Principles and Guidelines on Human Rights and Human Trafficking* adopted in 2002.⁶³ Human trafficking is often one of the subjects addressed by the various human rights agencies of the UN, which also monitor the legislation and practice in the Netherlands.⁶⁴ The Council of Europe's Convention on Action against Trafficking in Human Beings (2005) also makes a clear link

⁵⁶ NRM3, recommendation 1.

⁵⁷ NRM5, recommendation 1.

⁵⁸ Act of 24 September 2009 containing approval of the Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw on 16 May 2005, *Bulletin of Acts, Orders and Decrees* 2009, 445.

⁵⁹ Act of 26 November 2009 containing a partial amendment of the Criminal Code, the Code of Criminal Procedure and several related laws in connection with legal developments, international obligations and identified legal flaws and gaps, *Bulletin of Acts, Orders and Decrees* 2009, 525; Decree on its entry into force: *Bulletin of Acts, Orders and Decrees* 2010, 139.

⁶⁰ The Netherlands ratified on 22 April 2010, *Bulletin of Treaties* 2010, 160.

⁶¹ *EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings*, OJ 2005, C311, 9 December 2005.

⁶² Framework Decision on Combating Trafficking in Human Beings, 19 July 2002, L.203/1 ('Trafficking in human beings comprises serious violations of fundamental human rights and human dignity').

⁶³ UN Doc. E/2002/68/Add.1. See also Gallagher, 2006.

⁶⁴ See, for example, *Concluding Observations of the Committee on Elimination of Discrimination against Women, The Netherlands*, UN Doc. CEDAW/C/NLD/CO/5, 5 February 2010, §§28-29. See also NRM7, p. 72 *et seq.*

between human trafficking and human rights. By virtue of these documents, the Netherlands is bound by international obligations to protect human rights and, consequently, to combat human trafficking. This is why the Rapporteur has previously recommended that the Dutch government should unequivocally declare itself in favour of an approach to tackling human trafficking primarily within the context of human rights.⁶⁵

European Convention on Human Rights

A very relevant provision in this context is Article 4 of the European Convention on Human Rights (ECHR), which outlaws slavery, servitude and compulsory labour.⁶⁶ In the case of *Siliadin v. France*, the European Court of Human Rights ruled in 2005 that the Parties to the Convention are obliged to include provisions in their criminal law making these offences punishable, adding that those criminal provisions must also be enforced in practice.^{NRM5} In this case, the Court in Strasbourg ruled that French criminal law had failed to afford an underage girl from Togo, who was living illegally in France and working in a private household under very poor conditions, with sufficient and effective protection against the servitude in which she had been held, as referred to in Article 4 (1) ECHR.⁶⁷

Case-law of the Court in Strasbourg shows that the ECHR also imposes a number of other positive obligations on states with respect to taking action against human trafficking.⁶⁸ A recent judgment of the Court illustrates this:

*European Court of Human Rights, 7 January 2010, Rantsev v. Cyprus and Russia*⁶⁹

In March 2001, the 20 year-old Russian Oxana Rantseva died under suspicious circumstances that were never cleared up after falling from a balcony of an apartment building in Cyprus. She had entered the country on a visa to work as an 'artiste' in a cabaret, a sector that is often used as a cover for prostitution in Cyprus. Rantseva had left her workplace three days after she started performing in a cabaret club in Limassol. Some time later she was found in a discotheque by M.A., the manager of the club where she had worked. He took her to the police station and asked the police to place her in custody as an illegal alien. Rantseva was detained at the police station and soon afterwards M.A. was allowed to collect her since there was no evidence that she was living illegally in Cyprus. Later that afternoon she was taken to a room on the sixth floor of an apartment building. Not long afterwards she was found dead on the street.

Rantseva's father brought a complaint to the European Court of Human Rights against both Cyprus and Russia, partly on the grounds of Article 4 ECHR, which prohibits slavery and forced labour. The Court ruled that Cyprus had violated Article 4 ECHR. It based its decision on two findings. First, the court said, Cyprus had failed to create a suitable legal and administrative framework to combat human trafficking in light of the existing regime of 'artiste' visas. Second, the Cypriot police had

65 NRM3, recommendation 4.

66 The first two sections of Article 4 of the ECHR read: '1. No one shall be held in slavery or servitude. 2. No one shall be required to perform forced or compulsory labour.'

67 European Court of Human Rights, 26 July 2005, No. 73316/01.

68 On this point see, for example, Päivi Hirvelä (Judge at the European Court of Human Rights), 'The States' positive obligations to protect the victims of human trafficking in the light of ECHR judgments', OSCE Conference 'Successful Prosecution of Human Trafficking – Challenges and Good Practices', Helsinki, 10-11 September 2008, http://www.osce.org/documents/cthb/2008/09/32910_en.pdf.

69 European Court of Human Rights, 7 January 2010, No. 25965/04.

failed to take operational measures to protect Rantseva against human trafficking, despite circumstances that gave rise to a credible suspicion that she might be a victim. Russia also violated Article 4 because it had failed to investigate how and where Rantseva was recruited and, more specifically, because it took no steps to identify those who were involved in recruiting Rantseva or to investigate the methods used to recruit her.

Human trafficking and Article 4 ECHR

The Court found that while Article 4 ECHR does not explicitly mention human trafficking, proscribing as it does slavery, servitude and forced labour, the ECHR is a living instrument which must be interpreted in the light of present-day conditions. The Court concluded that human trafficking itself runs counter to the spirit and the purpose of Article 4 and therefore falls within the scope of that article of the Convention. The Court therefore found it unnecessary to decide whether the case involved 'slavery', 'servitude' or 'forced labour' (consideration 282) and concluded that human trafficking within the meaning of Article 3(a) of the UN Palermo Protocol⁷⁰ and Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings⁷¹ falls within the scope of Article 4 ECHR.

Positive obligations

The Court went on to find that human trafficking is not to be regarded as solely a criminal matter and recalled that, like Articles 2 and 3 of the Convention, Article 4 enshrines a basic value (consideration 283). In the Court's view, in this case Article 4 led not only to the specific positive obligation on States to make human trafficking a criminal offence but also the requirement to put in place adequate measures regulating businesses often used as a cover for human trafficking (consideration 284). National legislation must be adequate to ensure the practical and effective protection of the rights of potential victims of human trafficking. This also implies that countries must guard against their immigration rules being used to encourage, facilitate or tolerate human trafficking (consideration 284). The Court discussed at length the system of 'artiste' visas in Cyprus, specifically mentioning the problem that cabaret managers have to submit the application for an entry visa. This makes the individual concerned dependent on her employer or agent and therefore more vulnerable to exploitation. The system also makes it difficult for the authorities to prove compulsion and human trafficking and to tackle it effectively. The Court found that Cyprus had failed in this regard by maintaining the visa arrangement for 'artistes', doing so, moreover, despite announcing earlier that it would abolish the system.

'Comprehensive approach'

The Court also noted that the UN Palermo Protocol and the Council of Europe's Convention referred to the need for a 'comprehensive approach' to combat human trafficking, which, in addition to measures to punish human traffickers, includes measures to prevent trafficking and to protect victims. The extent of the positive obligations arising from Article 4 ECHR has to be seen in this wider context (consideration 285). States are, for example, required to provide relevant training for law enforcement and immigration officials (consideration 287). Article 4 also contains a procedural obligation to investigate situations of potential human trafficking. This duty exists regardless of

70 Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime (UN Palermo Protocol), *Bulletin of Treaties* 2001, 69.

71 *Bulletin of Treaties* 2006, 99.

whether there is a complaint from a victim or next of kin (consideration 288). The Court found that the need for a full and effective investigation encompassing every aspect of human trafficking – from recruitment to exploitation – is unquestionable, once again referring to the definition of human trafficking in the UN Palermo Protocol and the Council of Europe’s Convention on Action against Trafficking in Human Beings. This obligation therefore applied not only to Cyprus as the country of destination, but also to Russia, the country where Oxana Rantseva was recruited. Given the international nature of human trafficking, states have an obligation to cooperate effectively with the relevant authorities in other states in investigations into human trafficking (consideration 289). States are also obliged to take *operational* measures to protect victims or potential victims against human trafficking. The Court found that such an obligation arises from Article 4 ECHR when the authorities are aware or ought to be aware of circumstances giving rise to a credible suspicion that a person is exposed to a real and immediate risk of being trafficked (consideration 286).

With this judgment, the Court brought human trafficking within the scope of Article 4 ECHR, which prohibits slavery, servitude and forced labour. Apart from the fact that there is limited case-law on this provision of the Convention, the judgment is groundbreaking because the Court formulated a number of obligations on member states of the Council of Europe relating to actions against human trafficking that go beyond investigation and prosecution to include prevention of trafficking, protection of victims and international cooperation.⁷²

Preventing ‘collateral damage’

NGOs have referred previously to the fact that measures and policies designed to combat human trafficking can have a negative effect on the people they are intended to protect (‘collateral damage’).^{NRM7} Some measures to address human trafficking that may benefit certain groups can also stigmatise or restrict the freedom of movement of other groups. The measures taken can also be counter-productive with respect to the groups they are designed to protect. That, briefly, is the message of the report entitled *Collateral Damage: The Impact of Anti-Trafficking Measures around the World*, published by the Global Alliance Against Traffic in Women (GAATW) in 2007.⁷³ The reason is said to be that states often give precedence to national security, fighting crime and guarding national borders against illegal migrants over the rights of trafficked persons. It is, in any case, important to take prior account of the impact that measures against human trafficking could have on human rights.

In 2004, the first measure proposed in the National Action Plan on Human Trafficking (NAP) was to draw up a list of moments when there was a risk of violations of human rights in relation to prevention, investigation and prosecution, the protection of victims and – where applicable – repatriation and reintegration.⁷⁴ No such systematic study has yet been carried out. In the Seventh report, the Rapporteur therefore called on the government to develop a strategy for dealing with the effects of measures taken to combat human trafficking on human rights for the purposes of a human rights approach, at the same time recommending that collateral damage should be avoided as far as possible when implementing new policy.⁷⁵

72 See M. Boot-Matthijssen (2010).

73 GAATW, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World* (2007), www.gaatw.org.

74 National Action Plan on Human Trafficking, action point 1.

75 NRM7, recommendation 47.

2.3.3 International cooperation

International cooperation is crucial to efforts to address transnational forms of human trafficking. In this context, the Rapporteur stated in the Third report that the Dutch government should declare as a matter of principle whether the standard for law enforcement in relation to human trafficking should be set higher than the purely national level.⁷⁶

In the Fifth report, the Rapporteur referred to the importance of initiating or continuing active cooperation with prevalent countries of origin of victims (at the time they were Bulgaria, Nigeria, Romania) and the need to be alert to countries where the numbers seemed to be increasing. The Rapporteur was not only referring to joint action in investigations and prosecutions, but also to coordination of the activities of various organisations dedicated to the prevention of human trafficking and, where appropriate, the responsible repatriation of victims. These recommendations have been largely adopted in the measures formulated by the Task Force on Human Trafficking in its action plan.⁷⁷ The measure concerning intensification of international cooperation contained a number of quick wins, for example with respect to cooperation with Nigeria, Bulgaria and Romania, China and India, the establishment of so-called Rapid Action Teams (RATs) and cooperation with Europol. These forms of cooperation relate not only to investigation and prosecution, but partly also to the prevention of human trafficking and shelter for victims and the repatriation of victims.

Furthermore, in 2005 the Dutch diplomatic missions in important countries of origin of victims were reminded of their role in combating human trafficking.⁷⁸ Embassies were issued with guidelines for financing anti-trafficking projects, in particular projects aimed at prevention and reintegration. According to the National Action Plan on Human Trafficking, embassies provide active support for local projects, such as publicity campaigns, reintegration programmes and capacity-building programmes for the police and the judiciary. The Rapporteur is regularly invited to provide input for such projects, including similar projects organised by other countries.⁷⁹

2.3.4 International governmental organisations

The emphasis in intergovernmental organisations such as the United Nations, the European Union, the Council of Europe and the OSCE has now shifted from making rules to promoting their implementation. In that context, they call for international cooperation, the exchange of information and for more countries to appoint National Rapporteurs or equivalent mechanisms, as well as for a more victim-centred, human rights approach to the problem. It is also apparent from the activities of these organisations that some subjects have special priority. They include exploitation in sectors outside the sex industry, the root causes of human trafficking and the demand side of the phenomenon. Special attention is also being devoted at international level to vulnerable groups such as women and children. International attention is also being devoted to the issue of human trafficking in connection with the deployment of soldiers and civilians to areas of conflict.^{NRM7}

The Rapporteur warned in the Third report that strengthening international cooperation should not lead to the parallel and independent development of initiatives to address human trafficking with no

⁷⁶ NRM3, recommendation 40. See also §2.8.2.

⁷⁷ Action Plan of the Task Force on Human Trafficking, 2009a, measure 7, p. 30 *et seq.* See also Task Force on Human Trafficking, 2009b.

⁷⁸ National Action Plan on Human Trafficking, action point 12.

⁷⁹ See Appendix 4 for a list of activities of the Rapporteur.

coordination of the efforts of the parties taking the initiatives.⁸⁰ Better communication and information about pending and current initiatives, in the fields of training, scientific research and data collection, for example, would avoid duplication of effort. This recommendation remains relevant, if only because of the various initiatives underway with respect to the collection of data.⁸¹ However, the recommendation is also valid with respect to international supervision and monitoring of action against human trafficking. While there is already an EU Action Plan on combating human trafficking^{NRM5} there is now also discussion in the UN about the adoption of a global action plan.⁸² Meanwhile, there are various other international reporting obligations concerning action being taken to combat human trafficking.⁸³ In this context, at the last meeting of the informal network of national rapporteurs and equivalent mechanisms, the European Commission was asked to press for international reporting obligations and requests for national data to be streamlined as far as possible.⁸⁴

A useful contribution to the provision of information about current initiatives is a publication by the German *Bundeskriminalamt* that appeared in 2009. It contains an exhaustive overview of national and international activities taken to address human trafficking in the sex industry during the last 10 years.⁸⁵

2.3.5 The European Union

In the context of promoting closer international cooperation, the Rapporteur earlier called for elaboration of the idea of creating a European criminal law area for transnational forms of organised crime, and more specifically for fighting human trafficking. The Dutch government should, according to the Fifth report, persist in its efforts to ensure that human trafficking remains on the agenda at the European level and that more is done at that level to build on the accomplishments in the area of human trafficking.⁸⁶ Those efforts are being made and need to continue. For example, the European Commission's evaluation of the EU Action Plan on combating human trafficking in 2008 said, among other things, that the available data showed a wide gap between the legislation in place and its implementation in practice.^{NRM7}

In April 2010 the European Commission published the Action Plan on the implementation of the Stockholm Programme.⁸⁷ The Commission formulated a number of actions to address human trafficking in 2010, including the collection of comparable statistics on human trafficking, reports on the implementation of the EU Action Plan on combating human trafficking 2005-2009 and on the implementation of the Action Oriented Paper⁸⁸ of November 2009.^{NRM7} The Commission also planned to report this year on the application of Directive 2004/81/EC and a possible successor to

80 NRM3, recommendation 53.

81 On this point, see §3.2.1 and NRM7, p. 105.

82 See NRM7, p. 63.

83 See §1.3.

84 *Second informal meeting of National Rapporteurs and equivalent mechanisms*, 2 June 2010, Brussels.

85 There are almost 100 programmes. *Bundeskriminalamt (2009). Palermo-Protokoll und die Folgen. Bekämpfung des „Menschenhandels zum Zweck sexueller Ausbeutung“ - Materialsammlung zu nationalen und internationalen eher strategisch ausgerichteten Aktivitäten*. Wiesbaden.

86 NRM5, recommendation 58.

87 The Stockholm programme was adopted by the European Council on 10/11 December 2009, Council Document 17024/09.

88 *Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards global EU action against trafficking in human beings*, Council Document 6865/10.

it.⁸⁹ The European Commission intends to appoint an EU Anti-Trafficking Coordinator (ATC) and then wants to present a new integrated strategy for tackling human trafficking in 2011 as well as measures to protect and help victims through ad hoc cooperation agreements with third countries. The Commission also said that guidelines were needed to help consular services and border guards to identify victims of human trafficking.⁹⁰

Following the entry into force of the Treaty of Lisbon on 1 November 2009, the European Commission converted its proposal for a new EU Framework Decision^{NRM7} into a proposal for a Directive on preventing and combating human trafficking and protecting victims.⁹¹ In the Seventh report, the Rapporteur said of the original proposal that provisions regarding help for and protection of victims must not lead to restrictions on what has been achieved in the Council of Europe's Convention on Action against Trafficking in Human Beings (2005).⁹² The BNC fiche (an assessment by the government of Commission proposals) on the current draft directive states, in any case, that the handling and implementation of the proposal must not be at the expense of ratification by the EU member states of the Council of Europe's Convention.⁹³ At the time of writing, the definitive version of the directive had not yet been adopted.

2.4 Victims

2.4.1 Prevention aimed at victims and potential victims

Preventing individuals from becoming victims is an important element of anti-human trafficking policy. Relevant aspects of prevention are providing information, raising awareness and increasing the resilience of potential victims, as well as increasing consciousness of the phenomenon on human trafficking in general. The First report contained a call for more intensive and more widespread publicity about loverboy practices, which even then were common in the Netherlands. The Rapporteur felt the government had a responsibility in this regard, partly from the perspective of promoting emancipation in order to increase the resilience of potential victims, who were often young girls. The Rapporteur mentioned including information about the subject in the regular school curriculum as an example of something that could be done.⁹⁴ Projects to tackle the problem of loverboys, including information for schools about the problem, have been established in many cities.⁹⁵ In 2003, the first steps were taken to create a national register of juvenile prostitution and the natio-

89 Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, (*OJ* 2004, L261/19).

90 *Action Plan Implementing the Stockholm Programme*, 20 April 2010, COM(2010)171 final.

91 *Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA*, 29 March 2010, COM(2010)95 final, 2010/0065 (COD).

92 NRM7, recommendation 46.

93 *Parliamentary Documents*, session 2009-2010, 22 112, no. 1017, p. 6. 'BNC' stands for 'Beoordeling Nieuwe Commissievoorstellen'.

94 NRM1, recommendation 22.

95 NRM5, pp. 68 *et seq.*

nal platform on juvenile prostitution was formed⁹⁶. Special programmes were also established for unaccompanied underage asylum seekers,⁹⁷ while funds were provided to enable municipalities and victim support organisations to arrange programmes designed to help prostitutes who want to leave the profession.⁹⁸

In recent years, attention has also been devoted to preventing exploitation outside the sex industry through publicity campaigns targeted at potential victims of exploitation outside the sex industry (see §2.7.3).

Little is known about the actual impact of prevention programmes. In the Fifth report, the Rapporteur called for research into this subject to facilitate more evidence-based action in the future⁹⁹. The results of the so-called 'systematic review' of research into human trafficking might be able to provide some answers in a general sense.¹⁰⁰

2.4.2 The exchange of information within the chain

The Third report drew attention to the problem that social workers often receive information in confidence from victims that may also be relevant for criminal investigations. In view of the importance of their confidential relationship with clients and of not discouraging victims from seeking help, social workers cannot simply pass this information on to the police or the public prosecution service. The Rapporteur recommended searching for ways of making this information available to the police.¹⁰¹ This has been partially achieved through the development of local cooperation between the various organisations in the chain, particularly in the large cities. Regular consultation and cooperation between the partners increases the mutual trust and removes obstacles. Further research into the reasons why victims are unwilling to report trafficking, as called for by the Rapporteur¹⁰², could increase the confidence of victims and social workers in the positive effects of providing information that is relevant for criminal investigations. The pilot project involving category-oriented shelter could have a similar positive effect. Nevertheless, this subject is still topical. Although voluntary agreements could remove formal obstacles to the exchange of confidential information, they would not totally safeguard that the handing over of client information would not harm the confidential relationship between the social worker and the victim.^{103, 104}

96 NRM5, p. 69.

97 In Utrecht for example, NRM5, p. 67. Programmes to increase the resilience of unaccompanied underage asylum seekers also have an important function in the context of preventing them from becoming victims again in their country of origin.

98 *Parliamentary Documents II* 2008/09, 31 700 VI no. 89 (Regulation on Exit Programmes for Prostitutes -RUPS).

99 NRM5, recommendation 20.

100 This study, jointly initiated by BNRM, is being carried out by the WODC, the University of Amsterdam and the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR); the results of the study, which is confined to research into transnational human trafficking, are not yet available.

101 NRM3, recommendation 23.

102 NRM7, recommendation 32.

103 Meeting of the network of organisations for victims of human trafficking in Rotterdam, 8 April 2010.

104 See also the description in §2.7.3 of a film about human trafficking, commissioned by the ministries of Justice, of the Interior and Kingdom Relations and of Social Affairs and Employment, for professionals who may encounter human trafficking on a regular or occasional basis.

2.4.3 Shelter

Category-oriented shelter

The Rapporteur has made a number of recommendations concerning the development of shelter and care tailored to the specific needs of victims of human trafficking in general, and specifically of distinct categories of victims, such as minors, aliens and victims of exploitation in sectors other than the sex industry. In the Third report, this took the form of a recommendation that victim support organisations should provide the central government with advice about whether shelter should be provided by category of victim or whether integrated shelter would be a better option, taking into account aspects such as proper recognition of a person's status as a victim, the best use of the expertise available at local level and the need to offer security for victims.¹⁰⁵ In the Fifth report, the Rapporteur further recommended reviewing whether category-oriented shelter could help to resolve the problems encountered in finding suitable accommodation for victims in shelters.¹⁰⁶ The Rapporteur also recommended adapting the shelters and reception facilities to respond to developments such as growth in the number of victims and changes in the types of victim. The criminalisation of exploitation in sectors other than the sex industry was an important factor behind that recommendation. The Rapporteur suggested the possibility of specialised centres, referring to Belgium where other forms of exploitation had been a criminal offence for far longer and where there were separate shelters for men and women and for victims of sexual exploitation and other forms of exploitation.¹⁰⁷ In its action plan in January 2009, the Task Force on Human Trafficking included the proposal by the State Secretaries for Justice and for Health, Welfare and Sport to start a pilot project involving category-oriented shelter in order to investigate whether victims of human trafficking could be provided with safe shelter and how it could be organised on a permanent basis.¹⁰⁸ For this pilot project, a tender procedure was organised for the creation of 50 places, to be established in existing facilities. On 15 June 2010, the Minister of Justice opened the pilot project at one of the three selected locations, with 20 places for female victims. The intention is that the pilot project will continue until 15 June 2012. The pilot scheme will be evaluated by the Ministry of Justice's Research and Documentation Centre (WODC).

Shelter capacity

There has been a chronic shortage of facilities for the initial reception of victims of human trafficking and of places they can later be transferred to for longer-term shelter and specific care in the last decade. The Rapporteur has repeatedly drawn attention to this problem. For example, in 2002 the Rapporteur recommended increasing the capacity for shelter and care for underage victims, including unaccompanied underage asylum seekers.¹⁰⁹ The Rapporteur also recommended that underage victims should be given shelter separately from adult victims and that help and care should be tailored more specifically to this specific category of victim. She also suggested that the government provide structural financing for victim support organisations to guarantee the continuity of the essential care and shelter for victims that these organisations provide, and to increase their professionalism.¹¹⁰ In the Third report, the Rap-

105 NRM3, recommendation 25.

106 NRM5, recommendation 35.

107 NRM5, recommendation 36

108 Task Force on Human Trafficking, 2009a, measure 5.

109 NRM1, recommendation 21.

110 NRM1, recommendation 19.

porteur recommended addressing the shortage of shelter capacity victims by keeping accurate records of available spaces and by creating additional places.¹¹¹ The recommendation to provide financial support for victim-support agencies was also repeated.¹¹² In the Fifth report, the Rapporteur suggested investigating whether measures such as central intake and category-oriented shelter for victims could ease the problems with finding suitable accommodation.¹¹³

The urgency of creating sufficient capacity, providing support for victim-support agencies and improving the registration of details of victims has been acknowledged by the government and translated into action points in the National Action Plan of Human Trafficking (NAP).¹¹⁴ The plan indicated that the capacity in shelters for women would be expanded.¹¹⁵ It also stated that the Federation of Shelters would take measures to improve access to shelters for women, as well as improving their safety, in order to make them suitable also for victims of human trafficking. The federation would furthermore improve the registration of available places so that the capacity can be better utilised.¹¹⁶ A study to investigate whether safe houses could be employed to increase safety was also announced.¹¹⁷ A final proposal was to expand the capacity of shelters specifically for victims of human trafficking: the aforementioned pilot project in category-oriented shelter. In 2009, the Rapporteur was forced to observe that there was still a shortage of places in shelters and therefore once again recommended creating additional capacity.¹¹⁸ The Rapporteur also suggested making a start with the pilot project on category-oriented shelter, which had been seriously delayed.¹¹⁹ The additional places were made available in June and July 2010. The number of places, for a projected average stay of three months, was thereby increased by 50, albeit only for the duration of the project. It was believed that this could resolve the estimated shortage of 200 places annually, but it is not yet certain that it will. CoMensha, the organisation responsible for the central intake, said in its annual report for 2009 that the pilot project represented a welcome expansion of shelter capacity but that the places would be filled within two months unless there were adequate follow-up facilities for the residents.¹²⁰ When the Minister of Justice officially opened the pilot project, twelve of the 20 places available in one of the locations were already occupied, and two new victims were being admitted every day in consultation with CoMensha. The capacity was therefore expected to be fully used very quickly. Although the action plan for the pilot project stated that the places in the pilot project were in addition to municipalities' existing shelter facilities for victims of human trafficking,¹²¹ the availability of and capacity in follow-up shelter or accommodation remains a matter of concern.¹²² The municipalities have a major responsibility in this regard.

111 NRM3, recommendation 28.

112 NRM3, recommendation 21.

113 NRM5, recommendation 35.

114 National Action Plan on Human Trafficking, *Parliamentary Documents II 2004/05*, 28 638, no. 13.

115 National Action Plan on Human Trafficking, action point 29.

116 National Action Plan on Human Trafficking, action point 30: the Open Places Reporting Centre.

117 National Action Plan on Human Trafficking, action point 31.

118 NRM7, recommendation 22.

119 NRM7, recommendation 21.

120 Annual Report 2009, CoMensha, p.14 *et seq.*

121 Project plan for the pilot project in category-oriented shelter for victims of human trafficking, summary, p. 3.

122 The Stichting Hulp en Opvang Prostitutie in The Hague announced in July 2010 that it was forced to impose an immediate freeze on admitting new clients due to an excessive increase in the number of victims of human trafficking registering with it.

2.4.4 Underage victims

Victims of loverboys

The Rapporteur drew attention to the phenomenon of ‘loverboys’ and their victims in the very first report. There were many underage victims in the Netherlands of traffickers known by this term, which is usually used to refer to young men who use seduction techniques to charm vulnerable young girls with the ultimate aim of getting those girls to work for them in prostitution.¹²³ The Rapporteur observed that there was too little specialized shelter for underage victims of human trafficking. This category of victim, said the Rapporteur, deserved special attention, shelter and counselling because of the specific nature of these victims and the problems that the young victim encounters.

Care and shelter for underage victims has remained a persistent area of concern. In the Seventh report, the Rapporteur recommended that underage victims should also be covered by aforementioned pilot project on category-oriented shelter,¹²⁴ pointing out that it was difficult to see why the purpose of the project, which was to investigate how to provide shelter that is safe, adequate and otherwise tailored to the needs of victims, did not extend to underage victims in the Netherlands.¹²⁵ In reply to questions in parliament, the Minister for Youth and Family said he did not feel that specialised shelters for this group were necessary because the existing facilities in the youth care system were, in principle, capable of handling any conceivable problem.¹²⁶ The Minister referred to outreach projects to help victims of ‘pimp boys’,¹²⁷ and to victim support programmes by the youth care services aimed at increasing the resilience of girls who are vulnerable to pimp boys. These programmes are organised as part of the regular youth care service. If closed care is needed to prevent a young person from leaving or being removed from care, the young person can be admitted to a closed youth shelter facility, the Minister said.

In itself, it is understandable that the government regards care for underage victims as a task of the youth care services. However, there are no special facilities in the residential youth care system for victims of human trafficking for whom the need for shelter is indicated. The Rapporteur had already said in the Fifth report that simply locking up girls to protect them from themselves and their traffickers was highly undesirable and urged that attempts be made to find alternatives.¹²⁸ Although it is unfortunately sometimes inevitable that underage victims have to be accommodated in a closed or protected facility, to prevent them from running away and to isolate them effectively from the influence and threats of the loverboy, it is important that the facilities do not have the image or the regime of detention centres. Given the long-standing and serious nature of the problem, it might have been expected that a vision would be formulated on the subject of shelter for underage victims of loverboys. That is one of the reasons the Rapporteur addressed one of her recommendations in the Seventh report to the Task Force on Human Trafficking, calling on it to devote special attention to underage victims.¹²⁹ She referred in that context to the experience that has already been gained with providing specialised shelter and assistance outside the youth care services.

123 NRM7, p. 347 et seq.

124 NRM7, recommendation 21.

125 See also §3.3.1, Figure 5, Proportion of underage victims among Dutch, Nigerian and other non-Dutch reported victims (2006-2009).

126 *Attachment to Parliamentary Proceedings II 2009/10*, no. 460 and n. 461.

127 ‘For a discussion of the debate about the use of the terms ‘loverboy’ or ‘pimp boy’, see NRM7, p. 35.

128 NRM5, recommendation 37.

129 NRM7, recommendation 25.

Victims of loverboys are not always exploited in the sex industry. They are sometimes also induced to smuggle drugs or take out loans. Nor does the loverboy technique still primarily involve creating an emotional bond with girls in order to exploit them. Sometimes, the far more direct and quicker method of violence or blackmail is employed.¹³⁰ One of the consequences is that the characteristics of victims can change. For this reason, the Rapporteur recommended in the Seventh report that victim-support organisations should be mindful of the changing nature of the methods used by human traffickers and ensuing changes in the categories of victims.¹³¹ In any case, it is clear that the internet has rapidly assumed a more prominent role in recent years, a role that is likely to grow even further¹³².

Unaccompanied underage aliens

Among underage victims of human trafficking, the Rapporteur has particularly highlighted the situation of unaccompanied underage aliens,¹³³ reporting that they, even more than their Dutch fellow-sufferers, often face physical and psychological pressure as a result of their uncertain position and future, either in the Netherlands or in their country of origin.¹³⁴ In the First report, the Rapporteur said that structural attention should be devoted to the safety of women and unaccompanied underage asylum seekers in asylum centres.¹³⁵ Unaccompanied underage aliens face a heightened risk of falling victim to human trafficking. Some are brought to the Netherlands to work in prostitution under false pretences. Others are recruited later in a shelter, using loverboy techniques or otherwise.¹³⁶ A study showed that the reception centres for aliens do not afford a safe refuge for female unaccompanied underage aliens and do not protect them adequately against the risks of human trafficking. A great many girls went missing and there were fears that a significant number of them had fallen prey to human traffickers.¹³⁷ This prompted a number of the relevant organisations, including the Immigration and Naturalisation Service (IND), the Central Body for the Reception of Asylum Seekers (COA), the police and several shelters, to draft the Protocol on missing unaccompanied underage aliens, which contains guidelines for preventing or dealing with the disappearance of children from the centres.¹³⁸ Other measures included the introduction of round-the-clock supervision and the fingerprinting of the children at the start of the procedure. A pilot project was started for unaccompanied underage aliens at the greatest risk of disappearing (at that time those from India and Nigeria).¹³⁹ This pilot project with protected shelter started on 1 January 2008 and ran until the spring of 2010. The shelter was small and the supervision was intensive. The young people were only allowed to leave the shelter with permission, and under escort if necessary. Camera surveillance and security guards were also used.

130 NRM7, p. 35.

131 NRM7, recommendation 24.

132 Zanetti, 2009.

133 Unaccompanied underage asylum seekers form a distinct group within the category of unaccompanied underage aliens.

134 NRM1, recommendation 21.

135 NRM3, recommendation 19.

136 NRM3, p. 51.

137 Brouns et al., 2003.

138 NRM5, p. 44.

139 Letter from the Minister for Immigration and Integration to the Lower House of Parliament, 5 December 2006. *Parliamentary Documents II 2006/07*, 20 062, no. 56

The pilot project was evaluated by the WODC and the Willem Pompe Institute of the University of Utrecht¹⁴⁰. Among their conclusions were the following:

- The number of unaccompanied underage aliens of the predetermined at-risk nationalities entering the shelter fell sharply during the project, probably as a result of successful police investigations.
- The percentage of disappearances declined, partly as a result of the pilot project.
- There was no increase in the numbers returning to their country of origin.
- Young people who had not actually been exploited often did not want protection.
- Few reports of human trafficking were made. Among the possible explanations: some young people are not yet ready to report; they claim they face no risk of exploitation; they are afraid of the police or of reprisals from the traffickers; the lawyer first wants to await the outcome of the asylum procedure.
- When reports were made, it was often decided not to prosecute the case or nothing more was heard about it.
- Placement in the protected shelter involves deprivation of liberty, although there is no statutory basis for it or judicial review.¹⁴¹

2.4.5 Victims of ‘other forms of exploitation’

Exploitation in sectors outside the sex industry (‘other forms of exploitation’) was made a criminal offence in 2005. There was no intention to create a distinction between exploitation in the sex industry and in other sectors; the treatment of victims and the facilities provided for them should be the same. Nevertheless, mindfulness of the situation of victims of other forms of exploitation has grown slowly. The victims themselves are often more reluctant than victims in the sex industry to disclose their experiences. They do not always see themselves as victims, but it could also be connected with the fact that many are living or working illegally in the Netherlands, the fear of deportation, the fear that their statement will have negative consequences for colleagues who are working illegally, the fact that the situation in their country of origin is possibly even worse, or accumulated debts. Threats can also play a role in some cases of other forms of exploitation, and victims of other forms of exploitation can also feel shame at what has happened to them.¹⁴²

Furthermore, other forms of exploitation are often perceived as a less serious form of human trafficking. Indications of other forms of exploitation are frequently not recognised, passed on and followed up. For a long time, the number of prosecutions remained relatively small and it is still by no means automatically assumed that facilities for victims, such as shelter and help, also apply for victims outside the sex industry.¹⁴³ The Someren case illustrated this.

In the case of the asparagus farm in Someren, it was revealed that foreign workers had been forced to work and had been accommodated in slavery-like conditions. Various authorities were aware of at least six different indications of exploitation. Nevertheless, the foreign ‘employees’ were not informed about the B9 regulation,¹⁴⁴ they were not given adequate shelter (they were housed in three

140 Letter from the Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, Parliamentary Documents 20009/10, 28 638 no. 47, p. 4.

141 Kromhout et al., 2010.

142 NRM5, p. 47.

143 NRM7, p. 478.

144 See below, §2.5.1.

large tents), they were not interviewed or otherwise treated as possible victims and they were not reported to CoMensha. None of the relevant authorities, including the mayor, the Labour Inspectorate, the police, the municipality, the fire brigade and the public prosecution service, identified the incident as a possible case of human trafficking, even though the mayor did describe the conditions as modern slavery. Later, a prosecution was brought, based on a suspicion of human trafficking.

A common practical problem that arises in providing shelter and help for victims outside the sex industry is that the number of victims involved in a single case can be large (as in Someren, where there were 55 possible victims). Another is that the victims are relatively frequently men, for whom it is difficult to find shelter because the shelter facilities are traditionally designed for women. However, this cannot be a reason for departing from the relevant procedures, such as the requirement to inform possible victims of the B9 regulation if there is even the slightest indication of human trafficking. Exploitation in sectors other than the sex industry is a violation of human rights, and the need for shelter is often equally great. In principle, the seriousness of the exploitation does not depend on the sector in which it occurs. Naturally, the need for shelter and help can vary very significantly.

The Rapporteur recommended expanding facilities for victims and adapting them to the changing target group,¹⁴⁵ and more attention has been devoted to the question of facilities for male victims since then. For example, 10 places were reserved for them in the pilot project on category-oriented shelter. In the so-called ‘male shelter pilot project’, two of the 10 places in each of the four large cities were reserved for victims of human trafficking.¹⁴⁶ In its reaction to the recommendations in the Seventh report, the government said an attempt would be made to extend this pilot project.¹⁴⁷

The Rapporteur also recommended that the agencies involved in tackling other forms of exploitation should make agreements on who is responsible for initiating help for possible victims of those forms of exploitation and draw up schedules laying down out which agency will do what, and when, to ensure that victims do not fall through gaps in the system.¹⁴⁸

2.5 Immigration law

2.5.1 B9 regulation

At the time of the reform of Dutch immigration law in 2000, the so-called B9 regulation was inserted in the Aliens Act Implementation Guidelines 2000¹⁴⁹ for victims and witnesses of human trafficking without a valid residence permit, replacing the former B17 regulation in the Aliens Act Implementation Guidelines 1994. Under the B9 regulation, aliens who are victims or possible victims or witnesses of human trafficking can remain legally in the Netherlands during the investigation and prosecution of a case so that they remain available to the police and public prosecution service.¹⁵⁰ The B9 regulation is a hybrid measure. On the one hand, the rules are intended to ensure the availability of victims for the

¹⁴⁵ NRM5, recommendation 36.

¹⁴⁶ Dijk et al., 2010.

¹⁴⁷ Letter from the Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, *Parliamentary Documents II* 2009/10, 28 638, no. 47, p. 3.

¹⁴⁸ NRM7, recommendation 23.

¹⁴⁹ *Aliens Act Implementation Guidelines 2000* (April 2001).

¹⁵⁰ EU nationals can also acquire rights under the regulation.

purposes of an investigation and prosecution. On the other hand, the regulation entitles the victim to temporary residence and access to certain facilities. This brings with it the risk that the scheme might be abused by individuals in an attempt to remain in the Netherlands. Equally, however, there is a risk that the victim's rights will not be respected if he or she is unable or unwilling, out of fear or for any other reason, to cooperate with the police and public prosecution service.¹⁵¹ The Rapporteur has made a series of recommendations in connection with the B9 regulation in the last decade.

Willingness to report

Human trafficking is an offence that can be prosecuted without a complaint. The investigation and prosecution of human trafficking are regarded as important in the interests of protecting general social values. The police must always start an investigation if there is any indication of human trafficking, even if there is no report.¹⁵² Nevertheless, the cooperation of victims is very valuable. It is very important in the fight against human trafficking that victims report incidents and are willing to report and otherwise cooperating with the criminal process.¹⁵³ Over the years, however, it has been apparent that, for various reasons, victims find it difficult to report a crime, so policies are needed to increase the willingness of victims to report. In the very first report, the Rapporteur said that the B9 regulation was a step in the right direction for victims without a valid residence permit, but was still not sufficiently concerned with providing facilities for victims. Consequently, the benefits of the regulation for the victims were often outweighed by the risks they faced in reporting an offence.¹⁵⁴ The Rapporteur therefore recommended that victims should also be offered legal assistance and protection under the B9 regulation. In the Third report, the Rapporteur went further and recommended that all of the authorities involved in implementing the B9 regulation should inform victims as quickly as possible and as completely as possible about their rights and options under the B9 regulation, as regards both social security and the criminal law and immigration law aspects.¹⁵⁵ Sufficient opportunities should also be created – in consultation with the competent authorities – to provide concrete and adequate legal assistance in those areas. The Rapporteur added that it would be inappropriate to restrict access to or the duration of the assistance.¹⁵⁶ The Rapporteur said it was important to guarantee that victims of human trafficking received good legal advice on all relevant areas of the law (immigration law, criminal law, but also labour law, for example),¹⁵⁷ adding that victims should be advised of the possibility of receiving legal advice at the earlier possible moment. For aliens living illegally in the Netherlands, that is the moment when they must be offered the reflection period on the grounds of the B9 regulation.¹⁵⁸

151 In this context, see the Rapporteur's reaction to the advisory report 'Protect Victims and Fight Human Trafficking. An advisory report on a balanced protective regime for the victims of human trafficking' by the Advisory Committee on Migration Affairs (ACVZ), NRM7, pp. 177-178 [this section was not in the English version] and Appendix 6

152 Instructions on Human Trafficking and other forms of exploitation in prostitution, *Government Gazette*, 2008, 235.

153 NRM1, p. 70 *et seq.*

154 NRM1, recommendation 6.

155 NRM3, recommendation 14

156 NRM3, recommendation 15.

157 NRM5, recommendation 38.

158 NRM5, recommendation 39.

These recommendations prompted a number of amendments to the B9 regulation. A provision was inserted that the care coordinator¹⁵⁹ would be ultimately responsible for the shelter of the suspected victim during the reflection period. The care coordinator would arrange a medical examination and medical treatment, if necessary, and ensure that the victim was properly informed of the legal consequences of reporting a crime. If necessary, the Legal Aid Board would be asked to finance the necessary legal assistance.¹⁶⁰

Another recommendation was that it should be possible for victims to work and follow training during the period of the temporary residence permit to avoid the risk of their falling back into their former situation.¹⁶¹ The B9 regulation now includes a provision allowing work to be performed, although not during the reflection period.¹⁶² Once the residence permit has been granted, the victim can also avail of the possibilities to follow a training course and to engage in other activities¹⁶³.

Following the Third report, the government produced the National Action Plan on Human Trafficking (NAP)¹⁶⁴, which contains a series of specific measures in the different policy areas. In the NAP, the government said that municipalities would be informed of the policy changes concerning work and training and would be encouraged to help victims with B9 status to find suitable work and provide them with advice.¹⁶⁵ It also said that legal aid counsellors would also be informed of the various possibilities for securing financing for legal aid.¹⁶⁶

In the Seventh report, the Rapporteur addressed the problem raised by the police and the public prosecution service that reports of human trafficking made by aliens without a residence permit sometimes contained few if any leads for an investigation. In view of the priorities that have been set,¹⁶⁷ these cases take up the resources of the police and the public prosecution service, as well as the shelters, but cannot ultimately be successfully resolved.¹⁶⁸ There are various reasons why reports might contain few leads: the failure to record the report properly, reluctance on the part of the victim because of fear or shame, manipulation of the victim's story by the human trafficker, and perhaps also false claims by individuals that they are victims. On the one hand, the police and the public prosecution service repeatedly report problems with the waste of resources in these 'hopeless' cases, while at the same time victim-support workers say that cases involving foreign victims are not properly dealt with.¹⁶⁹ BNRM has been involved in attempts to find solutions for the tensions arising from the B9 regulation. In 2008, for example, it organised an 'Expert meeting on hopeless B9 applications'.¹⁷⁰ This was followed by the recommendation in the

159 Care coordinators have not yet been appointed everywhere, NRM7, p. 142.

160 *Aliens Act Implementation Guidelines 2000*, §B9, 3.2.9 and 4.2.4, *Government Gazette* 2006, 201.06.2.

161 NRM1, recommendation 12. See also NR 3, recommendation 10.

162 *Aliens Act Implementation Guidelines 2000*, §B9, 7.2, work is allowed, no work permit is required.

163 *Aliens Act Implementation Guidelines 2000*, B9, 4.2.2.

164 National Action Plan on Human Trafficking, *Parliamentary Documents II* 2004/05, 28 638, no. 13.

165 National Action Plan on Human Trafficking, action point 36.

166 National Action Plan on Human Trafficking, action point 23.

167 See the public prosecution service's Instructions on Human Trafficking, *Government Gazette*, 2008, 253.

168 NRM7, pp. 176 *et seq.*

169 NRM7, p. 176.

170 NRM7, p. 191.

Seventh report to conduct further research into the reasons for the unwillingness of victims report trafficking,¹⁷¹ after it was revealed that a highly relevant study into this subject by the research department of the public prosecution service (WBOM) had been halted.^{NRM7}¹⁷² To this end, the Rapporteur recommended accelerating the procedures (such as the decision not to prosecute and the hearing of objections), conducting research into the reasons for the absence of leads and the reluctance of victims to report crimes.¹⁷³ She also suggested the possibility of carrying out a pilot project in which a number of cases with few leads would be investigated intensively to discover whether, and if so how and in which cases, it would be possible to generate more leads. Such a pilot project could also address the question of whether more specific forms of assistance in category-oriented shelters could help to improve the quality of reports.

The Minister of Justice had previously acknowledged that a person whose statement provided few leads in a case could nevertheless still be a victim of human trafficking.¹⁷⁴

In his reaction to the Seventh report,¹⁷⁵ the Minister of Justice said, among other things, that the public prosecution service would review the problems and consider ways of accelerating the procedures in such a way as to limit the unnecessary waste of resources.¹⁷⁶ The task force could implement measures in response to the findings. The Minister also said he saw no need for a pilot project relating to the willingness of victims to report trafficking, for example because the pilot project involving category-oriented shelter could have a positive effect on the willingness to report.¹⁷⁷

Expansion of the regulation

The Rapporteur referred in the First report to the fact that, under the original B9 regulation, no reflection period could be granted to possible victims of human trafficking who had not already worked as prostitutes in the Netherlands.¹⁷⁸ This was a reference to aliens who were identified as possible victims of human trafficking by the Royal Netherlands Marechaussee on their arrival at Schiphol. The Rapporteur remarked that it was possible that opportunities for prosecutions were being needlessly missed by excluding this category of victim. Given the often transnational nature of human trafficking, even before they reached the Netherlands these victims might already have been exposed to traumatic experiences that would

171 NRM7, recommendation 32. On this point, see also §§2.4 and 2.5.

172 The study entitled *Het slachtoffer en zijn ketens. Een studie naar mensenhandel in strafrechtelijk perspectief* was published by the Verwey-Jonker Institute in the autumn of 2009.

173 NRM7, recommendation 32.

174 Letter from the Minister of Justice to the Lower House of Parliament of 9 June 2009, TK 28 638-43.

175 Letter of 21 January 2010, also on behalf of the State Secretary of Justice, the Minister of the Interior and Kingdom Relations, the Minister of Social Affairs and Employment and the Minister for Youth and Family.

176 Letter from Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, *Parliamentary Documents II*, 2009/10, 28 638, no. 47. At the time of writing, noting is known of the outcome of this.

177 In its annual report for 2009, CoMensha mentioned a study into the willingness of East European victims of human trafficking to report the crime carried out by a student of criminology from the National Police Services Agency (KLPD), Annual Report CoMensha 2009, p. 21. At the time of writing, the study had not yet been published.

178 NRM1, recommendation 10.

prevent them from immediately report trafficking in human beings. The Rapporteur therefore recommended that the reflection period should also be available to victims in this category.¹⁷⁹

In response to this, a provision was inserted in the Aliens Act Implementation Guidelines to the effect that the rules on the reflection period would also apply to aliens who had not yet entered the Netherlands but who might be victims of human trafficking.¹⁸⁰

The Rapporteur also proposed that restricting the B9 regulation to persons who made a report of human trafficking could unnecessarily exclude victims who did not dare to report but were prepared to make another form of statement to the police about what had happened to them. Dutch criminal law makes no distinction between the evidentiary value of a report and of other statements.¹⁸¹ The distinction is therefore irrelevant for the application of the B9 regulation: what counts is the cooperation with the investigation and prosecution. In light of that, the Rapporteur recommended equating a report and any other statement for the purposes of the B9 regulation.¹⁸²

This recommendation was adopted, thereby making a report the same as otherwise cooperating with a criminal investigation under the Aliens Decree¹⁸³ and the B9 regulation.¹⁸⁴

Consequences under immigration law arising from the non-punishment principle

Under immigration law, criminal antecedents are an incriminating factor for an alien. It is possible, however, that the offences were committed by a victim of human trafficking in a situation of exploitation. That prompted the Rapporteur to recommend that a person's status as victim and the relationship between the offence committed by the victim and the human trafficking situation should be taken into account in decisions made under immigration law. The Rapporteur stressed that every victim who cooperated with the criminal investigation against a human trafficker should be eligible for the rights under the B9 regulation, in principle even when the victim has criminal antecedents, adding that the fact that the person is a victim and the relationship with the offence committed by the victim should be explicitly taken into account when making a decision of whether to declare a person an undesirable alien or whether to grant continued residence. This recommendation was based on the non-punishment principle, an international principle to the effect that victims of human trafficking should not be punished for offences committed in a situation where they are being exploited.¹⁸⁵ The recommendation that no victim who cooperates with a criminal investigation against the human trafficker should be denied the rights ensuing from the B9 regulation also relates to the situation where there is no connection between the offence committed by the victim and the human trafficking situation. This is based on the consideration that the importance of the information that a victim can provide with a view to a possible prosecution should prevail over considerations based on immigration policy.

179 NRM1, recommendation 10.

180 *Aliens Act Implementation Guidelines 2000*, p. 2, ad a.; entry into force on 1 January 2009, *Government Gazette* 2009, 78.

181 See NRM5, p. 17.

182 NRM5, recommendation 6.

183 Article 3.48 of the Aliens Decree.

184 *Aliens Act Implementation Guidelines 2000*, p. 3, ad b.

185 See NRM7, Chapter 6.

In his reaction to the Seventh report, the Minister of Justice, also speaking on behalf of other relevant ministers, said that he agreed with this recommendation.¹⁸⁶ In a letter to the Lower House of Parliament on 10 February 2010,¹⁸⁷ however, the Rapporteur pointed out that it was apparent from the further explanation given by the Minister in his letter that he was thinking mainly of criminal offences that were committed in relation to a situation of exploitation. The Rapporteur's recommendation, however, also refers to situations in which that relationship is less direct. It would not be effective to let slip opportunities for successful prosecution by not allowing victims with criminal antecedents to benefit from the B9 regulation.

Reflection period

The B9 regulation prescribes that aliens without a residence permit must be offered a reflection period at the slightest indication of human trafficking. In 2002, the Rapporteur pointed out that victims sometimes needed more than three months to recover sufficiently and to become calm enough to make a clear decision on whether to report human trafficking. In view of the importance of the victim's cooperation with criminal proceedings, the Rapporteur therefore recommended creating an option in the B9 regulation for the reflection period to be extended once by an additional three months.¹⁸⁸ This recommendation did not lead to a specific policy change. In the EU member states, the reflection period varies from 30 days to six months.¹⁸⁹ The regulation more than meets the requirements of the EU directive on residence permits issued to third-country nationals who are victims of trafficking in human beings.¹⁹⁰

The B9 regulation in practice

The recommendations extended not only to the B9 regulation itself, but also to its implementation in practice. For example in the Third report the Rapporteur drew attention to the fact that the relevant agencies implemented the B9 regulation very differently in practice, pointing out that the correct and uniform application of the regulation would benefit if the agencies explained their tasks more clearly to each other and to their own employees.¹⁹¹ The Rapporteur went on to recommend that all chain partners should immediately inform victims of all their rights under the scheme.¹⁹² Although no distinction is made in the B9 regulation between victims of sexual exploitation and exploitation in other sectors ('other forms of exploitation'), (potential) situations of other forms of exploitation are, in practice, dealt with differently than sexual exploitation. (Potential) victims of other forms of exploitation are not always recognised as victims and are consequently not alerted to their rights under the B9 regulation and are not offered a reflection period. These discrepancies are due to differences of perception rather than differences in the rules.

186 Letter from Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, Parliamentary Documents II 2009/10, 28 638, no. 47, p.7.

187 Letter from the National Rapporteur on Trafficking in Human Beings to parliament's Permanent Committee for Justice concerning the government's reaction to the Seventh Report on Trafficking in Human Beings, 10 February 2010.

188 NRM1, recommendation 20.

189 See Academic Network for Legal Studies on Immigration and Asylum in Europe, Synthesis Report, written for the European Commission in relation to the implementations by EU member states of Directive 2004/81 (victims of trafficking), JLS/B4/2006/03.

190 Council Directive 2004/81/EC (OJ 2004, L 261/19).

191 NRM3, recommendation 13.

192 NRM3, recommendation 14.

At the instigation of the Rapporteur, the text of the B9 regulation was amended in April 2009 with the aim of reflecting more clearly that the regulation extends to victims of exploitation in sectors outside the sex industry.¹⁹³

To ensure proper implementation of the B9 regulation, the Rapporteur recommended establishing a central office with the task of monitoring problems with the implementation of the regulation, providing advice on how to solve them and, if necessary, intervening. The Rapporteur recommended the creation of an authoritative body, given the multiplicity of disciplines involved in the implementation of the regulation.¹⁹⁴ In response to the recommendations in the Third report, the government said in the NAP that the so-called 'B9 platform' (the CoMensha platform) could perform that function for the time being.¹⁹⁵ This platform hosts regular meetings of representatives of the organisations most closely involved in implementing the B9 regulation.

In the First report, the Rapporteur described the experience of many victim-support workers that aliens who might be victims of human trafficking were often deported as illegal aliens before there was a chance to apply the B9 regulation or before they were given an opportunity to invoke it. This is not only undesirable from a humanitarian viewpoint, but might also mean the loss of evidence that could lead to prosecution. The Rapporteur therefore recommended that the IND, the aliens police and the criminal investigative services should cooperate more closely and agree on ways to improve the situation.¹⁹⁶

This recommendation was repeated in the Third report, noting that it was essential to avoid not applying the B9 regulation in practice. When a lot of emphasis is placed on the importance of the immediate deportation of illegal aliens and insufficient attention is paid to the possibility that they are victims of human trafficking, the reflection period is rarely offered, according to the Rapporteur, who recommended that structural measures should be taken to prevent this.¹⁹⁷

At that time, the Minister for Immigration and Integration had recently published a policy document on illegal aliens,¹⁹⁸ in which she had said that the approach to illegal aliens and combating human trafficking were in principle two separate policy areas. But the two areas do overlap and measures taken in one policy area can reinforce measures in the other. The policy document made a number of proposals in that context and also announced that further measures would follow after the publication of the Rapporteur's Third report. Following publication of that report, the government published the National Action Plan on Human Trafficking, in which it endorsed the need for structural measures to prevent the B9 regulation not being applied in practice, particularly with respect to offering the period of reflection to decide whether to report human trafficking.¹⁹⁹ The government said that the relevant agencies had taken part in a conference in November 2003 to explore ways of improving the implementation of the B9 regulation and that they had started making the improvements suggested at that conference in relation to sharing information and identifying problems, as well as providing information to victims and creating files. The government also acknowledged the possibility of a conflict at local level between the

193 *Government Gazette* 2009, 78.

194 NRM3, recommendation 16.

195 National Action Plan on Human Trafficking, action point 24.

196 NRM1, recommendation 13.

197 NRM3, recommendation 11.

198 *Parliamentary Documents II* 2003/04,29 537, no. 2.

199 National Action Plan on Human Trafficking, p. 17.

supervision of aliens and the application of the B9 regulation and mentioned that the Ministry of Justice was subsidising a study by Humanitas Bonded Labour in Nederland (BLinN) into the question of whether B9 status was actually being offered to potential victims.²⁰⁰ In the report of that study BLinN said that victims in aliens detention were often not recognised as victims.²⁰¹ A number of steps have since been taken with regard to the identification of possible victims of human trafficking in aliens detention and attention for this group has increased. For example, in 2006 the Ministry of Justice arranged several meetings with representatives of the police, IND, Stichting tegen Vrouwenhandel (STV; now CoMensha), the International Organization for Migration (IOM) and BLinN to look for solutions to problems relating to the identification of and support for potential victims in this group.²⁰²

In January 2009, BLinN published another report about victims of human trafficking in aliens detention. In this report, BLinN mentioned several practical bottlenecks in the implementation of the B9 regulation. Once again, its principal conclusion was that identification of victims of human trafficking in aliens detention needed to improve. In a reaction to the report, the government pointed out that since 2005 a lot had been done to improve the identification of victims and that the subject was still receiving attention. Nevertheless, the state secretary said, it is not always possible to avoid detaining (suspected) victims of human trafficking.²⁰³

Linking assistance to cooperation

The Rapporteur has drawn attention to two situations that are not covered by the B9 regulation. In the First report, the Rapporteur found that there might be situations where the victim is willing to cooperate but no investigation is launched for reasons over which the victim has no control, such as the fact that the suspect cannot be traced. The victim is then no longer entitled to temporary residence under the B9 regulation and should consequently be deported. The Rapporteur took the position that if shelter and assistance are appropriate for humanitarian reasons, in such exceptional situations it should be possible to make an exception to the rules on deportation and recommended including that option in the regulation.²⁰⁴

In the Third report, the Rapporteur highlighted the situation where a person who is clearly a victim (for example, according to the list of indications employed by the police) does not want to cooperate because, for example, he or she does not dare to report human trafficking, or even consider to do so. The Rapporteur recommended that in such cases, where the B9 regulation does not apply, shelter and assistance should still be offered to the victim.²⁰⁵ In the NAP, the government acknowledged that there are persons who do not dare to cooperate but who are clearly victims and need help. The government pointed out that those victims could apply for asylum and receive assistance in that context, and announced a policy to inform victims of that option.²⁰⁶ Further measures followed, such as the incorporation in the Aliens Act Implementation Guidelines of an ex officio assessment against the B9 regulation in the asylum procedure.²⁰⁷

200 National Action Plan on Human Trafficking, p. 17, action point 20.

201 Claessen, 2005.

202 NRM5, p. 80.

203 *Parliamentary Documents* II, 2008/09, 28 638, no. 41 and no. 44. See also NRM7, p. 165.

204 NRM1, recommendation 20

205 NRM3, recommendation 12.

206 National Action Plan on Human Trafficking, p. 21.

207 *Government Gazette* 2010, 10228.

The above recommendations have not led to legislation for victims beyond the B9 regulation, but there are still some possibilities in practice. When a victim who is unwilling or unable to cooperate requests a residence permit on humanitarian grounds, the Ministry of Justice will sometimes grant that request on the grounds of the discretionary power of ministers to depart from existing policy.²⁰⁸

2.5.2 Continued residence

Chapter B16/7 of the Aliens Act Implementation Guidelines 2000 contains rules for continued residence of aliens after the temporary B9 residence permit has expired. The regulation can be invoked if repatriation to the country of origin would have unacceptable consequences for the individual concerned and for his or her family. The Rapporteur has also made a number of recommendations concerning this regulation.

Cooperation and conviction

The regulation was originally intended only for victims who had reported trafficking. The Rapporteur concluded that, as in the case of the B9 regulation, the B16/7 regulation should apply in full to victims who had otherwise fully cooperated with the investigation and prosecution, and made a recommendation to this effect, and recommended accordingly.²⁰⁹ The Aliens Act Implementation Guidelines were amended as suggested.²¹⁰

A condition for qualifying for continued residence in the original regulation was that the criminal proceedings had to result in a conviction for human trafficking. The assumption was that repatriation in that case would involve risks for the individual concerned. The Rapporteur said that there should also be a presumption in law that repatriation would involve those same risks if the victim reports human trafficking and human trafficking is included in the indictment, but the accused is convicted of another offence related to the human trafficking but not of human trafficking itself. The Rapporteur called for the inclusion of a provision in the regulation to the effect that there would be a presumption in law that the aforementioned risks would also apply in that case.²¹¹

The government also adopted this recommendation. The provision in the Aliens Act Implementation Guidelines actually goes even further, stating that there is a presumption that repatriation involves risks for a victim if the accused is convicted of any offence in an indictment that includes human trafficking.²¹²

With this amendment of the B16/7 regulation, the primary responsibility for deciding whether a person is a victim has shifted from the judge to the public prosecutor, since a conviction for any other offence, even if the accused is acquitted of human trafficking, constitutes grounds for continued residence. The Rapporteur pointed out that the effect of this would be to leave victims in uncertainty about whether they will be granted continued residence for an unnecessarily long time, since it is already clear at the time of the decision to prosecute that he or she is already regarded as a victim by the public prosecution

208 Letter of 18 October 2007 from the State Secretary of Justice to the Lower House of Parliament, *Parliamentary Documents II* 2007/08, 19 637 no. 1174..

209 NRM5, recommendation 6.

210 *Aliens Act Implementation Guidelines 2000*, §B16/7, under a.

211 NRM5, recommendation 8.

212 *Aliens Act Implementation Guidelines 2000*, §B16/7, under b. The relationship with the human trafficking offence is therefore dropped.

service.²¹³ The Rapporteur therefore recommended bringing forward the time at which continued residence is granted under the B16/7 regulation from the time of conviction to the time of the decision to prosecute.²¹⁴ She added that this practical amendment could also make victims more willing to report crimes with sufficient leads for a successful prosecution, adding that it would remain necessary to create guarantees to ensure that the victim remains available and willing to cooperate with the investigation and prosecution.

In the government's response to this point, it said that the relevant chain partners were investigating how they could implement the recommendation to provide victims with certainty about their claim to continued residence as soon as possible without harming the interests of the investigation and prosecution. The Minister of Justice noted that he did not feel that granting a residence permit for an indefinite period was always the most appropriate instrument for that.²¹⁵ In response, the Rapporteur repeated that it would be possible to grant a conditional residence permit and pointed out that, in practice, the decision to launch a prosecution almost always resulted in a residence permit being granted.²¹⁶

The Rapporteur also recommended that the presumption that the repatriation of the victim involves risks if the traffickers concerned are convicted should be adopted not only for victims who have reported human trafficking but also for witnesses who have reported.²¹⁷ The government has not yet responded to this recommendation.

Three-year period

The B16/7 regulation contains an additional ground for continued residence. As the rules that have applied since 14 August 2006 are formulated, an application could also be granted if the alien concerned had been living in the Netherlands for at least three years under a B9 permit at the time of the judgment. The idea behind this provision was that after three years, the most important humanitarian factor was the length of time the victim had lived here. The Rapporteur pointed out that as it was formulated, the rule did not entirely meet its purpose. Because the time of the judgment in the trial was decisive, and the length of criminal proceedings varies, it is impossible to ensure that victims who cooperate with the investigation and prosecution do not remain in uncertainty about their continued residence in the Netherlands for longer than three years.²¹⁸ The Rapporteur recommended that the rules should express more clearly that after three years of residence under the B9 regulation, the length of time the victim has lived in the Netherlands constitutes the humanitarian grounds for approving an application for continued residence.²¹⁹ This recommendation has been adopted.

213 NRM7, p. 574.

214 NRM7, recommendation 4.

215 Letter from the Minister of Justice, Reaction to the Seventh Report of the Rapporteur on Trafficking in Human Beings, 21 January 2010, Parliamentary Documents II, 2009/10, 28 638, no. 47, p. 6.

216 Letter from the National Rapporteur on Trafficking in Human Beings to parliament's Permanent Committee for Justice on the government's reaction to the Seventh Report on Trafficking in Human Beings, 10 February 2010.

217 NRM7, recommendation 6.

218 NRM5, pp. 39-40.

219 NRM5, recommendation 9.

Safe repatriation

Even if neither of the grounds in the B16/7 regulation applies, it remains important to enquire whether it would be sound to repatriate the victim to his or her country of origin. The Rapporteur has recommended that the applicant's burden of proof should not be too onerous.²²⁰ Because the government may not send an alien back to the country of origin if that would create unacceptable risks for the safety of the alien or his or her relatives, the government has a duty to conduct an investigation that is sufficient to make a proper risk analysis. In the First report, the Rapporteur had already said that although repatriation of the victim to the country of origin might be an option, it is not enough to wait and see whether the alien concerned can show that repatriation involves unacceptable risks.²²¹ In the Third report, the Rapporteur called for additional measures to prevent revictimisation and to protect them from reprisals by traffickers. The Rapporteur said that when, in specific cases, despite these measures the victim's safety is not guaranteed, repatriation is unacceptable and the individual concerned should be allowed to stay longer in the Netherlands.²²²

The Rapporteur further remarked that sound policy on this point would give partners in the anti-traffic-king chain the confidence not to advise victims against reporting human trafficking.²²³ Increasing the resilience of victims and improving conditions in the country of origin are other factors that influence the likelihood of victims again falling victim to human traffickers. With that in mind, the Rapporteur recommended setting up programmes in the Netherlands to strengthen the position of victims and investing in improving conditions in countries of origin^{224 225}.

In the NAP, the government said that efforts would be made to intensify international cooperation, through bilateral or multilateral agreements with countries of origin, for example, in order to facilitate safe repatriation.²²⁶ This principle is incorporated in various examples of international cooperation. For example, IOM Nederland has been involved in setting up referral mechanisms in the cities of Benin and Lagos in Nigeria since 2008. The purpose of this project²²⁷ (which started on 1 October 2008) is to identify the relevant social services and NGOs and draw up agreements with them for the reception of victims, both those identified locally and those who have returned from Western countries. The Netherlands also finances projects in Bulgaria and Romania to help these countries to expand and improve their reception facilities.²²⁸

In the Seventh report, the Rapporteur returned to the issue of the safety of victims who have been repatriated. She recommended that steps should be taken to ensure that earlier agreements to create security files so that repatriation can proceed in a responsible manner are actually implemented.²²⁹ Following this recommendation, IND officials notified the Rapporteur, among other things, that they would investigate the possibility of compiling a security file containing all the available information relating to any security aspects affecting the individual concerned and his or her family.

220 NRM5, recommendation 10.

221 NRM1, recommendation 11.

222 NRM3, recommendation 18.

223 NRM3, p. 162.

224 NRM1, recommendation 11.

225 See also §2.3

226 National Action Plan on Human Trafficking, action point 37

227 NRM7, p. 153.

228 Appendix to *Parliamentary Documents II* 20008/09, 31 263, no. 27, pp. 114-115.

229 NRM7, recommendation 6.

2.6 Supervision, enforcement and investigation in the sex industry

2.6.1 Supervision and enforcement

Abolition of national ban on brothels

With the reasoning that voluntary prostitution is a fact of life in society and therefore calls for a realistic approach and the objective of decriminalising the exploitation of prostitution, the national ban on brothels (Article 250bis of the Dutch Criminal Code) and the criminalisation of pimping (Article 432 of the Dutch Criminal Code) were abolished in 2000. The expectation was that licensed prostitution could be properly monitored and that the police should focus their attention mainly on illegal prostitution. Consequently, one of the Rapporteur's very first recommendations concerning supervision and enforcement was concerned with prostitution outside the licensed sector. The Rapporteur said that to tackle abuses in prostitution outside the legal sector a lot depended on the efforts of the police and the public prosecution service, which should focus more directly on active and alert investigation and prosecution of cases of human trafficking.²³⁰ In the Fifth report,²³¹ the Rapporteur called, above all, for more intensive checks by the police in the illegal prostitution sector and for a clear and consistent approach to repressive enforcement in the licensed sector by municipalities.

The licensing requirement and the measures to clean up the prostitution sector following the abolition of the ban on brothels have been evaluated twice. The second evaluation indicated that – in addition to licensed establishments and forms of prostitution that did not require a license – there was non-licensed (illegal) prostitution. However, the evaluation concluded that the legal prostitution sector was larger than the illegal sector.²³² Another conclusion was that (in 2006) the licensing system was working properly almost everywhere and that everywhere controls were carried out to one extent or another, so that there were scarcely any so-called sanctuaries any longer.²³³ That seemed to indicate that the licence prostitution sector was being properly controlled.

This conclusion did not accurately reflect the true situation, as was shown by the Sneep case, for example, in which more than 100 women working in the licensed sector were found to have been forced into prostitution, and also became apparent from the administrative report following that case.²³⁴ Supervision of the licensed sector therefore remained an area of concern.

Municipalities

When the ban on brothels was lifted, it was decided to opt for local regulation of legal forms of exploitation of prostitution. The advantage of this approach was that municipalities could adopt their own policies in response to the local situation. However, there were also drawbacks. The Rapporteur has made a number of recommendations in relation to this issue in the last 10 years.

A number of the recommendations made in this context were aimed at harmonising municipal policy and improving the exchange of information between municipalities and other partners in the anti-trafficking chain.

²³⁰ NRM1, recommendation 26.

²³¹ NRM5, recommendation 15.

²³² Daalder, 2007, p.73-74.

²³³ Daalder, 2007, p. 83.

²³⁴ Hout and Van der Laan, 2008.

Harmonisation of policy

A national framework is needed to prevent waterbed effects. In this context, the Rapporteur recommended that the central government should assume responsibility for prostitution policy.²³⁵ This recommendation was not adopted: primary responsibility for prostitution policy has remained with the local authorities in recent years. In the Fifth report, the Rapporteur recommended that every municipality should require escort agencies to have a licence and should adopt a general municipal bye-law requiring them to have a permanent address with a permanent telephone number as a condition for receiving a licence.²³⁶ In this way, escort companies would be subject to the same rules everywhere. Although the proposal for the Act on the Regulation of Prostitution (see §2.2.3) will create more uniformity in licensing conditions, it still leaves scope for differences. According to the bill, municipalities will have the possibility to opt for zero tolerance under certain conditions, meaning that municipalities can adopt bye-laws providing that no licences will be issued for prostitution businesses in the interests of protecting public order, the quality of life and the safety and health of prostitutes and clients.

Sharing information

To prevent the waterbed effect, the Third report²³⁷ also called for an enquiry into the extent to which administrative measures taken against a *mala fide* operator in one municipality could be used in assessing an application for a licence by the same operator in another municipality. The Rapporteur recommended that overviews of the results of administrative checks and any ensuing administrative interventions should be distributed nationally²³⁸ so that municipalities would have a single source of information about the status of a business.

Another recommendation was that municipalities should improve the provision of relevant information to the police and the public prosecution service, and vice versa.²³⁹ The Rapporteur suggested that the Regional Information and Expertise Centres (RIECs)²⁴⁰ could help in this by serving as hubs for the distribution of information and as centres of expertise for all the relevant partners.²⁴¹

The Task Force on Human Trafficking²⁴² also devoted attention to improving the exchange of information at local and national level in its action plan. The progress report on the action plan showed that a

235 NRM3, recommendation 37.

236 NRM5, recommendation 16.

237 NRM3, recommendation 34.

238 NRM3, recommendation 33.

239 NRM7, recommendation 10.

240 See www.riecnet.nl (consulted on 23 August 2010) and NRM7, pp. 261-263.

241 The centres of expertise should operate at a supra-regional level in order to prevent waterbed effects and to collect and distribute information at the national level. At the same time, the centres of expertise should respond adequately to regional needs. To optimise the match with the regional requirements, it was decided not to prescribe a uniform embedding model but to allow the RIECs to decide on their own structure. There will be a review at the end of the pilot phase to assess whether a uniform structure is required after all (Source: Administrative Approach to Organised Crime Programme, appendix to *Parliamentary Documents II* 2007/08, 29911, no. 11, pp. 5-7; information received verbally from the project manager of the Administrative Approach to Organised Crime Programme, 3 April 2009).

242 Task Force on Human Trafficking, 2009a, measure 2.

number of ‘quick wins’ had been achieved in relation to the exchange of information.²⁴³ For example, a tool kit entitled the Guide to Chain Direction and administrative supervision in the licensed prostitution sector²⁴⁴ had been produced for agencies involved in controlling, investigating and prosecuting human trafficking and providing shelter for victims. The tool kit contained instructions on how to record indications of human trafficking and on the conditions under which information can be shared with other agencies. The National Police Intelligence Service (IPOL) of the National Police Services Agency (KLPD) had also conducted a study into the bottlenecks in the exchange of information between the police service’s Centre of Expertise on Human Trafficking and Migrant Smuggling (EMM), the regional police forces and the Royal Netherlands Marechaussee. The results of that study were not entirely positive with regard to the sharing of information by these agencies and the role of the EMM.²⁴⁵ In a speech to a conference entitled ‘The approach of municipalities to human trafficking’ on 17 February 2010, the Rapporteur urged partners in the chain to cooperate and stressed that municipalities have a primary task in efforts to combat human trafficking.²⁴⁶

The action plan also reported that a pilot project designed to link the RIECs and the EMM had started. The aim of this project is to improve the exchange of information and explore how the various parties in the chain can share the information they have and when they are permitted to do so. During the project, the parties will also experiment with producing administrative reports and improving their professionalism.

Supervising the escort sector

Supervision of the escort sector is complex because it is not bound to a specific location. Operators of businesses and prostitutes can quickly move from one municipality to another. Their elusiveness is reinforced by flexible means of communication, which can sometimes make it difficult to identify the individuals behind a business.

Since the First report, the Rapporteur has warned of the difficulty of identifying human trafficking in the escort sector. The exclusion of the sector from the licensing system means that no administrative control can be exercised over it. Accordingly, the Rapporteur has expressed concern about the possibility of the banned variants of the exploitation of prostitution becoming rooted in this sector.²⁴⁷ In the Third report, the Rapporteur said that attempts were being made, as part of the *Handhaven op Niveau* project, to develop an effective system of enforcement and sanctions for the escort sector. As part of that effort the ‘hotel room procedure’ (also known as ‘supervision via appointment’) was developed. This method involves making an appointment with a prostitute from an escort agency in order to check whether the agency’s manager is complying with the terms of the licence.²⁴⁸ The Third report said that if the instrument of administrative control was not effective enough in this sector, or placed extreme demands on available capacity, a simpler system of regulation and control should be

243 Task Force on Human Trafficking, 2009b.

244 Hendriks and Corsel, 2009.

245 NRM7, p. 282.

246 Conference on prostitution policy 2008, organised by the municipality of The Hague in association with the Hague Prostitution Platform and management consultancy De Beuk, 7 February 2008. Proceedings (*Wat weten we, wat willen we, wat doen we?*) available online at www.prostitutiebeleid2008.nl.

247 NRM1, recommendation 23.

248 NRM3, §5.4.2.

considered.²⁴⁹ One of the recommendations in the Fifth report²⁵⁰ was that all municipalities should require escort companies to be licensed. It also²⁵¹ included a recommendation to investigate how effective supervision could be exercised over sex businesses where both paid and unpaid sex occurs, such as couples' clubs. The Fifth²⁵² and Seventh²⁵³ reports also called for control of non-location-bound prostitution by developing new methods and hiring experts in electronic media (because of the growing importance of the internet and the need to monitor sites where prostitutes advertise their services).²⁵⁴ Although the Rapporteur was positive about the impact of the 'hotel procedure' in the Fifth report, in the Seventh report she noted that its impact was weakening because operators had become familiar with the procedure and could therefore easily evade it.

Under the proposal for the Act on the Regulation of Prostitution, escort businesses would, like all sex businesses, be required to have a licence. Insofar as the introduction of the act would make the supervision and control of the escort sector more effective, it would also implement some of the Rapporteur's recommendations.

Cooperation in the chain

A chain approach is an approach that makes use of the powers and instruments available to different partners. In the context of combating human trafficking, a chain approach combines prevention, identification, the provision of help, investigation and prosecution. In 2009, municipalities had not yet all adopted a chain approach.²⁵⁵ Part of the reason for this was that not all municipalities perceived human trafficking as a problem.

In the Seventh report, the Rapporteur recommended that municipalities should take the initiative to adopt a chain approach towards human trafficking, under the direction of a specific official, suggesting that smaller municipalities could cooperate with larger municipalities if necessary.²⁵⁶ There was already good cooperation in the chain in some large cities. One example is the city of Rotterdam, where 10 parties signed an agreement on 4 February 2009 to adopt a chain approach to human trafficking. The partners agreed to intensify cooperation and share information about every aspect of the criminal investigation of human trafficking. The municipality of Rotterdam is one of the partners and the chain director is from that municipality. The electronic exchange of data and the creation of files have been

249 NRM3, recommendation 38.

250 NRM5, recommendation 16.

251 NRM5, recommendation 17.

252 NRM5, recommendation 16. 'It is recommended that every municipality should impose a licensing requirement on escort businesses and make it a condition of granting a licence in the General Municipal Ordinance that escort businesses must have a fixed address (with a fixed telephone number) where they keep their day-to-day records, including staffing records.'

253 NRM7, recommendation 29

254 An instrument that could be helpful in this respect is a multimedia agreement (analogous to the agreement on erotic advertisements) obliging sex businesses to report their licence number and place of establishment in the advertisement. However, this instrument is only useful if the information is verified. Another option might be to require these sex businesses to have a permanent telephone number.

255 NRM7, p. 287.

256 NRM7, recommendation 7.

intensified to improve efforts (criminal, fiscal and administrative) to catch perpetrators. The agreement also covers the provision of care and shelter for victims of human trafficking.²⁵⁷

Following on from these measures, the Rapporteur also called for the adoption of a comprehensive approach, particularly with a view to ensuring the effectiveness of measures to tackle human trafficking in the sex industry.²⁵⁸ Such an approach would no longer be confined to tightening up scrutiny of the licensed prostitution sector for human trafficking (for example, by devoting time to building up a relationship of trust with the prostitutes working in the sector and through persistent questioning in the event of indications of human trafficking), but would also simultaneously address illegal prostitution. Another element of such an approach would be clear agreements on the allocation of tasks between the police and the municipalities.

The police

The Police Monitor (2008)²⁵⁹ describes the efforts made by the different police forces to combat human trafficking, and the methods and degree of cooperation between the various forces and the other partners in the chain. The monitor is written by the police and contains a degree of self-reflection that few other partners in the chain have imitated to date.

The Police Monitor showed that the police had still not adequately controlled the licensed prostitution sector in 2008. The monitor also showed that supervising the non-licensed sector made huge demands on resources and that most forces had only carried out occasional or reactive checks. Following the publication of the Police Monitor, the holder of the portfolio for human trafficking, migrant smuggling and other forms of exploitation for the police informed the Minister of Justice of the improvements the police intended to make in response to the monitor to improve efforts to combat human trafficking. He informed the minister that the Police Monitor 2010, which is due to appear in April 2011, would incorporate the results of the planned improvements.

2.6.2 Investigation

In the First report, the Rapporteur said that investigations of human trafficking should not rely solely on information from a victim's report. The threshold for making a statement or report the crime is often very high for a victim. Information should be gathered far more widely. A more information-led investigation would be helpful, as would information from other investigations.²⁶⁰

257 The agreement was signed by the Rotterdam-Rijnmond police region, the Rotterdam district office of the public prosecution service, the tax authorities in Rijnmond, the Prostitution Social Work department of Stichting Humanitas, the Ministry of Social Affairs and Employment (the Social Intelligence and Investigation Service and the Labour Inspectorate), the Central Agency for the Reception of Asylum Seekers, the Child Care Agency, the Probation Service and the municipality of Rotterdam (the Urban Development and Housing Department, the municipal health service, the Public Affairs department, the Social Affairs and Employment department and the Security department).

258 NRM7, recommendation 9.

259 *Police Monitor 2008*; the monitor was published in 2009 and contained information about 2008.

260 NRM1, recommendation 7.

Financial investigations

Financial investigations²⁶¹ are one way of preventing investigations from relying too much on statements by victims. Financial investigations make optimal use of know-how and the methods and techniques of conducting financial, economic and administrative enquiries.^{NRM5} These investigations can help the authorities to discover the origin and destination of illegally earned income and to gather evidence.²⁶² At the same time, they can reveal links between members of a criminal network and might identify assets that can be confiscated.²⁶³

Since the First report, the Rapporteur has been highlighting the need for investigations into money flows, the confiscation of illegal earnings and for financial investigations in general,²⁶⁴ and drew attention to the issue again in the Third²⁶⁵ and Fifth²⁶⁶ reports. In the Fifth report, the Rapporteur also mentioned the importance of financial investigations for identifying facilitators, international criminal organisations and their contacts in the legitimate business world. The Seventh report²⁶⁷ mentioned that financial investigations are almost always conducted in human trafficking cases.

Programmatic approach

This is an approach used to tackle organised crime.²⁶⁸ Human trafficking is one of the areas where the approach is being developed in pilot projects, which also address new manifestations of exploitation in the sex industry, such as forced prostitution in hotels.²⁶⁹ One of the features of the programmatic approach is that it involves a joint effort by the criminal and administrative authorities at local and national level. The aim of this broad cooperation at different levels is not only to prosecute perpetrators and conscious facilitators, but also to identify underlying ad hoc structures and structural factors that (consciously or otherwise) facilitate organised crime. This is done using the so-called 'barrier model', which describes the obstacles that organised criminal organisations have to overcome to commit a criminal offence. The five barriers are entry, housing, identity, work and finance. The Action Plan of the Task Force on Human Trafficking said that the barrier model was used in all pilot projects relating to human trafficking in 2010²⁷⁰. The programmatic approach was used for the first time on an experimental basis in the Sneep investigation in 2006. To involve the chain partners in the case, the public prosecution service and the police gave presentations and media briefings about the scale and the violent nature of this human trafficking gang, which had been able to operate freely for years. The approach worked: almost all of the partners became convinced that it was a serious social problem and expressed a willingness to help combat it.

261 The Police Monitor 2008 reflected on the financial investigations conducted by the police. It said that at least one section of a case file should be devoted to the financial aspects of the case.

262 Secherling and Nelen, 1997, p. 3.

263 At a later stage, financial investigations are also relevant for claims for compensation by victims.

264 NRM1, recommendation 5.

265 NRM3, recommendation 47.

266 NRM5, recommendation 47.

267 NRM7, recommendation 38.

268 Programme to Strengthen the Approach to Combating Organised Crime, appendix to Parliamentary Documents 2007/08, 29 911, no. 10, pp. 1, 5-9, 15-18. See also NRM7, pp. 282-284.

269 *Mensenhandel onverminderd hoge prioriteit*, Public Prosecution Service, Annual Report 2009, p.5

270 Task Force on Human Trafficking, 2009b, p. 15

2.6.3 Police capacity

The Rapporteur has repeatedly recommended making more resources available to investigate human trafficking.²⁷¹ Without additional capacity, the efforts to combat human trafficking, as one of the many designated priorities, could not receive sufficient attention and resources. The government had earlier said that the police should intensify efforts to investigate and combat human trafficking.²⁷² That could only be done with the allocation of additional resources.²⁷³

The police originally assigned human trafficking to their vice and juvenile crime teams. Since combating human trafficking requires specialist know-how, the Rapporteur called early on for the creation of dedicated human trafficking teams. In the Seventh report,²⁷⁴ the Rapporteur highlighted the need for every force to adopt the police's own reference framework on human trafficking, which lays down standards for investigation and enforcement. She also recommended that every police force should have a specialist human trafficking team.

In 2009, some of the regional police forces had specialist human trafficking teams. The Police Monitor 2008 said that many forces had measures in place to guarantee efforts to investigate and combat human trafficking; nevertheless, it described as problematic the fact that forces did not all possess or deploy the same level of resources to carry out all the tasks relating to human trafficking. The Police Monitor also said that there was a gap between the reality on paper and what happened in practice: although human trafficking was a priority for almost every force, in practice other not unimportant matters often received priority.²⁷⁵

On the basis of the public prosecution service's annual report for 2009, the chairman of the Council of Procurators General commented: 'The available information must lead to the conclusion that a lot of cases are 'shelved' by detectives. It is not possible for the investigative services and the public prosecution service to deal with all criminal offences and their perpetrators with the available manpower and resources.' The report showed that the criminal intelligence divisions, in particular, already faced a shortage of detectives to investigate and prosecute every known or suspected crime. This is especially a problem in the case of complex investigations of offences such as child pornography and organised crime, including human trafficking, according to the same article.²⁷⁶

The Police Monitor 2008 further reported that the police were not always compensated for the work they performed for municipalities.²⁷⁷ Several regional forces had received additional resources in the form of financing from municipalities for one or more FTEs but, according to the Police Monitor, the police desperately needed additional capacity to achieve the goals that were set. Securing additional capacity depended, it was suggested, on the importance municipalities attach to tackling human trafficking.

In a reaction to the draft Act on the Regulation of Prostitution, the Rapporteur referred to the fact that it did not make any provision for expanding capacity, adding that the proposal also said nothing about

²⁷¹ NRM3, recommendation 36.

²⁷² NRM3, recommendation 42: 'The priority the police give to human trafficking at the policy level must also be reflected in practice by all regional forces.'

²⁷³ NRM3, recommendation 63.

²⁷⁴ NRM7, recommendation 26.

²⁷⁵ Police Monitor 2008, pp. 154, 156.

²⁷⁶ *Baas OM waarschuwt voor afname veiligheid*, De Pers, Thursday 27 May 2010. See also §2.8.1.

²⁷⁷ Police Monitor 2008, p. 143.

the allocation of tasks between the local authority and the police. If nothing is agreed, it is likely that checking licences will be mainly a task for the police – with the ensuing risk that the police will become overburdened.²⁷⁸ The memorandum of amendment to the law later included a provision that supervision would be carried out by officials designated by the municipality and not by police officers.²⁷⁹

The activities of human traffickers are not confined to a particular region. Investigations and measures to combat human trafficking must therefore also transcend regional boundaries. Accordingly, in the First report, the Rapporteur specifically called for the creation of capacity to address human trafficking at the *national* level.²⁸⁰ This recommendation has become even more urgent, particularly as a result of changes in the non-location-bound prostitution sector. In the Seventh report, the Rapporteur also referred to the problems that police force can face with the ‘shopping around’ of human trafficking investigations and recommended measures to prevent this.²⁸¹ The Rapporteur has also made repeated calls for international cooperation.

2.6.4 Prohibiting the tolerance of human trafficking

In April 2006, the National Office of the public prosecution service and the National Criminal Intelligence Service launched the investigation codenamed Sneep. In this investigation a number of investigative agencies targeted a group of human traffickers who were operating at various locations in the Netherlands. For years, the group had been violently exploiting more than 100 women in window prostitution.²⁸²

A number of agencies professionally involved in identifying and combating human trafficking had been aware of the group for years. After a warning to the police at the Beursstraat station in Amsterdam in 1998, investigations had taken place in 2000 and 2003, but they had not ended the group’s criminal activities. Further complaints were made in 2004 and 2005 by victims and by associates or competitors of the group.²⁸³ The first arrests were made in February 2007.

The Sneep case (see above in §2.6.1) demonstrated that victims had remained in a situation of exploitation without any direct intervention, despite the fact that tolerance of human trafficking is absolutely forbidden²⁸⁴ (meaning that if human trafficking is suspected, the police and the public prosecution service may never allow an offence to continue if that prevents victims being removed from their situation).

278 Input of the National Rapporteur on Trafficking in Human Beings for the roundtable discussion of the Act to regulate prostitution and combat abuses in the sex industry, Letter from the National Rapporteur on Trafficking in Human Beings to the members of parliament’s Permanent Committee for the Interior and Kingdom Relations and Permanent Committee for Justice, 11 December 2009, p.6.

279 Parliamentary Documents II 2009/10, 32 211, no. 9.

280 NRM1, recommendation 9.

281 NRM7, recommendation 28.

282 Hout and Van der Laan, 2008, p. 10.

283 Hout and Van der Laan, 2008, p. 39.

284 Parliament adopted the Rouvoet motion on tolerating known offences in November 1998. It encompassed a total ban on allowing offences to continue; in other words, it is not even acceptable in the interests of a major investigation. (Rouvoet motion, *Parliamentary Documents II* 1998/1999, 25 402, no. 30).

Even the interests of a major investigation, such as efforts to identify and arrest the leaders of a criminal organisation and to discover how they operate, does not remove that obligation.²⁸⁵

The recommendation in the First report²⁸⁶ to conduct a new and broader review of the scope and impact of the Rouvoet motion for the legal practice was repeated in the Third²⁸⁷ and Fifth reports.²⁸⁸ In the Seventh report, the Rapporteur warned of the risk that the police would increasingly face the dilemma of being aware of offences but being unable to intervene in a human trafficking situation because of a lack of capacity, notwithstanding the fact that the ban on tolerating human trafficking situations is intended to protect victims from that.²⁸⁹ Although the ban prescribes that every indication of human trafficking must be immediately investigated, in practice a human trafficking case might be set aside (by the ‘case review committee’, for example) in favour of other priority cases (serious vice cases or major drug cases, for example) or it might take some time to start an investigation.²⁹⁰ Consequently, the absolute ban does not always seem to be applied in practice. The recommendation in the First report has therefore lost none of its relevance.

2.7 Training, awareness and identification

2.7.1 Introduction

It is usually not easy to identify human trafficking. Possible victims of human trafficking often do not clearly convey the message that they are victims. Situations of human trafficking are not always easy to recognise. Hence the growing importance that many organisations, the police in particular, attach to recognising situations of human trafficking.

The most important factor in identifying human trafficking is to know the signs. Training is provided to professionals to help improve their ability to identify those signs. The general public can also play an important role in identifying human trafficking. Accordingly, the Rapporteur has made numerous recommendations concerning training for professionals and to increase public awareness of the phenomenon.

2.7.2 Training of professionals

Because it is so important for the various partners in the anti-trafficking chain to have sufficient knowledge of how to combat human trafficking, the Rapporteur’s reports have included recommendations for training and education in relation to human trafficking for various target groups. Most of those recommendations were intended to equip professionals to recognise and respond adequately to indications of human trafficking. The National Action Plan on Human Trafficking (NAP) also addressed the

285 Van Gestel and Verhoeven, 2009.

286 NRM1, recommendation 25.

287 NRM3, recommendation 62.

288 NRM5, recommendation 46.

289 NRM7, p. 315.

290 NRM7, p. 322. For the Seventh report, the Rapporteur conducted research into ‘shelved cases’, partly because the existence of such cases is totally inconsistent with the priority given to human trafficking by the government, the police and the public prosecution service, as well as the ban on tolerating human trafficking.

issue of the recognition of indications of human trafficking by professionals and the training in the relevant agencies.²⁹¹

Identification

There are numerous signs that can indicate human trafficking. Briefly, they can include multiple dependency on another person (the employer), serious restriction of an individual's basic freedoms, very poor working conditions and violation of a person's physical integrity.²⁹² Employees of organisations that might be confronted with victims of human trafficking should, ideally, be aware of these indications and know where they should report relevant information.

But that has not always been the case. In the First report,²⁹³ the Rapporteur referred to the possibility of a more consistent, effective and proactive approach to searching for signs of human trafficking and responding to them. Efforts to tackle human trafficking had to start with a mind open to the signs of human trafficking, and any indications should, in any case, lead to an investigation and, if possible, a prosecution. At the time, the recommendation applied only to human trafficking with a view to sexual exploitation. In 2005, exploitation outside the sex industry ('other forms of exploitation') also became a criminal offence, and efforts to identify exploitation had to be expanded accordingly, since without identification of these forms of exploitation there was less chance that the offence would actually be prosecuted. The Third report therefore recommended drawing up a list of indications of other forms of exploitation using the existing list of signs of human trafficking for sexual exploitation as a guideline.²⁹⁴ In the Fifth report the Rapporteur advised relevant organisations to be attentive for signs of human trafficking, particularly where it might involve vulnerable groups such as children living illegally in the Netherlands and persons with a mild mental handicap. Another recommendation was to involve organisations that worked with vulnerable children in efforts to identify and provide assistance for underage victims without a residence permit, including helping them to report crimes. One suggestion was to formulate and disseminate a standard procedure for protecting those vulnerable groups.²⁹⁵

The same report referred to the progress made in identifying and providing assistance to possible victims of human trafficking in aliens detention. The report said that this issue should continue to receive attention, but added the important recommendation of being particularly alert for male victims of human trafficking in aliens detention.²⁹⁶

In the Seventh report, the Rapporteur remarked that the identification of other forms of exploitation by all the relevant agencies needed to improve²⁹⁷. The Labour Inspectorate (in the workplace), the Social Intelligence and Investigation Service (SIOD) (in the workplace), the police and Royal Netherlands Marechaussee (when aliens are arrested), the Immigration and Naturalisation Service (during the asylum

291 For example, see action point 19 in the National Action Plan on Human Trafficking: 'Distribute a list of possible indications of human trafficking widely among agencies that may come into contact with (victims of) human trafficking. Include the subject of human trafficking in the training programmes of these agencies where possible.'

292 For an extensive list, see the Instructions on Human Trafficking of the public prosecution service, *Government Gazette* 2008, 253, appendix 3.

293 NRM1, recommendation 8.

294 NRM3, recommendation 55.

295 NRM5, recommendation 30.

296 NRM5, recommendation 31.

297 NRM7, recommendation 12.

procedure) and the Repatriation & Departure Service (during aliens detention), in particular, could be expected to be proactive in questioning possible victims and otherwise searching for signs of human trafficking.

Identification of victims who are also offenders

In the Seventh report the Rapporteur called on the Child Protection Council and youth care services to be alert to signs of human trafficking, for example with regard to possible victims of lover-boys and to victims among Roma children, and in making recommendations on sentencing of underage victims as offenders.²⁹⁸ This last recommendation arose from BNRM's study into the non-punishment principle.²⁹⁹ This study explored the problems of victims of human trafficking who have themselves committed a criminal offence in connection with the situation of exploitation. Because they are also offenders, these persons are not always recognised as victims. Nor are the agencies that deal with these victims primarily concerned with recognising signs that a person may be a victim of human trafficking. The fact that victims can also be offenders complicates the task of recognising the signs.

Besides identification, another recurring objective of the recommendations that have been made has been to have the treatment of victims included in the training of professionals.³⁰⁰ Other recommendations have been concerned with ensuring that agencies keep their know-how up to date and with promoting awareness within organisations of the tasks and duties of their partners in the chain. The NAP also addresses the need to embed information about the operating methods and profiles of lover-boys in the training of police and public prosecutors.³⁰¹ A noteworthy point in the NAP's action list on training is that it repeatedly mentions that training courses should devote special attention to human trafficking in children.³⁰²

Training of police

The police are often the first to come in contact with victims of human trafficking, as well as being the agency that generally investigates cases of human trafficking. It is therefore crucial for the police to have a thorough knowledge of the offence, of the procedures for investigating it and of how victims should be treated. A logical conclusion is that investigating officers should be given training in how to deal with human trafficking. Even before the publication of the First report, human trafficking was covered in a training course provided in some police regions. The aim of the course was to train investigating officers in how to give evidence before a court, and used a human trafficking case as a model.^{NRM1} Since 2004, the training programme for detectives has included a specific module on human trafficking,^{NRM3} which is broader and includes sections on conducting intake interviews, recording reports and interviewing witnesses, carrying out checks and document verification. Although the original courses for the police were mainly concerned with sexual exploitation, a course in migration-related crime was developed for the aliens police in 2009. One of the aims of this course is to enable participants to recognise and deal adequately with cases of other forms of exploitation and the victims. It is noteworthy that the subject of

298 NRM7, recommendation 14.

299 NRM7, chapter 6.

300 NRM7, recommendation 18.

301 *National Action Plan on Human Trafficking*, action point 15.

302 *National Action Plan on Human Trafficking*, action points 6 and 42.

other forms of exploitation is included in the course on ‘migration-related crime’ since other forms of exploitation are not, by their nature or manifestation, necessarily related to migration. Of the 18 cases involving other forms of exploitation brought before the courts between January 2005 and June 2010, six involved only Dutch victims and therefore no element of migration.

Certification

The Instructions on Human Trafficking issued by the Council of Procurators General state that victims must be interviewed by competent officers who have been trained in interviewing victims of human trafficking.³⁰³ The Instructions on Human Trafficking also state that officers who interview victims of forced prostitution and victims of other forms of exploitation should preferably also be certified.³⁰⁴

A problem that arises from these instructions is that some police forces, but also other partners in the chain (such as the Royal Netherlands Marechaussee and the SIOD) have a shortage of qualified personnel.³⁰⁵ Consequently, certified officers are not always immediately available and consequently victims of human trafficking cannot always be interviewed immediately.

Public prosecution service and the judiciary

There have been repeated calls in international documents for training for all officials and individuals involved in tackling human trafficking. Accordingly, in the Third report the Rapporteur highlighted the need for officials to possess an adequate level of knowledge and to refresh it regularly. The Rapporteur recommended establishing a permanent structure for training and education for both the public prosecution service and the judiciary.³⁰⁶ The judiciary, in particular, should devote more attention to developing knowledge and expertise on the subject of human trafficking, according to the Fifth report.³⁰⁷ In the Fifth report, the Rapporteur also recommended an evaluation of whether human trafficking should be an area of specialisation within the judiciary,³⁰⁸ arguing that specialisation in human trafficking cases and concentrating cases with particular judges would certainly improve the quality of the administration of justice. After all, human trafficking is a complex offence and knowledge and expertise in the field needs to be consolidated and safeguarded. The findings from the study of the case-law in the Seventh report then led to the recommendation that there should also be judges that specialise in human trafficking and that, given the annual number of cases, ways should be found of retaining the accumulated expertise.³⁰⁹

303 This condition was included in the Instructions on Human Trafficking, *Government Gazette* 2006, 231 and was left unchanged in the Instructions on Human Trafficking, *Government Gazette*, 2008, 253.

304 This element was also included in the Instructions on Human Trafficking, *Government Gazette* 2006, 231 and has remained unchanged in the Instructions on Human Trafficking.

305 See NRM7, pp. 316 and 328.

306 NRM3, recommendation 56. The public prosecution service had already been providing a one-off course for public prosecutors and their support staff since 2003.

307 NRM5, recommendation 56.

308 NRM5, recommendation 57.

309 NRM7, recommendation 39. It emerged, for example, that the district offices in Assen, Dordrecht and Middelburg registered the smallest number of cases between 2000 and 2008. These three office each accounted for just 1% of cases and, like Maastricht and Zutphen, never appeared in the top five district over the nine-year period, see §3.4.1.

One of the measures in the action plan of the Task Force on Human Trafficking relates to increasing the knowledge and expertise of the public prosecution service and of the judiciary.³¹⁰ In its response to the recommendations in the Seventh report, the government said that this measure had already led to the inclusion of a basic and an advanced course on human trafficking in the programme of the Study Centre for the Judiciary (SSR) in 2009 and that this programme was open to both prosecutors and judges.³¹¹ This is an advanced version of an existing course on human trafficking. According to the Rapporteur, a course embracing the entire spectrum of human trafficking should be developed for the public prosecution service and the judiciary, which should also include what the SSR refers to as professional meetings.³¹²

Although the SSR's courses are also open to judges, the Rapporteur observed that judges only participated in them occasionally.^{NRM7} Only two judges attended the SSR course on human trafficking in 2009.³¹³ The participation by members of the judiciary in courses on human trafficking therefore remains a point of concern. There was a slight increase in the number of judges participating in the SSR courses in 2010. Several courts have also given short internal courses on human trafficking.

In its reaction to the Seventh report, the government said that the judiciary had not yet taken any steps to make human trafficking an area of specialisation. The minister felt, however, that specialist judges ought to be assigned to human trafficking.

The public prosecution service has already taken a number of measures to increase its knowledge and expertise. They are set out in Strengthening the approach to combating human trafficking and migrant smuggling^{NRM7} and include treating human trafficking as an area of specialisation in regional offices and the adopting a system of certification.

European database with case-law on human trafficking

Another potentially useful tool for legal practitioners might be a systematic method of searching for relevant case-law. Caselex is an electronic database of judicial decisions in various areas of law connected with European legislation (directives, treaties and international agreements). It contains selected judgments of both the highest national courts and the European Court of Justice. At the moment, the database contains no criminal case-law, and therefore, no judgments on human trafficking. The Rapporteur supports the idea of creating a database of case-law on human trafficking within the existing Caselex system, which would allow judges, public prosecution services, police, lawyers, policy makers and other professional legal groups to find relevant jurisprudence from other countries. After all, national legislation and case-law on human trafficking is based on the same international sources, such as the UN Palermo Protocol (2000), the EU Framework Decision on Trafficking in Human Beings (2002) and the Council of Europe's Convention on Action against Trafficking in Human Beings (2005).

310 Task Force on Human Trafficking, 2009b, measure 9.

311 Letter from the Minister of Justice, Reaction to the Seventh Report of the National Rapporteur on Trafficking in Human Beings, 21 January 2010, *Parliamentary Documents II* 2009./10, 28 638, no. 47.

312 NRM7, recommendation 19.

313 Memorandum on human trafficking by the judiciary, submitted for information purposes to the meeting of the Task Force in May 2010.

SIOD and the Labour Inspectorate

Other agencies that provide training on human trafficking are the Social Intelligence and Investigation Service (SIOD) and the Labour Inspectorate. The courses are designed to help officials of these agencies to identify other forms of exploitation.³¹⁴ In April 2010, the SIOD started a new course on human trafficking for 18 SIOD investigators, a specialist from the Labour Inspectorate and an employee of CoMensha. The course was developed in association with the International Centre for Migration Policy Development (ICMPD) with a view to enhancing the skills of officials of the SIOD and Labour Inspectorate in identifying and dealing with (potential) victims of human trafficking.³¹⁵ At the time of writing, it was not known whether this course would be certified.

Training for the entire chain

Whereas in earlier reports the Rapporteur's recommendations were concerned exclusively with training for specific target groups, the Seventh report also drew attention to the need for training across the entire anti-trafficking chain. The Rapporteur recommended, for example, that employees of every agency that could be confronted with other forms of exploitation should receive training in how to recognise signs of human trafficking and how to deal with victims.³¹⁶ The report also mentioned the importance of repeating the courses and giving them for new employees. For the first time, this report also recommended organising joint training courses for different agencies.³¹⁷

Another recommendation relating to the entire chain in the Seventh report was recommendation 20, which called for permanent attention for the problem of victims of human trafficking who are also suspects (the non-punishment principle),³¹⁸ for example by including the subject in the courses and training provided for all of the partners in the chain. In its reaction to the Seventh report, the government said that the public prosecution service will evaluate the scope for improvement in the application of the non-punishment principle, for example by formulating additional rules for the application of the principle and incorporating them in the Instructions on Human Trafficking and in the training, the internal work processes and the cooperation between partners.³¹⁹

2.7.3 Public awareness

It is not only professionals who are involved in combating human trafficking in the course of their work that play a role in preventing this offence. The public can also play an important role in preventing, identifying and combating human trafficking. The general public is still not fully aware of the nature and manifestations of human trafficking. Although human trafficking, forced prostitution and loverboys are all familiar terms, partly because of media attention, for many people human trafficking is still a very remote concept and something they believe could not occur in their circles. There are also miscon-

314 For more information about courses followed by officials of the Labour Inspectorate and the SIOD, see NRM7, pp. 516-518.

315 Information received in writing from the SIOD, 9 March 2010.

316 NRM7, recommendation 18.

317 NRM7, recommendation 18. A specific recommendation was that joint training for the Labour Inspectorate and the aliens police could help to increase their awareness of each other's powers and duties and of their respective roles when potential victims of forms of exploitation outside the sex industry are discovered.

318 For a detailed description of this problem, see NRM7, Chapter 6.

319 *Parliamentary Documents II 2009/10*, 28 638, no. 47, p. 11.

ceptions about the distinction between human trafficking and migrant smuggling,³²⁰ and the notion of exploitation outside the sex industry is still unknown to many people. Human trafficking can openly occur because many people do not know precisely what human trafficking encompasses and how it can be recognised. It is therefore vital to increase public awareness of the offence in order to tackle human trafficking more effectively.

Public awareness and the role of the media

Although BNRM has not researched the scale of media attention to human trafficking, it seems that reporting on it has increased in recent years. Major human trafficking cases such as Sneep and Koolvis, in particular (but also the charges of exploitation of workers on an asparagus farm in Someren in 2009), have been widely covered in the press.³²¹ The extensive reporting of these cases has contributed to wider public awareness of human trafficking.

That the media reporting has not been confined to background information is apparent from the enormous media attention for the flight of the convicted human trafficker Saban B. in September 2009.³²² The commotion that arose after a television programme by investigative reporter Peter R. de Vries³²³ and the publication of the book *Echte mannen eten wél kaas*³²⁴ calling into question the truthfulness of the autobiography by Maria Mosterd³²⁵ also highlighted the media and public interest in the subject of human trafficking.

Although organising public-awareness campaigns on human trafficking is not a core task or responsibility of the Rapporteur, she does help to increase public awareness of the problem by giving lectures and media interviews. An exception is also being made this year when, to mark the 10th anniversary of the establishment of the post of National Rapporteur, BNRM will put on the exhibition called *Journey* in The Hague. The exhibition is a vehicle to create and increase awareness of human trafficking.

Journey will be exhibited on the Plein in The Hague from 14-24 October 2010. The exhibition gives the general public a unique opportunity to learn about the nature and impact of human trafficking. The exhibition will also reach a wider target group, including people who have no professional or personal involvement in tackling human trafficking. Within that group there are potential victims (of loverboys for example), potential young offenders, as well as consumers, clients of prostitutes, employers and

320 The criminal offence of people smuggling (Article 197a of the Dutch Criminal Code) involves assisting, for motives of pecuniary or other gain, another person in gaining entry to the Netherlands or in remaining in the Netherlands. This is an offence against the territorial integrity of a state and that is the central interest. By contrast with people smuggling, the use of coercion and the intention of exploitation are, in principle, necessary to meet the terms of the definition of human trafficking (Article 273f of the Dutch Criminal Code). Human trafficking is, by definition and in essence, a serious violation of the human rights and the personal integrity of the trafficked person, which is not the case with people smuggling.

321 These cases are discussed at length in NRM7.

322 For example, see *Mensenhandelaar Saban B. is spoorloos*, NRC Handelsblad, 16 September 2009 and *Saban B. ontsnapte doordat rechters slapen*, Trouw, 17 September 2009.

323 SBS6, Peter R. de Vries, *misdaadverslaggever*, 7 May 2010.

324 Kortterink, 2010.

325 Mosterd, 2008.

other professionals who consciously or unconsciously come in contact with human trafficking. It is hoped that reaching this group will enhance efforts to identify and prevent human trafficking. *Journey* tells the story of a victim in a way that allows visitors to see and experience it for themselves. The exhibition is made up of seven sea containers with exhibits that tell the story of a victim of sexual exploitation. Each container has been designed by a different artist and portrays one specific aspect of the victim's experience. Together they represent the seven stages of the victim's story.³²⁶ As they walk through the containers, visitors can experience for themselves the problems associated with human trafficking. Media coverage will expand the reach of the exhibition throughout the Netherlands and so enable *Journey* to provide spin-offs for wider public awareness.

Journey tells the unique story of one victim who was enticed to the UK under false pretences, where she was then exploited in prostitution under compulsion. The exhibition is intended to spark a general discussion of human trafficking, including the plight of victims who know in advance that they will be working in prostitution but who are then still exploited. *Journey* will also provide spin-off in the form of information designed to create wider public awareness of exploitation in sectors other than the sex industry.

Recommendations on public awareness

Over the years, the Rapporteur has made a number of recommendations for increasing public awareness. In the very first report, the Rapporteur called for a public-awareness campaign on human trafficking. The recommendation in the First report was only concerned with exploitation in the sex industry, since other forms of exploitation were not yet criminal offences at the time the report was published.³²⁷ In the Third report, the emphasis in the recommendation concerning information for the general public shifted towards other forms of exploitation. In addition to repeating the recommendation made in the First report about starting a publicity campaign on sexual exploitation, the recommendation said: '[...] Apart from that, the central government has a responsibility to provide information to the public, since the message that has to be conveyed is not specific to a particular branch but is that exploitation and abuse of people cannot be tolerated. With the pending expansion of the human trafficking article, whereby human trafficking will no longer be solely related to the sex industry, this importance is more pronounced. The government must accept responsibility and act accordingly.'³²⁸ In the Fifth report, this recommendation was repeated in more specific terms,³²⁹ and finally, the Seventh report contained a recommendation for a permanent campaign to increase public awareness of other forms of exploitation.³³⁰

The conclusion to be drawn from this is that the Rapporteur's recommendations for increasing awareness of sexual and other forms of exploitation evolved in anticipation of the expansion of the criminal offence of human trafficking to include other forms of exploitation. This development is also reflected in the National Action Plan on Human Trafficking and the supplementary measures to it. The original NAP only proposed providing information specifically for clients of prostitutes.³³¹ In the supplementary

326 These stages are hope, journey, uniform, bedroom, customer, stigma, resurrection.

327 NRM1, recommendation 17.

328 NRM3, recommendation 60.

329 NRM5, recommendation 29

330 NRM7, recommendation 15.

331 National Action Plan on Human Trafficking, action point 17.

measures to the NAP, this action point was extended to include providing information for actors on the demand side of other sectors as well.³³²

Although other forms of exploitation have been criminalised since 1 January 2005, in her most recent report the Rapporteur observed that other forms of exploitation are perceived different from sexual exploitation.³³³ Other forms of exploitation are still often regarded as a 'less serious' form of exploitation than sexual exploitation. This difference in perception leads to the conclusion that more needs to be done to increase awareness about other forms of exploitation.

Ministry of Social Affairs and Employment: Campaign to publicise exploitation at work³³⁴

In mid-2010 the Ministry of Social Affairs and Employment launched a campaign to warn possible victims of exploitation at work.³³⁵ The campaign will run until the end of 2010. Advertisements about other forms of exploitation are placed in trade journals for sectors outside the sex industry in which there is a heightened risk of exploitation (such as the agriculture and horticulture sector or the hospitality industry). The ministry also posts banners on websites that are visited by the target groups. At the time of writing, there are also plans to publish articles in newspapers on the subject of exploitation. The aim of the campaign is to disseminate information about exploitation and suggest actions that people who identify exploitation can take.

CoMensha e-card action³³⁶

In the autumn of 2009, CoMensha launched the campaign 'Denk eens na over uitbuiting!' Over a period of a month CoMensha sent e-cards on other forms of exploitation to all the partners in the chain, members of the upper and lower houses of parliament, newspapers and magazines. It followed this up by publishing articles on other forms of exploitation in various newspapers and magazines. In view of its success, the campaign will be repeated in the autumn of 2010.

In addition to the recommendations for raising general public awareness, a number of recommendations made a distinction between specific target groups such as clients, operators, neighbours, passers-by and potential victims. Whereas the recommendations on raising awareness in the First and Third reports were directed mainly at actors in the sex industry, the Fifth and Seventh reports also included recommendations targeted at individuals outside the sex industry. For example, the Fifth report included the recommendation that individuals who employ people for domestic work should be informed about the minimum standards under labour law and about human trafficking with a view to labour exploitation. The Seventh report included the recommendation that domestic workers in the service

332 Supplementary Measures to the National Action Plan on Human Trafficking, *Parliamentary Documents II* 2005/06, 28 638, no. 19, pp. 4 and 8-9.

333 NRM7, §12.2 Identification and perception.

334 Information received verbally and in writing from the Ministry of Social Affairs and Employment, April and May 2010.

335 The Ministry of Social Affairs and Employment defines exploitation at work as exploitation in the sectors supervised by the ministry's investigative and inspection services. This definition largely corresponds with BNRM's own definition of other forms of exploitation.

336 See CoMensha's website at www.comensha.nl (consulted on 24 August 2010) and information received verbally from CoMensha on 14 June 2010.

of diplomats should be informed of their rights.³³⁷ At the time of writing, the Ministry of Foreign Affairs is formulating a new policy on the information to be provided to domestic workers employed by diplomats.

Another target group specifically addressed in the Fifth report were aliens who are living legally in the Netherlands, including asylum seekers, migrants with a residence permit that is dependent on a partner and au pairs. Because members of this group may be vulnerable to exploitation, the Rapporteur recommended investigating how the government can inform these people about their legal position and how they can be given an opportunity to make enquiries or report work-related abuses.³³⁸ A practical follow-up to this recommendation is 'Exploitation at the Workplace', a fact sheet published by the Ministry of Social Affairs and Employment at the beginning of 2009.³³⁹ Intended for victims and their acquaintances, this leaflet contains information about signs of exploitation outside the sex industry and explains the rights of victims.³⁴⁰ The fact sheet has been published in 14 languages and distributed to NGOs, social services, municipalities and police forces.

Awareness among clients

A special effort has been made to raise awareness among clients of prostitutes. The Rapporteur has made a number of recommendations designed to increase awareness among members of this target group. The NAP was also mindful of this group.

The Rapporteur's First report called for the establishment of a reporting centre where people could notify their suspicions of human trafficking. The NAP also recommended that specific information should be provided to potential or existing clients of prostitutes about how to identify and report human trafficking and its victims.³⁴¹

On 12 January 2006, the Ministry of Justice launched a publicity campaign called *Schijn bedriegt*.³⁴² The aim of the campaign was to help clients of prostitutes and others directly or indirectly involved in the sex industry to recognise signs of coerced prostitution and report suspicious situations to the police or – anonymously – to Stichting M.³⁴³ (a foundation established to receive anonymous tips). The *Schijn bedriegt* campaign was repeated in 2008.³⁴⁴

In the autumn of 2010, the municipality of Amsterdam will launch its own *Schijn bedriegt* campaign,³⁴⁵ targeting clients of prostitutes with catchy banners on erotic websites³⁴⁶ and calling on them to report abuses involving forced prostitution, anonymously or otherwise.

337 NRM7, recommendation 16.

338 NRM5, recommendation 32.

339 For more information about the fact sheet, see NRM7, p. 482.

340 *Parliamentary Documents II* 2009/10, 28 638, no. 47, pp. 7-8.

341 National Action Plan on Human Trafficking, action point 17.

342 NRM5, p. 4.

343 Meld Misdaad Anoniem.

344 Opinions differ about the use and results of such an awareness-raising campaign targeted at clients. For a brief discussion, see NRM7, pp. 302-303.

345 Information received verbally from Stichting M., 26 May 2010. At the time of writing, the campaign was due to start in September 2010.

346 Similar banners were used in earlier 'Schijn bedriegt' campaigns. They were very effective, according to Stichting M. (information received verbally from Stichting M., 26 May 2010).

An additional feature of the campaign is that a flyer will be published for clients and prostitutes. The flyer will contain mainly illustrations in an attempt, by using as little text as possible, to reach a larger international target group. Another new element in the Amsterdam campaign is that Stichting M., the municipality of Amsterdam, the police and other chain partners will organise a workshop³⁴⁷ for social workers, care workers and NGO's concerned with human trafficking and prostitution.

In the First report, the Rapporteur recommended a 'channelling discouragement policy'³⁴⁸ aimed at discouraging clients from using legally prohibited forms of prostitution in favour of legal forms of prostitution that are regulated by licensing conditions. This recommendation was repeated in the Third report.³⁴⁹ The Fifth report also referred to the responsibility of clients, expressly noting that clients in the regulated sector must remain alert to abuses since they can also occur in that sector.³⁵⁰ This argument was further elaborated in the Rapporteur's response to the draft bill containing 'Rules on the regulation of prostitution and some other forms of sex-related business' (Act on the regulation of prostitution)³⁵¹ in January 2009.³⁵²

Article 29 of the current bill makes it a criminal offence for clients to use the services of a non-registered prostitute or a prostitute who is working for an unlicensed operator. The maximum punishment for a breach of Article 29 is a prison sentence of six months or a third-category fine.

Rapporteur's response to the draft Act on the regulation of prostitution with respect to criminalisation of clients
 'The Rapporteur agrees that – as the cornerstone of the rules as currently proposed – clients must be punishable as provided for in Article 26³⁵³. The underlying assumption behind this legislative proposal seems to be that victims of human trafficking are only to be found among non-registered prostitutes and prostitutes who do not work for a licensed company. However, human trafficking also takes place in the legal sector.

Article 19 of the Council of Europe's Convention on Action against Trafficking in Human Beings suggests that states should consider criminalising clients if they use the services of a prostitute they know to be a victim of human trafficking. The proposed Article 26 seems to have a different, mainly regulatory effect, since it proposes criminalising clients of non-registered prostitutes or prostitutes working for a business that has no permit, even though prostitutes in these situations are not by definition victims of human trafficking.

347 The dilemma of the confidential relationship is one of the subjects that will be discussed with members of these target groups. How does it affect you to hear about abuses? What can you do with the information? Who does what with this information? How are abuses in prostitution dealt with in practice? In the workshop, participants will be actively confronted with these issues and dilemmas. The target groups will also explore how anonymous tips can be used as an additional weapon against abuse, human trafficking and forced prostitution.

348 NRM1, recommendation 17.

349 NRM3, recommendation 60.

350 NRM5, recommendation 33.

351 This draft proposal has since been translated into a bill entitled 'Rules on the regulation of prostitution and on combating abuses in the sex industry. *Parliamentary Documents II* 2009/10, 32 211, no. 2.

352 Reaction of the Rapporteur on Trafficking in Human Beings to the draft Act on the Regulation of Prostitution, 21 January 2009. For the complete reaction, see NRM7, pp. 683-691.

353 In the definitive version of the bill, Article 26 is renumbered Article 29.

Clients and potential clients should be made aware of their responsibility to buy sexual services only in the regulated sector and to remain alert even then.³⁵⁴

Although it does not arise in this legislative proposal, attention needs to be given to the fact that a client of a registered sex worker, whom he knows or reasonably could have known was a victim of human trafficking, is not currently committing an offence. It should be made a criminal offence in the Criminal Code. The criminalisation laid down in Article 26 does not fully reflect the tenor of Article 19 of the Convention.³⁵⁵

By criminalising clients, Article 29 of the bill provides a cornerstone in criminal law for the ‘channelling discouragement policy’. In the reaction to the bill, the Rapporteur elaborated on the line adopted in the Fifth report that clients in the regulated sector must also be alert to abuses. The Rapporteur referred to the possibility of punishing clients under the criminal code if they use the services of a prostitute whom they know or reasonably could have known was a victim of human trafficking, even if the prostitute was working in the licensed sector.³⁵⁶ The Minister of Justice does not agree with such criminalisation. In the memorandum published in response to the report of 15 April 2010, the Minister of Justice (who was also acting Minister of the Interior and Kingdom Relations) responded to this suggestion as follows: ‘I am aware that – as the National Rapporteur on Trafficking in Human Beings also remarked in her recommendation – with the approach I have chosen the client of a registered prostitute, who is nevertheless the victim of human trafficking, falls outside the scope of this definition of the offence. Criminalisation of a client who uses the services of a prostitute whom he knows to be in a situation of exploitation is in itself conceivable, but is extremely problematic from the perspective of enforcement.’³⁵⁷

Awareness among professionals outside the anti-human trafficking chain

Besides members of the general public, professionals who are not concerned with human trafficking in a professional capacity but who may incidentally be confronted with it, such as youth social workers, children’s court judges, teachers, doctors and entrepreneurs, can play an important role in identifying human trafficking. Before they can identify human trafficking, however, they have to be made aware of it. Like members of the general public, these professionals are not always aware of all the ins and outs of human trafficking.

The Rapporteur has made various recommendations concerning these professionals. For example, recommendation 34 in the Fifth report refers specifically to providing information about non-sexual forms of exploitation to entrepreneurs in risk sectors. A more general recommendation in the Fifth report is that every employee of official agencies who could come in contact with human trafficking should receive instructions on how to recognise signs of exploitation and should be alert to them.³⁵⁸ This recommendation is so broadly formulated that it is difficult to assess the extent to which it has been followed.

354 NRM5, recommendation 33.

355 Letter from the National Rapporteur on Trafficking in Human Beings to the Minister of the Interior and Kingdom Relations of 21 January 2009 in reaction to the draft Act on the Regulation of Prostitution; see also §2.2.3. For the complete reaction, see NRM7, p. 690 et seq.

356 The reaction of the Minister of Justice to this proposal by the Rapporteur in fact shows that although criminalisation is conceivable, its enforcement would be extremely problematic. See *Parliamentary Documents II 2009/10*, 32 211, no. 2.

357 *Parliamentary Documents 2009/10*, 32 211, no. 8.

358 NRM5, recommendation 29.

Although various government agencies, such as the police, SIOD, Labour Inspectorate and IND provide training on human trafficking, that does not mean that every employee of these agencies who could come into contact with victims of human trafficking has followed the training or has received instructions on how to tackle human trafficking. For example, some police detectives are certified in the area of human trafficking but desk employees and traffic police can also encounter victims of human trafficking.³⁵⁹

*Information film for professionals*³⁶⁰

At the time of writing, BoschFilm was producing a film on human trafficking for the ministries of Justice, Home Affairs and Kingdom Relations and Social Affairs and Employment.³⁶¹ The film is exclusively intended for professionals and concentrates on three subjects: loverboys, the original trafficking in women and other forms of exploitation. The film's target group includes not only professionals who are involved with human trafficking through their jobs, but also professionals who may incidentally encounter human trafficking, such as people working with the Child Protection Council, the chambers of commerce and the youth protection services.

2.8 Prosecution and trial

2.8.1 Human trafficking as a priority for the public prosecution service

Combating human trafficking has been a priority for the public prosecution service for a number of years now. In the Third report, the Rapporteur said that tighter national coordination was needed because the differences in how human trafficking was addressed in different districts showed that they did not all devote the same attention to human trafficking. The Rapporteur added that since the public prosecution service leads investigations, it should indicate more clearly what is necessary and what efforts need to be made to adequately enforce the criminal ban on human trafficking.³⁶² Similar recommendations were made in the Fifth report, which also called for specific measures to be formulated and implemented in practice to reflect that human trafficking is a policy priority for the public prosecution service.³⁶³ Meanwhile, all 11 regional offices have a dedicated regional prosecutor for human trafficking and migrant smuggling, and the public prosecution service has established the Programme to Strengthen the Approach to Combating Human Trafficking and Migrant Smuggling³⁶⁴ to embed the subject at various levels of the organisation.^{NRM7} Human trafficking has, in any case, become an area of specialisation at the regional level in the public prosecution service.

359 ROOD Utrecht made the following recommendation on this: 'Besides detectives investigating human trafficking, police officers who are the first to come into contact with victims of human trafficking (such as front-office staff) should be trained in communication with victims and should be aware of the internal procedures for intake and reporting human trafficking.' ROOD Utrecht, In gesprek met slachtoffers van loverboys, een onderzoek naar ervaringen met politie en justitie van het proces van aangifte tot de veroordeling, June 2009, p. 34.

360 Source: interview with BoschFilm, 9 April 2010.

361 The film will be shown to professionals and semi-professionals on 11 October 2010.

362 NRM3, recommendations 48 and 49.

363 NRM5, recommendations 50 and 53.

364 Public Prosecution Service, Memorandum on Strengthening the approach to combating human trafficking and migrant smuggling, 2008. For further discussion of this subject, see NRM7, pp. 371 *et seq.*

Points raised in the Seventh report included the need to safeguard continuity (especially where there is a rapid turnover of specialist prosecutors) and ensure the availability of sufficient capacity in the public prosecution service. In practice, there sometimes seems to be too little time and, in addition to regional prosecutors, it is important to have sufficient expertise and resources at local level.^{NRM7}

The Rapporteur has been conscious from the outset that although the police and public prosecution service in many cities and regions give priority to investigating and prosecuting human trafficking, they must also be given the resources to intensify efforts to combat it. The First report contained the recommendation that the degree and intensity of the effort made should not be left purely to the interplay between the local or regional authorities (the local authority, the police and the public prosecution service) but should be directed centrally and addressed from a national perspective, with the necessary capacity in terms of manpower and equipment being made available.³⁶⁵ Without additional capacity, efforts to combat human trafficking would not receive the attention and resources they required among the many other priorities, according to the Third report.³⁶⁶ The Rapporteur also pointed out that some of the policy proposals of the public prosecution service would probably lead to more investigations and prosecutions of human trafficking, which should be taken into account in planning the capacity of the investigative agencies, the public prosecution service and the judiciary.³⁶⁷

The figures show that the number of cases registered by the public prosecution service fluctuated greatly between 2000 and 2009. After sharp increases in the intervening period, the number of registered cases in 2009 had returned to the level of 2000. The number of cases dealt with by the courts – in first instance – almost doubled in the period 2000-2008.³⁶⁸

One of the recommendations made by D.W. Steenhuis in response to the court's ruling that the prosecution was inadmissible in the Sierra human trafficking case in November 2009³⁶⁹ was that the public prosecution service must ensure that there is sufficient capacity available throughout the entire course of an investigation. Some other recommendations made following this case partially substantiate bottlenecks identified earlier by the Rapporteur in relation to capacity - both quantitative and qualitative. It is worrying that the public prosecution service observed in its annual report for 2009 that the investigative services and the public prosecution service are unable to deal with all offences and their perpetrators with the available staff and resources.³⁷⁰

365 NRM1, recommendation 9.

366 NRM3, recommendation 36.

367 NRM5, recommendation 52.

368 From 139 in 2000 to 281 in 2007, and in 2009 there were 136 cases registered by the district offices, see §3.4.1, Figure 3.20.

369 Alkmaar District Court, 16 November 2009, LJN: BK3472 and BK3440. Following the dismissal of the case against five defendants in the Sierra human trafficking case, the chief public prosecutors in Haarlem and Alkmaar decided to conduct an evaluation of how the case was handled in order to learn from the experience. The recommendations of D.W. Steenhuis relate only to this case (*Alles is niets. Rapportage naar aanleiding of de niet-ontvankelijkheid in de mensenhandelzaak Sierra*, Appendix to *Parliamentary Documents* 29 279, no. 110). The Minister of Justice has said that measures have been taken at the local level to address the problems that were identified (Letter of 20 May 2010, *Parliamentary Documents* 2009/10, 29 279, no. 110, p. 2).

370 Public Prosecution Service Annual Report 2009, available at www.jaarberichtom.nl. *OM: behoud veiligheidsniveau niet realistisch*, *De Volkskrant* 27 May 2010. On this point, see §2.6.3.

2.8.2 Policy priorities in the public prosecution service

The Instructions on Human Trafficking lay down the procedures for investigating and prosecuting human trafficking. Indications of human trafficking must be followed up, and any relevant leads must be investigated and, if possible, lead to a prosecution. If a case involves transnational human trafficking, the public prosecution service must actively seek international cooperation. Investigations into human trafficking should also include financial investigations and enquiries into the possibility of confiscating illegally earned profits.^{NRM7 371}

Financial investigations and confiscation of illegal earnings

With reference to profits as a driving force for human trafficking, in the First report was recommended devoting regular and specific attention to the possibility of confiscating illegally earned profits in the Netherlands and abroad during the investigation and prosecution of a suspect. ‘That could be the most effective way of repressing the phenomenon’, the Rapporteur felt.³⁷² The Rapporteur noted that it was already the policy of the public prosecution service to investigate money flows with a view to confiscating illegal earnings, by instituting a criminal financial investigation, if necessary,³⁷³ but applying the measure in practice was sometimes thwarted because of problems in gathering evidence in the principal case. The Rapporteur also referred to the fact that, while discovering the financial benefit to the perpetrator can be important for furnishing evidence, it can be particularly helpful in underpinning claims for compensation by the victim. On this point, the Rapporteur mentioned in the Seventh report how important it is for the judge who decides on a victim’s claim as an injured party to have the report of the financial investigation. The public prosecutor should either present the claim for confiscation of illegally earned profits at the same time as the main case or submit the financial report during the hearing of the main case.³⁷⁴

In the Third report, the Rapporteur again referred to the need for a greater effort to achieve results in relation to the confiscation of illegally earned profits. The large profits and low risk of being caught remain an important driving force for (potential) human traffickers. The Rapporteur noted that it is important to commence financial investigations more frequently and earlier in an investigation. The investigations should make use of the expertise of the Criminal Assets Confiscation Bureau (BOOM) and operations should be carried out in cooperation with the Financial Intelligence Unit-Netherlands, formerly the Office for the Disclosure of Unusual Transactions (MOT). International cooperation is also urgently needed in this area if the measures taken are to have an impact, since profits made in one country are often invested in another.³⁷⁵ Where possible, money flows should be followed to those other countries. The study carried out by BNRM for the Fifth report showed that close cooperation with other countries is possible in this type of investigation and can yield useful information.³⁷⁶

371 Instructions on Human Trafficking of the Public Prosecution Service, *Government Gazette* 2008, 253.

372 NRM1, recommendation 5.

373 On this point, see also §2.6.2.

374 NRM7, p. 497 *et seq.* and recommendation 38.

375 NRM3, recommendation 51. Financial investigations can also be useful in identifying large international human trafficking organisations, ‘facilitators’ and contacts in the legitimate business world (NRM5, recommendation 47).

376 NRM5, recommendation 49.

International cooperation

In the Third report, the Rapporteur said that the public prosecution service should explain and demonstrate more clearly where practical obstacles to international cooperation still occur, despite existing legal instruments. A national standard is usually applied in determining the effectiveness of an investigation and the Rapporteur noted that, as a result, too little was known about the phases of the human trafficking process that take place or have taken place outside the Netherlands. This in turn means that the human trafficking chain is often not entirely broken and the criminal activities can therefore be easily resumed. The Rapporteur concluded that, on balance, this outcome can be regarded as unsatisfactory and not effective enough.³⁷⁷

The Rapporteur called on the government to promote closer international cooperation and to remove obstacles that cause a situation where only some of the actors in the human trafficking chain are arrested while others (in the Netherlands and elsewhere) are able to avoid trial. This is not only essential from the perspective of upholding standards, but also because effective repression contributes to prevention.³⁷⁸ Also relevant in this context is the Rapporteur's recommendation that information should be supplied to Europol, in accordance with existing agreements, with a view to increasing cooperation between international police forces, both in an operational sense and in terms of sharing information.³⁷⁹ This will yield a clearer insight into the methods employed by human traffickers and what needs to be done to combat them. Eurojust can also play a role in this. One of the action points in the National Action Plan on Human Trafficking is that constant attention will be devoted to the Netherlands' position in relation to other countries in the context of international human trafficking.³⁸⁰

The investigation codenamed *Koolvis* is a good example of cooperation between the Netherlands (as a country of destination and transit), NAPTIP (the anti-human trafficking organisation in Nigeria where, according to the public prosecution service, the victims came from) and other countries (such as Spain and Italy) where the human trafficking organisation operated. The ultimate aim was to identify every member of the criminal organisation.³⁸¹ In December 2009, a number of suspects were acquitted of human trafficking, but the public prosecution service has appealed against those decisions.³⁸²

2.8.3 Victims in the criminal process

Treatment of victims

There is a growing realisation that a victim, particularly in human trafficking cases, is no just a witness in a criminal trial. For example, the draft EU directive on human trafficking contains provisions designed to protect victims during criminal proceedings, including measures to prevent secondary

377 NRM3, recommendation 50.

378 NRM3, recommendation 40.

379 NRM7, recommendation 31.

380 National Action Plan on Human Trafficking, action point 48.

381 NRM7, pp. 364 *et seq.*

382 The District Court in Zwolle ruled in this case on 3 December 2009, LJN: BK5398, BK5669, BK5695, BK5660, BK5349, BK5377. Suspects were convicted of migrant smuggling and of membership of a criminal organisation.

victimisation. One of the possibilities mentioned is the use of communication technology,³⁸³ a video link for example, to allow a victim to be interviewed without visual contact with the suspect. More generally, the Rapporteur recommended that the government should indicate whether the EU Framework Decision on the Standing of Victims in Criminal Proceedings had led to amendments in Dutch legislation and, if so, what they were.³⁸⁴ This recommendation was concerned, among other things, with victims being provided at an early stage with information that is important for protecting their interests.

In accordance with the public prosecution service's Instructions on Human Trafficking, victims in the Netherlands must be informed of the possibility of requesting information about the progress of the criminal case concerning them.³⁸⁵ Victims must then be informed of any important decisions made during the investigation. Particularly if a suspect is being held in pre-trial detention, it is important to inform the victim as soon as possible if the suspect is released.³⁸⁶

Suspending or lifting pre-trial detention and granting prisoners leave can generate a great deal of consternation in society, particularly if victims were not informed that the suspect was being released, or has even fled abroad. Situations like this prompted the current Minister of Justice to say that the next government should produce a plan for giving victims the opportunity to express their views about whether a convicted person should be granted leave.³⁸⁷

Victims may be a factor in other judicial decisions. The district court in Leeuwarden, for example, refused to grant conditional parole to a convicted human trafficker in June 2010.³⁸⁸ This person was sentenced in 2009 to four years in prison for human trafficking involving four victims. Later that year, he failed to return from a weekend leave and was ultimately arrested in Germany. In this case, the public prosecutor had argued that on the very first day of his leave the convicted person had visited the prostitution zone (where the offences for which he was convicted had taken place) looking for one of the victims. He was also in a prostitution zone when he was arrested in Germany, where he was accompanied by his girlfriend, who was also a victim in the case. Although the court was cursory in its statement of the grounds for its decision not to grant a conditional release, it did refer to the events that had occurred during the period he was free.

Non-punishment principle

Victims of human trafficking are sometimes also perpetrators of criminal offences that are connected with the human trafficking situation. The Rapporteur conducted research³⁸⁹ into this problem and the application of the non-punishment principle and made a number of recommendations on the basis of that study. An important recommendation was that a person's status as a victim of human trafficking

383 *Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA*, 29 March 2010, COM(2010)95 final, 2010/0065 (COD), Article 11. On this point, see also §2.2.

384 NRM3, recommendation 5. The Act to strengthen the standing of victims in the criminal process arose in part from this Framework Decision (OJ 2001, L82/1), *Bulletin of Acts, Orders and Decrees* 2010, 1.

385 See also NRM5, recommendation 54.

386 Instructions on Human Trafficking of the Public Prosecution Service, *Government Gazette*. 2008, 235.

387 *Slachtoffer horen over verlof veroordeelde*, *De Telegraaf*, 22 May 2010.

388 Leeuwarden District Court, 2 June 2010 (not published).

389 NRM7, Chapter 6.

should be regarded as grounds for declining to prosecute that person.³⁹⁰ The Rapporteur also recommended inserting a provision in the Instructions on Human Trafficking that when a victim commits a criminal offence, the fact that the suspect is a victim should be noted in the official report.³⁹¹ At the time of writing, these recommendations had not yet been implemented.

However, in a number of judgments is, for the first time, specifically referred to this problem and to the application of the non-punishment principle. One of those cases is described below.³⁹²

Application of the non-punishment principle

In a recent case before the district court in The Hague³⁹³, the public prosecutor explicitly referred to the non-punishment principle and decided, in accordance with that principle, not to prosecute the victim concerned, who was also a suspect. In this case, a victim of human trafficking was herself suspected of involvement in human trafficking with respect to other victims. The public prosecutor explained her reasons for not prosecuting victim A as follows: 'The public prosecutor told the court that A was arrested on 14 October 2008. It quickly emerged from her statements, but also from the statements of the other women, that A was herself also a victim. The public prosecutor based her decision not to prosecute A on the non-punishment principle and on the following facts and circumstances:

- A also worked as a prostitute herself and handed her money over to the suspect.
- She watched over the other women, but did not coerce them.
- The other women regarded her as a victim, not as a suspect.
- She was under the influence of the suspect because he had promised her a future with him and she still loved him.
- She controlled the other women to avoid being abused or threatened by the suspect. She was afraid of the suspect.

The non-punishment principle – laid down in Article 26 of the Council of Europe's Convention on Action against Human Trafficking – says that states must provide for the possibility of not punishing victims of human trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so.'

Compensation and confiscation

In the First report, the Rapporteur said that greater efforts should be made under existing legislation (criminal and civil) to secure compensation for victims of human trafficking. In this context, a connection was made with financial investigations, because, as mentioned above, discovering the financial benefits enjoyed by the perpetrator can be important not only in furnishing evidence but also for underpinning claims for compensation by the victim. The link between compensation and confiscation of illegally earned profits was explicitly made in a recommendation in the Seventh report. This recommendation states that it should be made possible by law – in addition to the existing possibilities – for a decision on a claim by an injured party that is submitted in accordance with Article 51b of the Dutch Code of Criminal Procedure to be deferred and made at the same time as the decision on the demand for an order

390 NRM7, recommendation 36.

391 NRM7, recommendation 37.

392 See also The Hague Court of Appeal, 19 January 2010 (Mehak), LJN: BK9406, BK9410, BK9356.

393 The Hague District Court, 18 December 2009, LJN: BK8237.

to confiscate illegal earnings rather than at the time of the judgment in the criminal case.³⁹⁴ At the time of writing, this recommendation had not yet been implemented.

It is still very difficult for victims of human trafficking to secure compensation for material damage and emotional injury, including loss of income.³⁹⁵ The arrangements for payment of an advance on a compensation award by the Violent Offences Compensation Fund could help to partially rectify this.³⁹⁶

2.8.4 Case-law on human trafficking in the sex industry

For the Seventh report, the Rapporteur commissioned a study of the criminal case-law concerning human trafficking in the sex industry. In response to this study, the Rapporteur observed that Article 273f of the Dutch Criminal Code is not a straightforward provision. One of the points to emerge from the study was that judges differ in their interpretation of various legal issues and that there is no uniformity in how the context of violence, coercion, deception and the possibility for victims to escape from their situation is assessed.

The number of acquittals in human trafficking cases is high, for example in comparison with the number in rape cases. The statistics also show that the number of convictions has declined over the years. In 2008, there were convictions in 51% of cases.³⁹⁷ Contrary to expectations, the BNRM study (into human trafficking cases dealt with in first instance in 2007) indicated that this was only partly due to the absence of reliable statements by victims and witnesses.

The Rapporteur has recommended that guidelines³⁹⁸ should be formulated to provide guidance for judges in determining sentences in individual cases and so create consistency of sentencing in human trafficking cases. The National Consultative Body for Presidents of Criminal Sectors of Courts (LOVS) is currently investigating the possibility of developing guidelines to promote uniformity of sentencing in human trafficking cases.³⁹⁹ It has been suggested to the LOVS that it should form a working group to formulate internal principles for sentencing.⁴⁰⁰ The public prosecution service has also commenced preparations to draw up guidelines for the sentences to be demanded in human trafficking cases. The aim is to have these guidelines in place by the end of 2010.⁴⁰¹

Another finding from the BNRM study of case-law that led to a recommendation related to a number of cases in which attempted human trafficking was declared proven, when in fact the full offence

394 NRM7, recommendation 3.

395 For a survey of the possibilities for victims of human trafficking to secure compensation, see NRM5, p. 58 *et seq.*

396 The act providing for this system of advance payments, among other things, the Act of 17 December 2009 to amend the Code of Criminal Procedure, the Criminal Code and the Violent Offences Compensation Fund Act to improve the standing of the victim in the criminal process, was published on 1 January 2010, *Bulletin of Acts, Orders and Decrees* 2010, 1. The law enters into force on 1 January 2011, *Bulletin of Acts, Orders and Decrees* 210, 291. See also §3.3.3.

397 See §3.4.2, Figure 3.29.

398 NRM7, recommendation 40.

399 *Parliamentary Documents* 2009/10, 28 638, no. 47, p. 12.

400 Memorandum on human trafficking by the public prosecution service, submitted for information purposes to the meeting of the Task Force in May 2010.

401 *Parliamentary Documents* 2009/10, 28 638, no. 47 p.12. A first guideline, the guideline on criminal procedure for human trafficking in the sense of sexual exploitation was published on 25 August 2010, *Government Gazette* 2010, no 13154.

had usually been committed. Attempted human trafficking is scarcely ever prosecuted. Nevertheless, Supreme Court jurisprudence on attempted human trafficking provides adequate grounds for doing so.⁴⁰² The Rapporteur advised the public prosecution service to address this issue, since the successful prosecution of attempted human trafficking could have a preventive effect.⁴⁰³

In a case before the police magistrate in Rotterdam in January 2010, an underage suspect was charged with attempted human trafficking, among other things. The victim was a girl of 13. According to the public prosecutor, the suspect had asked her to work for him in prostitution and earn money for him with sex. He had offered her – via MSN – to men (clients) for the performance of sexual acts. He had maintained contact with men and arranged clients for her, and he had offered to bring her to rendezvous points and to transport her to perform sexual acts. The judge found that attempted human trafficking had been proven, if only because the suspect had asked the victim to work for him and had offered her services via MSN⁴⁰⁴ (Article 273f (1) (5) in conjunction with Article 45 of the Dutch Criminal Code) and imposed a sentence of 120 hours of community service. In this case, the planned crime (human trafficking) had not actually been carried out.⁴⁰⁵

BNRM plans to publish the findings of a follow-up study of the case-law in 2011. One of the subjects to be covered in that study is the period of pre-trial detention.

2.8.5 Prosecution and trial of human trafficking outside the sex industry (‘other forms of exploitation’)

A comprehensive picture of the various stages is needed

With human trafficking in sectors other than the sex industry, there is often a combination of indications of exploitation. These individual indications may, for example, involve violations of the Economic Offences Act, Foreign Nationals (Employment) Act and the Minimum Wage and Minimum Holiday Allowance Act. It only becomes clear that there might be a situation of exploitation when these indications are seen as a whole.^{NRM7} In the Seventh report, therefore, the Rapporteur recommended an integrated approach to cases involving other forms of exploitation.⁴⁰⁶ In that context, it is important that the human trafficking and any related criminal offences are dealt with simultaneously by the same forum so that the judge has a complete picture of the human trafficking. This recommendation is connected with recommendation 55 in the Fifth report, when the Rapporteur called for the inclusion of official reports about the conditions and background information about the nature and seriousness of the offences in the criminal file. In the case of other forms of exploitation it might, for example, be relevant to film or take photos of the workplace and to measure the temperature for extreme heat or cold. These methods were used in the case of the ‘Indonesian kitchen workers’.⁴⁰⁷

402 Supreme Court, 2 October 2001, LJN: AB2806.

403 NRM7, recommendation 33.

404 Information from the public prosecution service to BNRM, 23 February 2010.

405 Rotterdam District Court, record of the verbal judgment of the police magistrate, 28 January 2010 (not published). See also NRM7, pp. 438 *et seq.*

406 NRM7, recommendation 35.

407 NRM7, pp. 483-484. There were convictions in this case, see The Hague District Court, 3 May 2010, LJN: BM3374.

Judgments

A number of judgments on exploitation outside the sex industry – some by the courts of appeal and the Supreme Court – have appeared since the publication of the Seventh report. A very important judgement was the Supreme Court's ruling in the 'Chinese restaurant' case.

*Chinese restaurant, Supreme Court, 27 October 2009, LJN: BL7099*⁴⁰⁸

This case concerned a suspicion of exploitation of Chinese workers living illegally in the Netherlands.⁴⁰⁹ They were working under poor conditions in a restaurant. Large numbers of them slept together in the same room, they worked long hours and had no days off.

The question to be decided concerned the definition of the elements of the charges 'abuse of authority arising from the actual state of affairs', 'abuse of a vulnerable position' and 'exploitation'. The court of appeal in Den Bosch⁴¹⁰ upheld the judgment of the district court in Den Bosch⁴¹¹ that a presumption of 'abuse of authority arising from the actual state of affairs' and 'abuse of a vulnerable position' requires a certain initiative and positive action on the part of the perpetrator, whereby the weaker or vulnerable position of the victims is consciously abused. The appeal court found that the suspects had not taken any initiative or action with respect to the Chinese. The Chinese approached the restaurant themselves and had themselves come to the Netherlands to work. Under those circumstances, the appeal court found, it could not be proved that the suspects had consciously abused the vulnerable position of the Chinese by taking them in and housing them. The appeal court also found that there was no question of exploitation, deciding that although the situation was socially undesirable it had not been shown that the working conditions were in themselves bad. Furthermore, the Chinese received the money they earned and, according to the appeal court, it could not be said of the Chinese that they did not have any reasonable choice but to work or to reside in the restaurant.

The public prosecution service appealed to the Supreme Court. One of its grounds for appeal was that the appeal court had wrongly interpreted Article 273a of the old Dutch Criminal Code, in particular the elements 'abuse of authority arising from the actual state of affairs' and 'abuse of a vulnerable position' contained in the charges. The appeal also complained that the appeal court had failed to give adequate reasons for its finding that there was no 'exploitation'.

The Supreme Court⁴¹² ruled that to prove 'abuse', it is sufficient to show conditional intent on the part of the suspect with respect to those circumstances. The same applies for cases where the victim is in a vulnerable position. There is no need, as the appeal court found, for conscious abuse. The appeal court's requirement of initiative on the part of the suspect is therefore not an independent requirement.

With respect to the term 'exploitation', the Supreme Court found that it is impossible to give a general definition of when there is exploitation, but that it depends heavily on the circumstances

408 See also J.Silvis, *Vooropgestelde arresten. Ontwikkelingen in de strafrechtelijke jurisprudentie 2009*, The Hague 2010, pp. 241-254.

409 For an analysis of this case in first instance and on appeal, see also NRM7, pp. 505-507.

410 Den Bosch Court of Appeal, 30 January 2008, LJN: BC3000 and LJN: BC2999.

411 Den Bosch District Court, 8 March 2007, LJN: BA0145 and LJN: BA0141. The judgment against a third suspect in this case followed several months later (Den Bosch District Court, 28 July 2007, LJN: BD8599) and also ended in acquittal for human trafficking.

412 Supreme Court, 27 October 2009, LJN: BL7099.

of the case. In a case like the present one, relevant factors in the assessment include the nature and duration of the work, the restrictions they impose on the individuals concerned and the economic benefit to the employer. The generally accepted standards in Dutch society should be adopted as the frame of reference for weighing those factors. The Supreme Court also found that to meet the definition of the offence it is not necessary for the victim to be actually exploited. The Supreme Court reached the conclusion that the appeal court's decision that there was no situation of exploitation was incomprehensible, without further reasoning, given that court's finding that some victims worked 11 to 13 hours a day just for room and board and others for a monthly income of €450 and €800, that they had no more than five days off a month and that they had to share their bedroom with others.

The case was referred back to the appeal court in *Den Bosch*.⁴¹³

Since the Supreme Court's judgment, five more new cases concerning other forms of exploitation have been dealt with by different courts, four⁴¹⁴ of which led to convictions for human trafficking in the sense of other forms of exploitation. Appeals in two other cases also led to convictions.⁴¹⁵ The number of convictions for other forms of exploitation has risen since the Supreme Court's judgment in the Chinese restaurant case. Up to June 2010, a total of 18 different cases – almost every one of which involved a number of suspects – had come before the courts, and nine of them had led to convictions. Not all of the judgments are final, however. Before 27 October 2009 – the date of the Supreme Court's judgment – 12 cases had been dealt with, of which four had resulted to convictions. Compared with the period of almost five years prior to that judgment, both the number of cases dealt with and the number of convictions for other forms of exploitation have risen steeply.

413 The appeal court in *Den Bosch* had not yet re-heard the case at the time of writing. A third suspect was convicted of human trafficking by the court of appeal in *Den Bosch*: *Den Bosch Court of Appeal*, 19 February 2010, LJN: BL5492. The case against this suspect had previously only been heard in first instance.

414 These were: *The Hague District Court* 18 March 2010, LJN: BL8022; *Dordrecht District Court* 20 April 2010, LJN: BM1743; *The Hague District Court* 3 May 2010, LJN: BM 33743; and *The Hague District Court* 12 May 2010, LJN: BM4240. The only case that ended in an acquittal was *The Hague District Court* 17 February 2010, LJN: BL4928.

415 *The Hague Court of Appeal*, 19 January 2010, LJN: BK9406 and LJN: BK9372 and *Den Bosch Court of Appeal*, 19 February 2010, LJN: BL5492.

Data collection and statistical trends 2000 – 2009

3.1 Introduction

This chapter is devoted to the quantitative data that has been collected in the last decade in relation to human trafficking. In §3.2 there is a discussion of developments in international harmonised data collection and the interpretation of quantitative data collected at national level.

The statistical trends at national level in the last decade are presented in §3.3 and §3.4, with the focus on victims in §3.3 and on suspects and offenders in §3.4.

3.2 Data collection

Attention for the subject of human trafficking has grown enormously in the last ten years, not only in the Netherlands but also internationally, creating a need for more knowledge (including quantitative data) about the phenomenon in order to increase the effectiveness of efforts to prevent and combat human trafficking and to provide better protection for victims.

3.2.1 International harmonised data collection

Insight into the nature and scale of human trafficking at international level can help to improve efforts to prevent and combat it.¹ Accordingly, numerous international documents have stressed the importance of international harmonisation of data collection on the topic of human trafficking, starting with the The Hague Declaration of 1997² and, most recently, the Action Plan Implementing the Stockholm Programme in April 2010³ (see §2.3.5)⁴. Consequently, various initiatives have been taken in this area, including:

- *Development of Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators*⁵;

1 The Rapporteur made a recommendation on the subject in NRM3, recommendation 30.

2 *The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation*.

3 *Action Plan Implementing the Stockholm Programme*, 20 April 2010, COM(2010)171 def.

4 See also, for example, the *Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings*, 2946th Justice and Home Affairs Council meeting, Luxembourg, 4 June 2009.

5 *Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators (IOM)* (Aronowitz, A., 2009). For a brief description, see NRM7 §3.2.

- *Programme for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management (DCIM I)*⁶; succeeded by
- *Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems (DCIM-EU)*⁷;
- *European Delphi Survey – A Practical Exercise in Developing Indicators of Trafficking in Human Beings*⁸; and
- *The MONTRASEC project*⁹.

BNRM is or has been a partner in a number of these projects.¹⁰

The MONTRASEC project¹¹ (*Monitoring Trafficking in Human Beings and Sexual Exploitation of Children*) deserves a special mention here. The intention of the MONTRASEC system is to produce internationally comparable, integrated and up to date data with the help of advanced software. The system can automatically upload data from existing registration systems, so that no additional work is required to enter the data.

The European Commission financed or co-financed almost all of the initiatives¹² mentioned here (see §2.3.4), with a view to developing the maximum possible expertise in the field of international data collection on human trafficking.¹³ However, there is a risk that the multiplicity of initiatives will lead to different standards being implemented in different countries, which could present an obstacle to achieving the international harmonisation of data.¹⁴ It is also important for new initiatives to build on the results of projects that have already been completed. The network of national rapporteurs or equivalent mechanisms could play a role in steering these developments (see §1.1.3).

Another point that needs to be made in connection with the initiatives in the field of data collection is that it is not yet possible in the Netherlands to collect data on all of the proposed indicators. Experience has shown that, unfortunately, the quality of the data can suffer if too much data on human trafficking have to be collected. According to the ‘less is more’ principle, it might therefore be preferable to commence efforts to harmonise international data collection with only the most basic indicators. If the initial results are evaluated positively, the harmonised international data collection could then perhaps be expanded with other indicators in order to achieve the ultimate objective of the data collection, which is to prevent and combat human trafficking. It is important to realise in this context that data collection is not a goal in itself.

6 *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria (ICMPD)* (Surtees, R., 2008). For a brief description, see NRM7 §3.2. At the time of writing, phase two of this project (DCIM II), which involved writing a manual for the data analysis, was being completed.

7 *Anti-Trafficking Data Collection and Information Management in the European Union - a Handbook, the situation in the Czech Republic, Poland, Portugal and the Slovak Republic (ICMPD)* (Surtees, R., 2009).

8 *European Delphi survey on indicators of trafficking in human beings jointly implemented by the European Commission and the ILO* (ILO, 2008) and *Operational indicators of trafficking in human beings, results from a Delphi survey implemented by the ILO and the European Commission* (ILO, 2009). For a brief description, see NRM7 §3.2.

9 This project, a follow-up to the SIAMSECT project, yielded the following publication: *The MONTRASEC demo. A bench-mark for member state and EU automated data collection and reporting on trafficking in human beings and sexual exploitation of children (IRCP)* (Vermeulen, G. & Paterson, N., 2010).

10 In DCIM I, DCIM II, DCIM EU and European Delphi survey.

11 MONTRASEC is a consortium of IRCP (*Institute for International Research on Criminal Policy*, Belgium) and *Transcrime* (*Joint Research Centre on Transnational Crime*, Italy) and is co-financed by the European Commission.

12 Except DCIM I and II.

13 Expert meeting MONTRASEC, Brussels, 1 October 2009.

14 NRM7 §3.2.

3.2.2 Interpretation of quantitative data

Since human trafficking is often hidden and victims are often unwilling or afraid to speak out¹⁵ (or do not realise that they are victims¹⁶), there are probably a large number of unknown cases of human trafficking (a large ‘dark number’). Consequently, statistical trends based on the number of known cases of human trafficking usually do not directly reflect developments in the total number of cases of human trafficking¹⁷. The number of known situations of human trafficking depends to a large extent on factors such as the public attention for human trafficking, the priorities of the investigative services and the public prosecution service, the method of registration employed by victim support organisations, and changes in the law. At the same time, the (coincidental) discovery of a single, but major, human trafficking case¹⁸ has a substantial impact on the annual figures, since the total number of known cases of human trafficking each year is relatively small. The notification to CoMensha of 50 victims discovered in the same human trafficking situation (see §3.3.1), for example, is clearly reflected in the annual figures for victims (as regards the total number of reported victims, the background characteristics of victims such as gender, age and nationality, and the sector in which victims were exploited).

It is therefore important when analysing the data to be aware of the specific context in which the data were collected and of the various factors that might influence the data. In the following sections and subsections the cautionary notes applicable to the data presented are discussed at length and, where possible, statistical trends are explained in relation to the developments that were previously described in Chapter 2.

3.3 Victims

This section contains data on registered victims of human trafficking in the Netherlands (in other words, victims known to the relevant agencies in the Netherlands).¹⁹ The findings are based on:

- information from the Human Trafficking Coordination Centre (CoMensha) in §3.3.1 (background details of victims reported to CoMensha);

15 For reasons of fear, shame or guilt. Non-Dutch victims could also face a language barrier and/or not know who they can report to in the Netherlands. Furthermore, victims living illegally in the Netherlands sometimes fear the police because they are afraid of being deported. Sometimes victims are also ‘in debt’ to the human trafficker, a debt that they believe they have to pay off. Or non-Dutch victims feel an obligation to send money back regularly to their family (NRM1 §4.5, NRM3 §3.6).

16 For example, victims of ‘traditional’ loverboys who are in love with their loverboy (NRM3 §3.2.2) or non-Dutch victims who prefer being exploited in the Netherlands to the situation in their own country (NRM5 §3.2.1).

17 In other words, including the large number of cases of human trafficking that are probably not known about.

18 In other words, cases involving a relatively large number of victims and/or offenders. The victims and/or offenders in the same case often share the same characteristics (such as gender, age group, nationality and the sector in which the exploitation occurred). In this type of major case the exploitation often occurs outside the sex industry. With the growing attention to other forms of exploitation (both in terms of investigation and prosecution and in society), (major) cases of other forms of exploitation will probably come to light increasingly often in the future.

19 Because of the anticipated large ‘dark number’, there will be a large number of unknown victims of human trafficking (see §3.2.2).

- information from the Immigration and Naturalisation Service (IND) in §3.3.2 (background details of victims who were granted a B9 residence permit); and
- information from the Central Fines Collection Agency (CJIB) in §3.3.3 (about orders to pay compensation to victims).

3.3.1 Victims in the CoMensha register

CoMensha²⁰ is the central agency for notification of all victims of human trafficking in the Netherlands. CoMensha must therefore be notified of every potential victim identified in the Netherlands by the individual or agency that has become aware of the victim (or by the victim personally). Victims can be reported solely for the purpose of registration, for registration and information, or for registration and shelter.²¹

Research method

The information in this subsection (3.3.1) for the period since 2006 is largely based on databases provided to BNRM by CoMensha. Information about individual victims can be derived from these databases ('secondary analysis'). Some of the data are taken from CoMensha's annual reports.²² For the period prior to 2006, BNRM based its findings solely on those annual reports.

For the explanatory notes to the figures and tables in this section, the additional tables in Appendix 3 and the applicable statistics, see Appendix 2.

Remarks about the figures

CoMensha's records are intended to cover all known victims of human trafficking in the Netherlands. However, in reality the number of victims registered with CoMensha will always be just an approximation of the actual number of known victims in the Netherlands, because, for example, known victims are not all reported to CoMensha.²³

The Rapporteur made recommendations to improve this situation in the Third, Fifth and Seventh reports²⁴. One of the action points in the National Action Plan on Human Trafficking (NAM)²⁵ also addresses this issue and questions have been asked in parliament about the matter.²⁶ Thanks to improvements

20 Until the end of 2007, CoMensha was known as the Foundation against Trafficking in Women (STV). For the reader's convenience, this section always refers to CoMensha, even when the data concerned relate to the period when CoMensha was still called STV.

21 In addition to registering victims, CoMensha is also responsible for providing information to and arranging shelter for victims. See also 'Purpose of notification: (registration and) shelter' later in this section.

22 In some cases, the data presented here differ from the figures in CoMensha's annual reports. According to CoMensha, the data presented in the BNRM reports are the correct ones (information received in writing from CoMensha).

23 Parties that can identify human trafficking may not all be familiar with CoMensha (as a reporting centre for victims of human trafficking), or are not aware that Dutch and underage victims should also be reported. In point of fact, only the police are obliged, pursuant to the B9 regulation, to report victims of human trafficking to CoMensha. Naturally, this obligation does not apply for Dutch victims. Nevertheless, it is important that also Dutch victims are being reported.

24 NRM3, recommendation 27; NRM5, recommendation 62; NRM7, recommendation 42.

25 National Action Plan on Human Trafficking, action point 65.

26 *Attachment to Parliamentary Proceedings II 2009/10*, no. 805 (questions) and *Attachment to Parliamentary Proceedings II 2009/10*, no. 1297 (replies).

that have been made in this regard and the growing attention devoted to human trafficking in the last decade, it is likely that victims will be identified and reported more often in the future.²⁷

At the same time, it is possible that the persons reported to CoMensha are not all actually victims, so the number of registered victims could also be higher than the actual number of known victims in the Netherlands. This is because there is no formal assessment based on specific criteria by which the registered person's status as a victim can be verified.²⁸

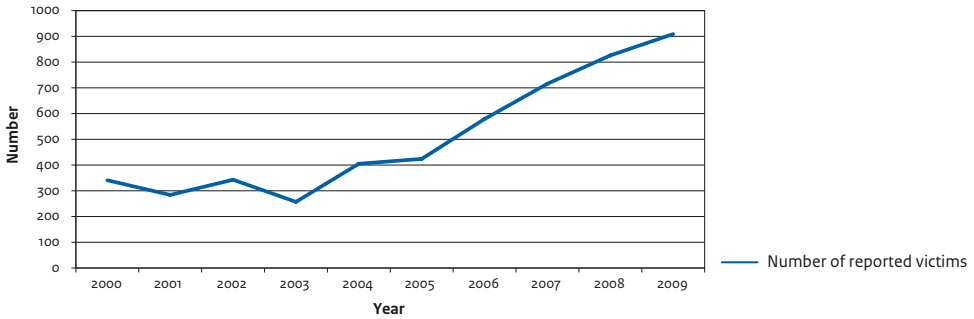
Furthermore, most victims do not report personally to CoMensha but are reported by agencies such as the police.²⁹ Accordingly, CoMensha depends on the information provided by the notifier about the victim concerned. In many cases, this information consists of no more than the most basic details (gender, age, nationality), despite requests for further information.³⁰ Since the registration of victims of human trafficking is a core task of CoMensha (partly for the benefit of BNRM), the Ministry of Justice has released additional funds to improve registration in accordance with the recommendations made by the Rapporteur in the Fifth and Seventh reports³¹ and in the NAM.³² The ensuing 'Modernisation of Registration by CoMensha Project'³³ was still underway at the time of writing.³⁴

Finally, it should be noted that double-counting cannot be entirely ruled out in the statistics up to and including 2006.³⁵

Number of reported victims

Figure 3.1 shows the trend in the number of victims reported to CoMensha each year in the last decade.³⁶

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- 27 Developments in the number of victims reported annually to CoMensha should therefore be seen in this context (which is also apparent from the replies to questions in parliament: *Attachment to Parliamentary Proceedings II 2008/09*, no. 1753 (questions) and *Attachment to Parliamentary Proceedings II 2008/09*, no. 2023 (replies).
- 28 CoMensha decides itself not to register a reported victim in the case of 'very vague reports'. However, CoMensha has no firm criteria for defining a 'vague report' (information received verbally from CoMensha).
- 29 See 'Notifiers' later in this section.
- 30 Accordingly, it was decided to present only these almost complete data in this report and to omit the data with large numbers of 'missing values' since they would not give a representative picture. An exception is only made for the sectors in which the reported victims were exploited. In light of the importance of this information, it was decided to report it even though for a substantial proportion of the victims the sector in which they were exploited is not known.
- 31 NRM5, recommendation 61; NRM7, recommendation 41.
- 32 National Action Plan on Human Trafficking, action point 64.
- 33 BNRM is a member of the steering group.
- 34 The intention is to establish, together with the notifiers (the parties providing data) what dataset should be used (guided by the principle 'less is more') and to secure a commitment from the notifiers to supply these data consistently.
- 35 Since 2006, CoMensha has received almost no reports of 'anonymous victims' (which could lead to double-counting). Previously it had. At the time, some notifiers did not provide the names of victims, which made it impossible to identify victims who had been counted twice (information received verbally from CoMensha).
- 36 For the table with the detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.1.

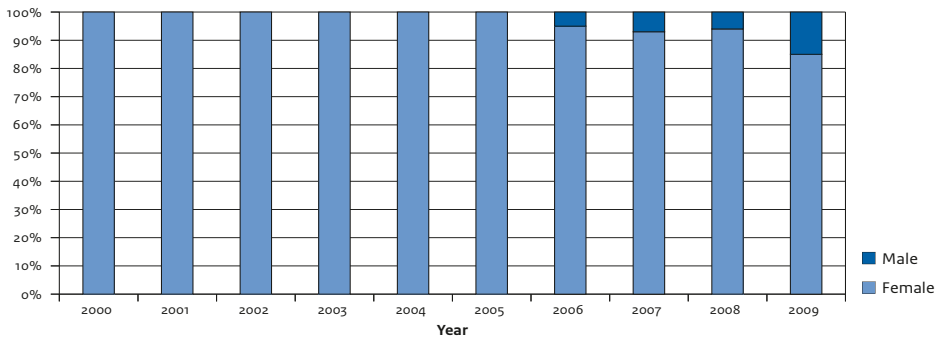
Figure 3.1 Number of reported victims (2000-2009)

The number of victims reported to CoMensha annually has almost trebled in the last ten years (growing from 341 to 909). Up to and including 2005, the number fluctuated between 257 and 424, but has risen steadily since 2006.

The likely explanation for the increase is the intensification of investigations by the police and the public prosecution service (see §2.6.3), as well as the growing attention to human trafficking (see §2.7). It is also possible that there is greater awareness (and in more agencies)³⁷ of the need to report victims of human trafficking to CoMensha.

Gender of reported victims

Figure 3.2 shows the distribution by gender of the victims reported to CoMensha each year in the period 2000-2009.³⁸

Figure 3.2 Gender of reported victims (2000-2009)

Scarcely any male victims were reported to CoMensha in the period up to and including 2005. That situation changed from 2006, very likely because of the criminalisation of exploitation in sectors other than the sex industry with effect from 1 January 2005 (see §§2.2.1 and 2.2.2).

37 There has been an increase in the number of new notifiers over the last decade (see Appendix 3, Table B3.9).

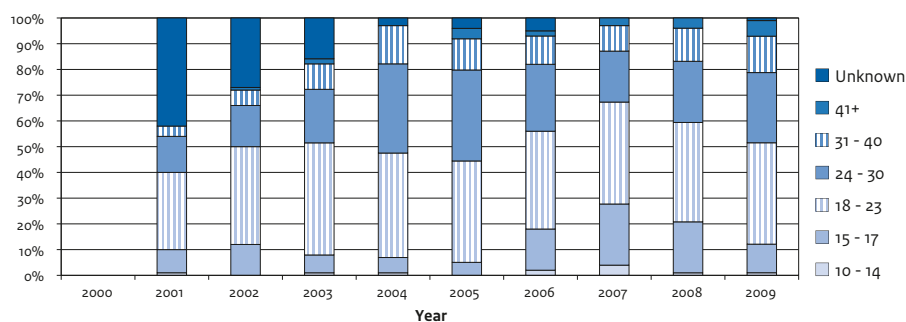
38 For the table with the detailed overview of these data, see Appendix 3, Table B3.2.

The relatively large proportion of male victims in 2009 (15% compared with a maximum of 7% in the period 2006-2008) can very probably be explained in part by the large number of men (mainly Romanians) who are believed to have been exploited on an asparagus farm in Someren.³⁹ Of the 138 male victims in 2009, 31 (22%) (including 25 Romanians) were exploited in agriculture and horticulture.⁴⁰

Age of reported victims

Figure 3.3 shows the age distribution of the victims reported to CoMensha each year in the period 2001-2009.⁴¹ It should be noted that the figure relates to the age of the victim at the time of the notification to CoMensha, which is often not the same as the victim's age when he or she is believed to have first become a victim.⁴²

Figure 3.3 Age of reported victims (2001-2009)



The ages of a relatively large proportion of the reported victims between 2001 and 2003 (between 16% and 42%) are unknown, so the following description of the trend in the age distribution only refers to the period since 2004.

The 18-23 age group is the largest every year, representing between 38% and 41% of all reported victims from 2004. The number of underage victims ranged from 5% (in 2005) to 28% (in 2007) and was lower in 2009 (12%) than in the three previous years.

Nationality of reported victims⁴³

Table 3.1 ranks the five most common nationalities of victims reported to CoMensha each year in the last decade.

³⁹ CoMensha Annual Report, 2009.

⁴⁰ The case of the 'Indonesian kitchen workers' (see §2.8.5 and NRM7, §12.2) probably also had an impact on the high number of male victims in 2009. In that year, nine male Indonesian victims (7%) who were being exploited in the food industry were reported to CoMensha. For a full list of the nationalities of the male victims reported to CoMensha since 2006, see Appendix 3, Table B3.6. (In the period 2000-2005, the share of male victims was 0%).

⁴¹ CoMensha has only also registered the age of victims reported to it since 2001.

⁴² For a table with a detailed overview of these data, see Appendix 3, Table B3.3.

⁴³ See NRM1, §4.3.1 for the countries of origin of the victims reported to CoMensha in the period 1992-2000.

Table 3.1 Ranking of the top 5 nationalities of reported victims (2000-2009)

	2000 N= 341	2001 N= 284	2002 N= 343	2003 N= 257	2004 N= 405	2005 N= 424	2006 N= 579	2007 N= 716	2008 N= 826	2009 N= 909	2000-2009 N=5084 ⁴⁴
Dutch	2	5	4		1	1	1	1	1	1	1
Nigerian	1	4	2	3	4	3	2	2	3	2	2
Bulgarian	3'	1	1	1	2	2	3	3		5	3
Romanian			3	2	3	4	4			3	4
Chinese	3'						5	4	2		5
Hungarian									4	4	
Sierra Leonean								5	5		
Czech						5					
Russian	3'	2	5		5						
Ukrainian		3		4							
Brazilian				5							

Source: STV/CoMensha annual reports and databases.

Dutch has been the most common nationality of reported victims since 2004. Before then, the first place had been occupied for three years by victims with the Bulgarian nationality (2001-2003). Nigerian is the only nationality to appear in the top 5 in each of the 10 years reported here, and it occupies second place over the period as a whole. From 2006 on Chinese victims appeared again in the top 5 for the first time since 2000. However in 2009 they were just outside the top 5 - just like the Sierra Leonean victims. Hungarian is a noteworthy new entrant in the top 5 nationalities since 2008 and has now occupied fourth place for two years. Romanian was again one of the most common nationalities of victims in 2009, probably as a result of the alleged exploitation on the asparagus farm in Someren. CoMensha registered 50 Romanian victims (men and women) who were exploited in the agriculture and horticulture sector in 2009.

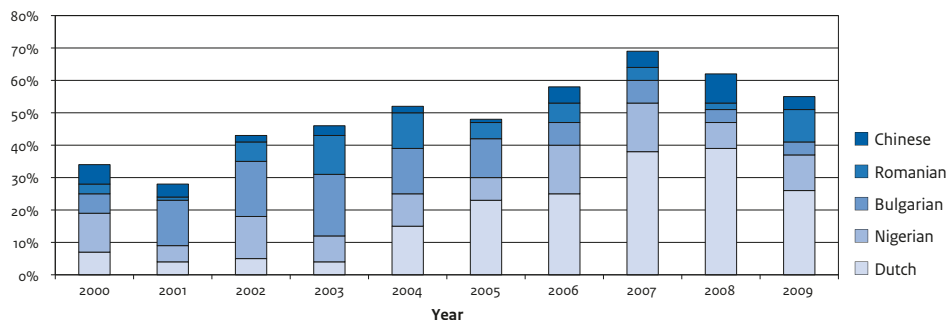
Victims of a total of 115 different nationalities were reported to CoMensha in the last decade (excluding the category 'unknown'). Figure 3.4 shows the trend in the top 5 nationalities overall in the period 2000-2009.⁴⁵ The top 5 nationalities overall are Dutch, Nigerian, Bulgarian, Romanian and Chinese (see

44 Since the top 5 over the entire ten-year period is based on the absolute number of reported victims (N=5084), the later years, when more victims were reported than in previous years, logically have a greater influence on the overall top 5. It is important to bear this in mind, especially since the increase in the number of victims reported each year is probably due more to the increased attention for human trafficking than to an increase in the actual number of victims (see earlier in this section under 'Number of reported victims')

45 For the table with the complete and detailed overview of these data (including all other nationalities, the top 5 nationalities by year and the top 10 overall), see Appendix 3, Table B3.4.

Table 3.1, last column), although these five nationalities do not make up the top 5 in each individual year (see Table 3.1).⁴⁶

Figure 3.4 Trend in the overall top 5 nationalities of reported victims (2000-2009)



The proportion of Dutch victims has increased greatly in the last decade (from 7% in 2000 to 26% in 2009). This increase started in 2004. Dutch has been the most common nationality since that year (see Table 3.1). A possible explanation for this development is the growing concern about human trafficking (see §2.7), including the growing attention to the specific problem of loverboys (see §2.4.4).⁴⁷ The largest number of Dutch victims was reported in 2008 (N=320=39%), whereupon in 2009 the number declined for the first time since 2003 (in both absolute and relative terms).

The proportion of Nigerian victims has fluctuated in the last 10 years from a minimum of 5% in 2001 to a maximum of 15% in 2006. Bulgarian is, on average, the third most common nationality of victims, at 9%, but the percentage of Bulgarians declined steadily after 2006 to just 4% in 2008 and 2009. There was a sudden increase in reports of Chinese victims in 2008 and of Romanian victims in 2009.⁴⁸

Nationality of reported underage victims

This section looks specifically at the nationalities of underage victims of human trafficking. Figure 3.3 shows that the proportion of minors among all victims each year fluctuated between 12% and 28% in the period 2006-2009.⁴⁹ Table 3.2 shows the five most common nationalities of underage victims reported to CoMensha in each year between 2006 and 2009.^{50 51}

46 For example, we can see from Figure 3.4 that in 2001 the five nationalities that constitute the top 5 overall only accounted for 28% of the 284 reported victims, while the top 5 for 2001 (consisting of Bulgarian (14%), Russian (10%), Ukrainian (6%), Nigerian (5%) and Dutch (4%)) represented 39% of the 284 reported victims (see Appendix 3, Table B3.4).

47 Awareness that Dutch victims should also be reported to CoMensha has also grown.

48 As already noted, this can be explained by the alleged exploitation on the asparagus farm in Someren.

49 See also Appendix 3, Table B3.3.

50 CoMensha has registered the age of reported victims since 2001 but the link between nationality and age can only be made from 2006 on, since that is the year when BNRM started using databases supplied by CoMensha rather than just its annual reports (see 'Research method' earlier in this section).

51 For the table with the complete and detailed overview of these data (including the absolute and relative numbers of all nationalities in a year, the top 5 each year and the top 5 overall), see Appendix 3, Table B3.5.

Table 3.2 Ranking of top 5 nationalities of reported underage victims (2006-2009)

	2006	2007	2008	2009	2006-2009
Dutch	1	1	1	1	1
Nigerian	2	2	5	2	2
Chinese	3'	5'	2	5	3
Guinean			3	3	4
Sierra Leonean	3'	5'	4	4	5
Romanian		3			
Bulgarian	5	4			

Source: STV/CoMensha databases.

During the period shown here, the top 5 nationalities are the same almost every year. Dutch comes first every year, generally followed by West African nationalities (Nigerian, Guinean and Sierra Leonean) and Chinese. Guinean entered the top 5 in 2008, the year in which East European nationalities (Romanian and Bulgarian) disappeared from the rankings.

Table B3.5 in Appendix 3 shows that an average of 52% of all underage victims were Dutch⁵² and 17% were Nigerian⁵³ in the period 2006-2009. These two nationalities headed the list by some distance.⁵⁴

We investigated whether there is any difference between the proportion of underage victims among Dutch victims and among Nigerians or other non-Dutch victims. Figure 3.5 presents the results for the period 2006-2009.⁵⁵

There were significantly more underage victims among Nigerian victims in 2006 (37%) and 2007 (48%) than among Dutch victims (2006: 24% and 2007: 37%) and other non-Dutch victims (2006: 10% and 2007: 14%). These differences are very significant.⁵⁶

Remarkably, the proportion of underage victims among Nigerian victims was smallest in 2008 (11% compared with 13% among other non-Dutch victims and 33% among Dutch victims), having fallen dramatically from 48% in 2007. The reason for this decline was probably the successful completion of the Koolvis investi-

52 Underage Dutch victims of human trafficking are often linked with the loverboy problem (for more about this problem, see §2.4; NRM1, §4.4.2; NRM3, §3.2.2; NRM5, §3.4; and NRM7, §9.4.3). However, not all underage Dutch victims are victims of loverboys and adults can also be victims of loverboys (especially since the age of victims registered by CoMensha is their age at the time of notification and not their age when they first became a victim). Two of the 63 underage Dutch victims in 2009 were male and there were no underage male Dutch victims in the period 2006-2008.

53 Underage Nigerian victims of human trafficking are often linked to unaccompanied underage Nigerian aliens who disappear to an unknown destination from reception centers (for more information about this, see §2.4; NRM1, §4.4.2; NRM7, §9.5).

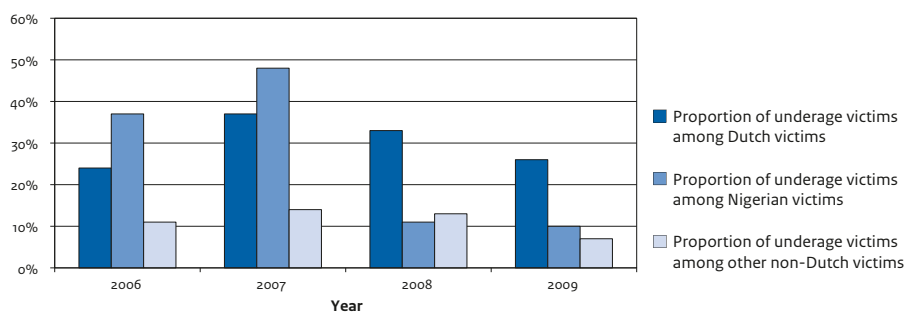
54 In relation to the other nationalities in the top 5: Chinese (5%) and Guinean and Sierra Leonean (both 4%).

55 For the table with the detailed overview of these data, see Appendix 3, Table B3.7.

56 2006: $p < 0.01$; 2007: $p < 0.01$.

gation into a major Nigerian human trafficking network in October 2007.⁵⁷ In 2009, as in 2008, the proportion of underage victims was by far the largest among Dutch victims. These differences are very significant.⁵⁸

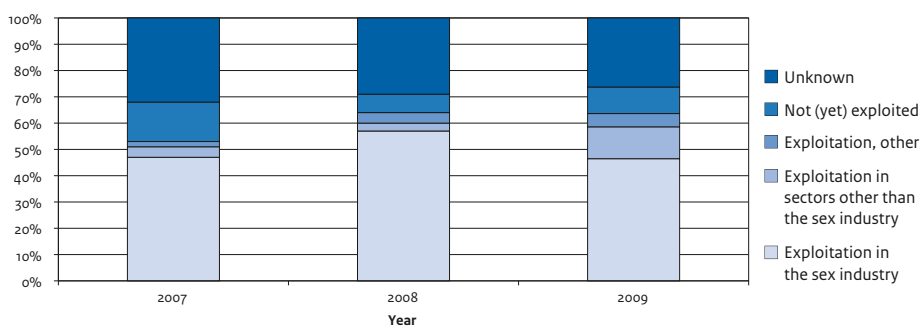
Figure 3.5 Proportion of underage victims among Dutch, Nigerian and other non-Dutch reported victims (2006-2009)



Sectors in which victims were exploited

Since the criminalisation of exploitation in sectors other than the sex industry in 2005 (see §§2.2.1 and 2.2.2), CoMensha now registers the sector in which a victim was (allegedly) exploited. BNRM has this information for the period since 2007, which is presented in Figure 3.6.⁵⁹ The category ‘Exploitation, other’ could refer to a form of exploitation in the sex industry or in another sector.⁶⁰

Figure 3.6 Sectors in which victims were exploited (2007-2009)⁶¹



⁵⁷ For more information about the Koolvis investigation, see NRM7, §9.5.5.

⁵⁸ 2008: $p < 0.01$; 2009: $p < 0.01$.

⁵⁹ For the table with the complete and detailed overview of the data (including a breakdown by gender and the different forms of exploitation in sectors other than the sex industry), see Appendix 3, Table B3.8.

⁶⁰ The sector in which victims in the category ‘Exploitation, other’ were exploited is known. These cases involve a sector for which there is no separate category in the CoMensha register (so they are generally sectors in which cases have never or only very occasionally occurred previously). Since the share of ‘Exploitation, other’ is 5% in 2009, this category should be defined more precisely in the future.

⁶¹ No victims of forced organ donation have been reported to CoMensha up to now, with the exception of one Indian male victim in 2007 (see NRM7, §13.3.3). This incident cannot be seen in Figure 3.6 because the proportion has been rounded off to 0%.

Every year, for roughly 30% of the victims, it is not known whether they have been exploited or, if they were exploited, in which sector. What can be stated, in any case, is that in the period 2007-2009 between 7% and 15% of the reported victims at least had not actually been exploited because they had not yet worked.

At least half of the reported victims were exploited in the sex industry (50%). Of the 343 victims who were exploited in the sex industry in 2007, a quarter were underage (N=84). In 2008, underage victims in the sex industry accounted for a fifth (93 of the 475) and in 2009 for a tenth (45⁶² of the 423).

The minimum percentage of victims who were exploited in a sector other than the sex industry⁶³ rose to 12% in 2009 (compared with 4% in 2007 and 3% in 2008).⁶⁴ This can be explained mainly by the increased efforts to investigate exploitation in sectors other than the sex industry and the greater attention to this phenomenon (see §2.7). These forms of exploitation are being discovered and recognised more frequently.⁶⁵ As already noted in §3.2.2, these are often situations where an investigation reveals a relatively large number of victims and which therefore have a significant impact on the overall figures. The suspected exploitation on the asparagus farm in Someren in 2009 is a good example of this (see also under gender of reported victims (Figure 3.2) and nationality of reported victims (Table 3.1 and Figure 3.4)). In 57 (35%) of the 161 cases of exploitation in sectors other than the sex industry in the period 2007-2009, the exploitation occurred in the agriculture and horticulture sector; 56 of these cases were in 2009.⁶⁶ Consequently, since 2009 the agriculture and horticulture sector has been the predominant sector outside the sex industry for suspected exploitation, while in 2007 and 2008 there were almost no reported situations of exploitation in those sectors. The main sectors outside the sex industry where exploitation occurred in the period covered, after agriculture and horticulture, were domestic work (33 victims (20%) in the period 2007-2009) and the hospitality sector (19 victims (12%) in the period 2007-2009) (and with cases divided more evenly over the years).

Notifiers

Since 2001, CoMensha has registered the person or agency that has reported a victim to it. Figures 3.7a and b show where most reports of victims came from in 2001 and 2009 (the top 5).⁶⁷

62 Of whom 27 had Dutch nationality.

63 Such as agriculture and horticulture, domestic work, hospitality, construction, the food industry, drug dealing, etc. (see Appendix 3, Table B3.8).

64 None of the reported victims who were exploited in sectors other than the sex industry had Dutch nationality, with the exception of four Dutch victims in 2009 who were exploited in drug dealing.

65 This trend will probably continue in the future.

66 These 56 suspected victims were 25 Romanian men, 25 Romanian women, four Portuguese men and two Polish men. The average age of the victims was significantly higher (35.11 years old; Sd: 9.55; N=56) than the age of the victims who were not exploited in agriculture and horticulture in 2009 (24.80 years old; Sd: 8.11; N=840 (the age of 13 of them is not known)). This result is very significant: $p < 0.01$.

67 For the table with the complete overview of these data (including all other notifiers, the data for the period 2002-2008 and the top 5 overall), see Appendix 3, Table B3.9.

Figure 3.7a Notifiers (2001)

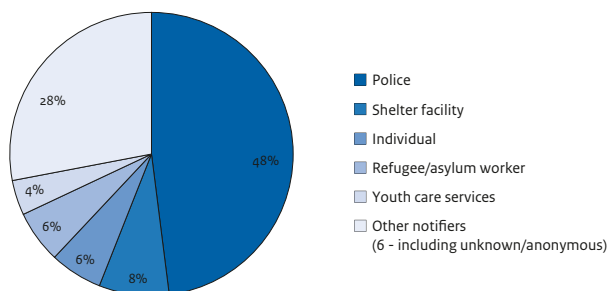
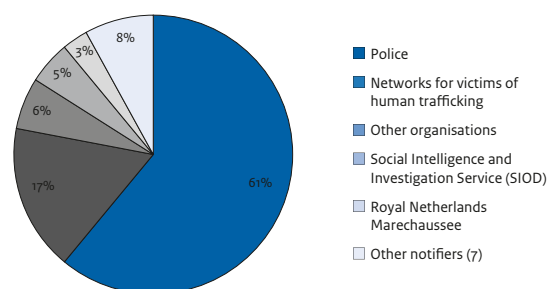


Figure 3.7b Notifiers (2009)



By far the largest number of notifications in every year from 2001 to 2009 came from the police, whose share of all annual notifications ranged from 47% (in 2004) to 61% (in 2009).⁶⁸ Interestingly, Figures 3.7a and b show that, with the exception of the police, the five leading notifiers in 2001 no longer appear in the top 5 in 2009. However, that does not mean that they no longer report victims.⁶⁹ The figures also show that the top 5 notifiers in 2009 together account for 92% of all the notifications, which is more than the corresponding figure of 72% in 2001. The notifiers⁷⁰ and their shares of notifications vary over the years. Appendix 3, Table B3.9 provides more details on this.

Purpose of notification: (registration and) shelter

As described in the introduction to this section, victims are reported to CoMensha for various reasons. One of the reasons is for registration and shelter.⁷¹ Of the 909 victims reported in 2009, 201 were reported for the purposes of securing shelter. Of those 201 victims requiring shelter, 166 (83%) were also found a place in

68 Note: from 2007 the number of notifications in a single year is no longer the same as the number of reported victims in a single year (see the explanation for this in Appendix 3, Table B3.9).

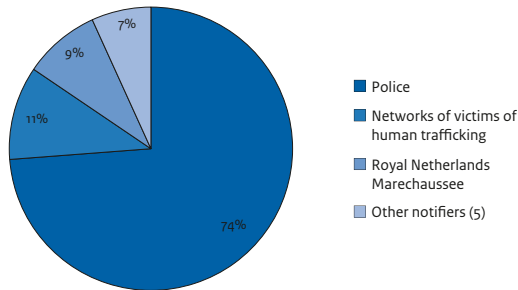
69 In 2009, another seven reports came from 'shelter facilities', 18 from 'individuals', four from 'refugee/asylum organisations' and eleven from 'youth care services'.

70 Some notifiers have disappeared over the years and others, such as the SIOD in 2009, have appeared. 36 of the 48 SIOD notifications in 2009 concerned victims discovered in the agriculture and horticulture sector (Someren case).

71 It is for the first time that BNRM reports this kind of information. That is why only the year 2009 is reported.

a shelter – 16 of them in emergency accommodation because of a lack of suitable places.⁷² Figure 3.8 shows who reported the victims that required shelter in 2009 (total of 208 notifications of 201 different victims).⁷³

Figure 3.8 Purpose of notification: (registration and) shelter (2009)



Three-quarters of the victims who were reported for the purpose of registration and shelter in 2009 were reported by the police. The other victims requiring shelter were notified mainly by networks for human trafficking victims and the Royal Netherlands Marechaussee.

3.3.2 Victims and the B9 regulation

Non-Dutch (potential) victims and witnesses⁷⁴ of human trafficking without a residence permit can claim a temporary residence permit on the basis of Chapter 9 of the Aliens Act Implementation Guidelines⁷⁵ if, after a reflection period of up to three months, they cooperate with the investigation and prosecution by the police and/or the public prosecution service.⁷⁶ This temporary residence permit gives them access to certain services (reception, shelter, medical assistance, legal advice and special facilities to support themselves). As regards non-Dutch victims who are living legally in the Netherlands, the B9 regulation provides as follows: ‘For the sake of completeness, it should be noted that nationals of the EU and EEA and Swiss nationals can also derive rights from the provisions and procedure laid down in this chapter insofar as they do not have rights under Community law’.⁷⁷

In the Netherlands, requests for residence permits under the B9 regulation are submitted to the Immigration and Naturalisation Service (IND), which makes a decision on them. Reporting the crime of

⁷² Annual report CoMensha, 2009

⁷³ For the table with the complete and detailed overview of these data (including the other purposes of notification by notifier), see Appendix 3, Table B3.10.

⁷⁴ For the reader’s convenience, elsewhere in this section the term ‘victims’ will be used.

⁷⁵ For the reader’s convenience, elsewhere in this section the term ‘B9 regulation’ will be used. The terms B9 applications and B9 awards are used for applications for a temporary residence permit on the basis of the B9 regulation and the granting of a temporary residence permit, respectively.

⁷⁶ Until 14 November 2007, reporting a crime was a requirement. Since then it has also been sufficient for victims to cooperate in some other way with the investigation and prosecution (witnesses are still required to report a crime).

⁷⁷ *Aliens Act Implementation Guidelines* 2000, B9 (April 2001). For more information about the B9 regulation, see §2.5.1

human trafficking or otherwise cooperating with the police and/or public prosecution service⁷⁸ is regarded *ex officio* as an application for a B9 residence permit.⁷⁹ B9 applications are therefore always submitted to the IND by the police.

Research method

The information in this subsection (3.3.2) is based on the databases delivered each year by the IND to the BNRM, containing records of all contacts in which the B9 regulation played a role. Information about individual victims can be derived from these databases ('secondary analysis').⁸⁰ Because of omissions in the system, caused by the transfer of the aliens administration system from the aliens police to the IND, no figures can be reported for 2003 and 2004.

For explanatory notes to the figures and tables in this section, the additional tables in Appendix 3 and the statistics applicable to them, see Appendix 2.

Remarks about the figures

IND records contain the details of all victims who have submitted an application for B9 status and who have been granted a B9 residence permit. However, the number of victims selected on the basis of the B9 regulation from the IND records is probably not precisely the same as the number of victims who made an application under that regulation.

The number selected may be lower than the actual number because the IND has no standard and mandatory procedure for registering applications under the B9 regulation.⁸¹ It is therefore possible that victims who invoke the B9 regulation cannot all be traced. The Rapporteur has made a number of recommendations to improve the IND's registration of initial B9 applications and B9 awards and of decisions made on objections and on subsequent appeals.⁸² At the time of writing, the IND was developing a new registration system called INDIGO.

78 Reporting a crime is often a very emotional experience (other forms of cooperation are probably less so) and victims fear an ultimate acquittal (sometimes because of a feeling of 'inequality of arms'), which can lead to 'secondary victimisation' (NRM1, §4.5; NRM7, §4.5).

79 However, there are signs that in practice victims are not always informed of the possibilities afforded by the B9 regulation (or of the reflection period of up to three months). This is because some police forces were or are unclear about the options and the applicability of the B9 regulation, particularly with respect to non-Dutch victims who are living legally in the Netherlands. This is probably almost never the case any longer.

80 After all, a victim might be pursuing various procedures (and have various contacts in each procedure) with the IND.

81 A person who applies for a B9 residence permit is sometimes registered as receiving a residence permit on other grounds (for example 'residence with partner' or 'working in the EU'). The opposite also sometimes occurs: a B9 residence permit is granted to a person who had not applied for one at the time of the initial registration. Persons who are linked to the B9 regulation either in the application for or the granting of a permit are included in the selection. The figures concerning B9 applications and B9 awards in this section could in fact differ somewhat from the IND's figures due to the fact that victims who are at any time linked to the B9 regulation and are also pursuing another procedure with the IND (for residence for another purpose) might not be registered under the B9 regulation since the IND classifies persons according to the first stated purpose of residence.

82 NRM7, recommendation 45.

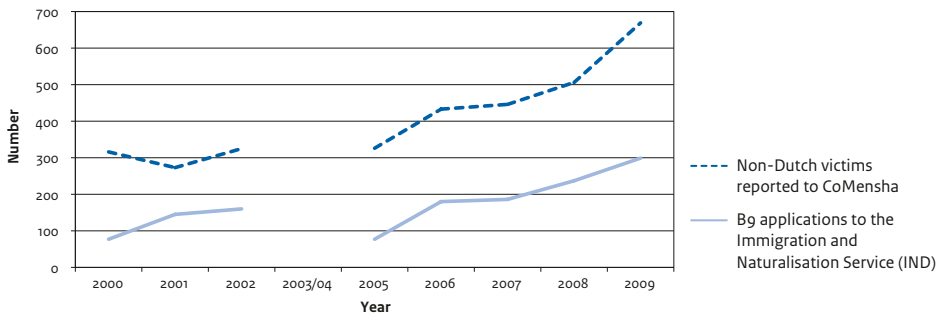
At the same time, the selected number could also be higher than the actual number of victims that have invoked the B9 regulation because the IND sometimes mistakenly registers an application for a residence permit on other grounds as a B9 application.⁸³ Furthermore, the selected number includes both victims and witnesses of human trafficking⁸⁴ and occasionally the children of victims and witnesses are mistakenly registered as having submitted a B9 application themselves.

It also has to be borne in mind that a B9 application is not always dealt with in the same year as the application is made.⁸⁵ Consequently, the numbers of B9 applications and B9 awards in each year do not cover a cohort and can therefore not be compared with each other. Finally, it has to be noted that no information is provided to the IND relating to the reflection period offered to victims.

Number of B9 applications

Figure 3.9 shows the trend in the annual number of B9 applications⁸⁶ over the period 2000-2009^{87, 88}

Figure 3.9 Number of B9 applications (2000-2009)⁸⁹



The number of B9 applications increased almost four-fold over the last decade (from 77 to 299⁹⁰). The number of applications rose every year, with the exception of a drop in the period 2003-2005. In some years the number rose very steeply (134% in 2006) and in others only very slightly (3% in 2007).

83 These B9 applications are reported as ‘incorrectly entered B9 application’.

84 The IND makes no distinction between them.

85 There are other options in addition to granting or rejecting B9 applications. For example, the B9 application might be withdrawn by the victim, the victim might disappear, it might be decided not to start or to halt the investigation or the prosecution (NRM3 §3.5.2). There are also the previously mentioned ‘incorrectly entered applications’.

86 The numbers only represent ‘initial’ B9 applications and awards. Applications for extensions of B9 permits are ignored here.

87 With the exception of 2003 and 2004. See under ‘Research method’ earlier in this section.

88 For the table with the detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.11.

89 In NRM7, the number of B9 applications in 2008 is incorrectly reported as 443.

90 In 2009, 18 of the 299 B9 applications were ultimately found to have been incorrectly entered. There were therefore actually 281 B9 applications in that year (at most, since six of the 281 B9 applications in 2009 were not handled in that year).

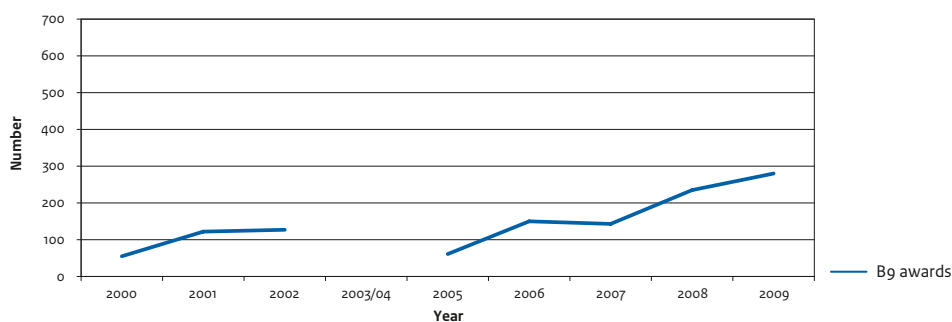
In the last two years there has been a steady increase of around 25% a year. Since 2005, the trend in the number of B9 applications has followed the trend in the number of non-Dutch victims registered by CoMensha.⁹¹

Since 14 November 2007, forms of cooperation with the police and/or the public prosecution service other than the previously required report of human trafficking should be officially regarded as a B9 application. This is not reflected in the figures. A possible explanation for this is that even before that date the police formally regarded this type of cooperation as an application for B9 status.⁹²

Number of B9 awards

Figure 3.10 shows how many B9 residence permits were granted each year in the last decade.^{93,94} These data cannot be compared with the annual numbers of applications for B9 status since applications are not all dealt with in the year the application is made.^{95,96}

Figure 3.10 Number of B9 awards (2000-2009)



The number of B9 awards increased substantially in the period 2000-2009 (index figure 5.1). As is to be expected,⁹⁷ during the shown period, the trend was largely the same as for the annual number of B9 applications (see Figure 3.9). In 2009, a record number of 280 B9 permits were awarded. In that year, seven

91 It should be noted that the number of non-Dutch victims reported to CoMensha is not directly comparable with the number of victims who made a B9 application to the IND, if only because the submission of a B9 application can be preceded by a three-month reflection period.

92 Information received verbally from the police, meeting of the National Expert Group on Human Trafficking (LEM), 20 February 2008 (not published).

93 With the exception of 2003 and 2004. See 'Research method' earlier in this section. Naturally, this also applies for the other data in this section.

94 The numbers represent all B9 awards (even if B9 status was only granted at a later stage, for example after an objection or an appeal procedure) in response to 'initial' applications. Applications for extension of a B9 residence permit that were granted are not included here.

95 See 'Remarks about the figures' earlier in this section.

96 For the table with the detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.12.

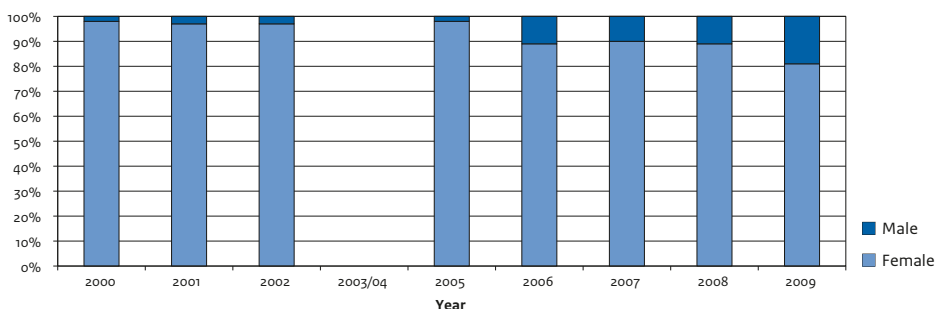
97 Although the annual number of B9 applications and B9 awards do not cover a cohort, the vast majority of the applications in a year are also handled in that same year – usually by granting B9 status.

(2%) of the total of 287 applications dealt with were rejected. The grounds on which the applications were rejected are not known.⁹⁸

Gender of victims granted a B9 permit

Figure 3.11 shows the distribution by gender of the victims granted B9 status between 2000 and 2009.⁹⁹

Figure 3.11 Gender of victims granted B9 status (2000-2009)

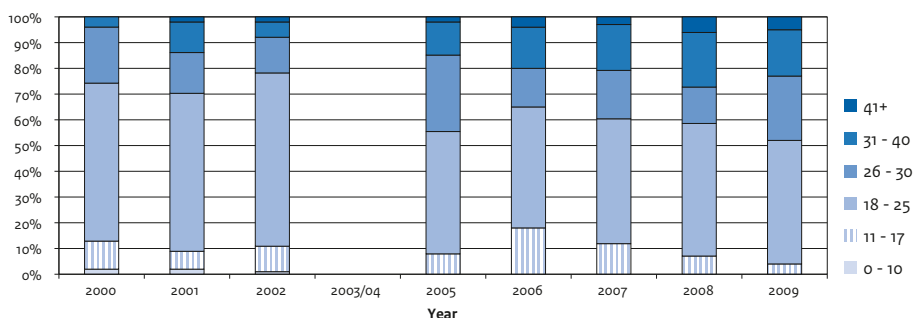


Between 2000 and 2005, the proportion of male victims granted B9 status was very small (2% to 3%). The expansion of the human trafficking article in 2005 that, among other things, criminalised exploitation in sectors other than the sex industry¹⁰⁰ probably explains the increase in the number of B9 awards for male victims from 2006 on (10% to 11%). In 2009, roughly a fifth of the B9 awards were for male victims (19%). That corresponds with the rise in the number of male victims of human trafficking reported to CoMensha in 2009 (see Figure 3.2).

Age of victims granted B9 status

Figure 3.12 shows the age distribution of victims granted B9 status between 2000 and 2009.¹⁰¹

Figure 3.12 Age of victims granted B9 status (2000-2009)



98 If an application is not granted, it does not necessarily mean that the application was rejected. The application could also have been dealt with in another way (see 'Remarks about the figures' earlier in this section).

99 For the table with the detailed overview of these data, see Appendix 3, Table B3.13.

100 See §§2.2.1 and 2.2.2.

101 For the table with the detailed overview of these data, see Appendix 3, Table B3.14.

On average, at least half (53%) of the victims who were granted B9 status were aged between 18 and 25. Almost 40% of the victims granted B9 status were older, and half of them were between the ages of 26 and 30 (19%). The other victims granted B9 status (almost 10%) were minors.¹⁰²

There has been a slight shift towards the older age groups: between 71% and 79% were younger than 26 in the period 2000-2002 and between 52% and 65% were younger than 26 in the period 2005-2009. Relatively speaking, the number of minors was smallest in 2009 (4%).

Nationality of victims granted B9 status

Table 3.3 ranks the five most common nationalities of victims granted B9 status in the last decade.

Table 3.3 Ranking of top 5 nationalities of victims granted B9 status (2000-2009)

	2000	2001	2002	2005	2006	2007	2008	2009	2000-2009
Nigerian	1	4	3	5	1	1	1	1	1
Bulgarian	2	1	1	1	3	4			2
Chinese					5	3	2	3	3
Sierra Leonean			5'	2	4	2	3	2	4
Romanian	3'		2	3	2				5
Guinean							4	4'	
Ghanaian								4'	
Hungarian							5		
Moroccan						5			
Russian	3'	2'	5'	4					
Moldavian			4						
Ukrainian		2'							
Czech	5	5							

Source: IND databases

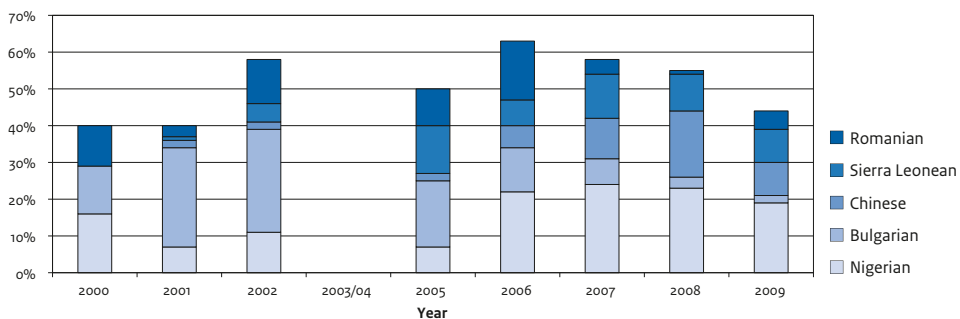
In 2000 and from 2006, most B9 residence permits were granted to victims with the Nigerian nationality. Prior to 2006, the first place had been occupied in at least three years by Bulgarians (2001, 2002 and 2005). Russian victims regularly occupied a position in the top 5 at the beginning of the decade, but have not done so since 2006. Recent newcomers in the annual top 5 are Guineans (since 2008) and Ghanaians (since 2009).

Victims who have been granted B9 status in the last decade have represented a total of 81 different nationalities (excluding the categories 'unknown' and 'stateless'). Figure 3.13 shows the trend in the top 5 nationalities overall in the period 2000-2009.¹⁰³ The top 5 nationalities overall are Nigerian, Bulgarian, Chinese, Sierra Leonean and Romanian (see Table 3.3, last column), although these five nationalities do not make up the top 5 in each individual year (see Table 3.3).¹⁰⁴

102 Among the minors, children of victims were occasionally, and mistakenly, also registered as recipients of B9 status. In each of the years 2007, 2008 and 2009 one of the registered minors shared a file with an adult victim, which is a strong indication of a parent-child relationship.

103 For the table with the complete and detailed overview of these data (including all other nationalities, the top 5 in each year and the top 10 overall), see Appendix 3, Table B3.15).

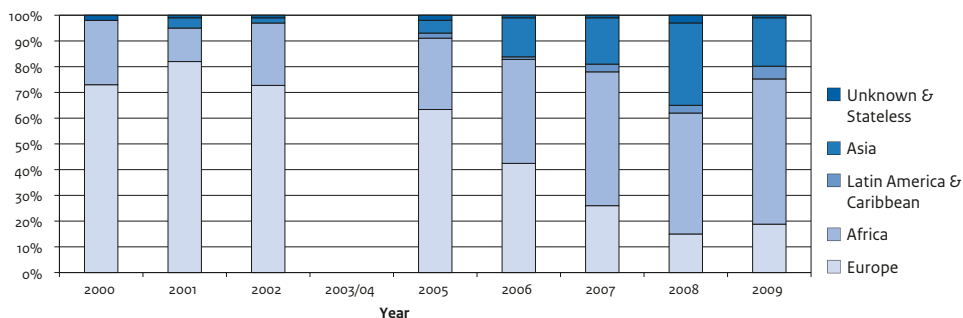
104 For example, we can see from Figure 3.13 that only three of the five nationalities that constitute the top 5 overall appear in 2000 (jointly accounting for 40%). The top 5 in 2000 are Nigerian (16%), Bulgarian

Figure 3.13 Trend in the overall top 5 nationalities of victims granted B9 status (2000-2009)

The share of B9 residence permits granted to Nigerian victims was more than twice as large in the second half of the decade as in the first half (averaging 10% in the period 2000-2002 and in 2005 compared with an average of 22% in the period 2006-2009). The proportion of Bulgarians granted B9 status actually peaked in the first period (with a record of 28% in 2002), but has since fallen dramatically (to 2% in 2009). In relative terms, the number of Chinese victims granted B9 status has been steadily increasing, although in 2009 the number declined for the first time. The percentage of B9 residence permits granted to Sierra Leonean and Romanian victims has fluctuated. After almost disappearing from the statistics in 2008 (1%), the share of B9 residence permits granted to Romanians rose again to 5% in 2009.

Region of origin of victims granted B9 status

Figure 3.14 shows the breakdown of victims granted B9 status by region of origin.^{105, 106}

Figure 3.14 Region of origin of victims granted B9 status (2000-2009)

(13%), Romanian (11%), Russian (11%) and Czech (7%) - total 58% (See Appendix 3, Table 3.15).

105 Only the regions of origin of victims granted B9 status in the period 2000-2009 are shown.

106 For the table with the detailed overview of these data, see Appendix 3, Table B3.16. From 2005, a distinction is also made in this table between countries within Europe; that is to say between countries that were member states of the EU in 1995, countries that joined the EU in 2004 or 2007, non-EU countries in Eastern Europe and non-EU countries in Western Europe.

Most victims granted B9 status in the last decade came from Africa (41%) and Europe (39%). The remaining 20% came predominantly from Asia (16%). There has been an evident shift over time from Europe to Africa and Asia. Up to and including 2005, the vast majority (between 64% in 2005 and 82% in 2001) of persons granted B9 status still came from Europe, whereas Europeans only accounted for 15% in 2008 and 19% in 2009.¹⁰⁷ Meanwhile, Africa and Asia have become increasingly important regions of origin over the years. Latin America and the Caribbean only appear occasionally as a region of origin.

Police regions from which successful B9 applications are made

When a non-Dutch victim of human trafficking or otherwise cooperates with the police, it is regarded *ex officio* as an application for a temporary residence permit on the grounds of the B9 regulation. Figures 3.15a and b show the police regions that submitted most B9 applications to the IND that have led to B9 awards in 2001 and 2009 (top 5).¹⁰⁸

Figure 3.15a Police regions from which successful B9 applications were made (2000)

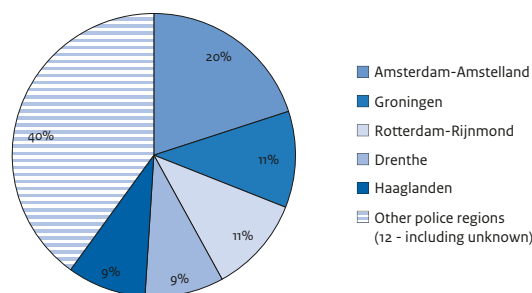
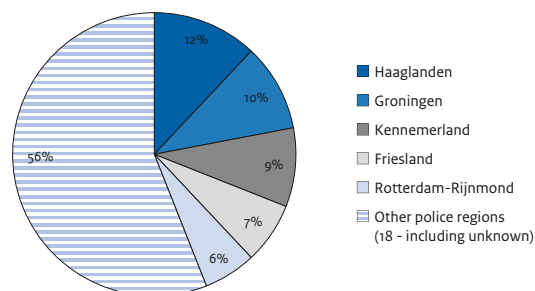


Figure 3.15b Police regions from which successful B9 applications were made (2009)



107 The B9 recipients from Europe come mainly from the new EU member states and East European countries that are not members of the EU (see Appendix 3, Table B3.16).

108 For the table with the complete and detailed overview of these data (including all other police regions, the data for 2001-2008 and the top 5 overall), see Appendix 3, Table B3.17.

Over the entire period 2000-2009, the Haaglanden police region is the region that submitted the largest number of B9 applications (132) that were granted (in 2000 the region was still in fifth place, but it came first in 2009). Haaglanden is closely followed by the Amsterdam-Amstelland police region (130), but that region no longer appeared in the top 5 in 2009.¹⁰⁹ The figures show that the police regions in the top 5 vary over the years (as do their relative shares of successful applications), although some police regions are represented more consistently than others. For more details, see Appendix 3, Table B3.17.

3.3.3 Victims and compensation

Victims of human trafficking can receive compensation for material loss and/or emotional injury. One of the possibilities¹¹⁰ is for the judge to make an order to pay compensation, on an application or *ex officio*, separately or in combination with the (partial) award of the injured party's claim for compensation¹¹¹ (see §2.8.3). If a compensation order is made, the compensation is collected for the victim by the Central Fines Collection Agency (CJIB).

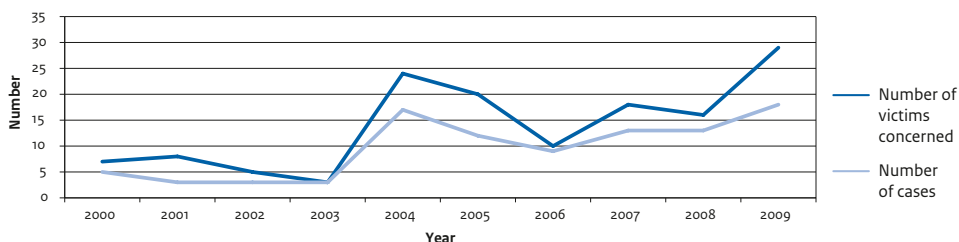
Research method

At BNRM's request, the CJIB has provided data about compensation orders made in human trafficking cases.¹¹² These are anonymous data at case level; in other words, cases involving anonymous individuals who have been irrevocably¹¹³ convicted of at least human trafficking.

Number of compensation orders made

Figure 3.16 shows, over the period 2000-2009, the trend in the number of cases each year in which a compensation order was made. The number of victims on whose behalf the compensation orders were made is also shown for each year.¹¹⁴

Figure 3.16 Number of compensation orders made (2000-2009)



109 The Haaglanden and Amsterdam-Amstelland police regions together accounted for 22% of all B9 applications that were granted in the period 2000-2009 (see Appendix 3, Table B3.17).

110 For a list of the possibilities, see NRM5, pp. 58 *et seq.*

111 If a claim for compensation is awarded, a compensation order is almost always also imposed (see NRM7, §11.10.2). However, claims for compensation are regularly rejected or declared inadmissible by a judge (usually because the claim is manifestly 'not simple in nature'). See NRM7, §11.10.3.

112 When studying the figures, it should be borne in mind that the victims on whose behalf a compensation order is made represent only a very small proportion of all victims of human trafficking.

113 The cases only reach the CJIB when the judgment has become final. This can sometimes be in the same year as the offence was committed, but can also be years later.

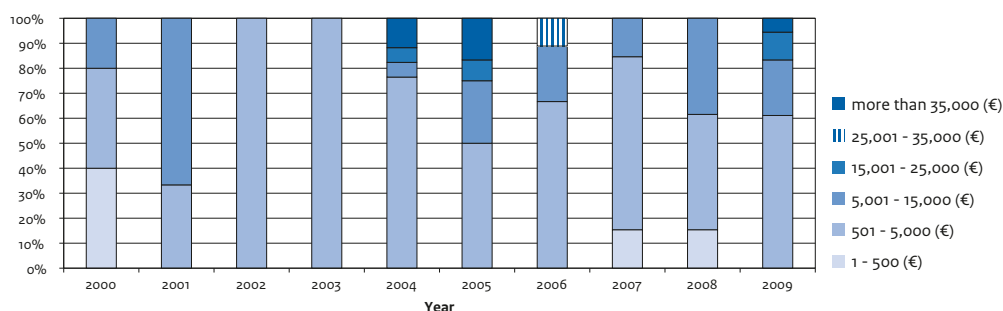
114 For the table with the detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.18.

In the period from 2000 to 2003, the number of human trafficking cases in which a final and irrevocable decision had been rendered and the CJIB was involved in collecting compensation was between three and five. From 2004, the number was significantly higher (between nine and 18 cases). Most cases (71 of the 96 cases - 74%) involved a claim for one victim. In all, the 96 cases involved 140 victims.

Compensation orders by amount awarded

Figure 3.17 shows the amounts awarded in compensation orders made by the courts, which therefore have to be collected from the convicted person by the CJIB.¹¹⁵

Figure 3.17 Compensation orders by amount awarded (2000-2009)

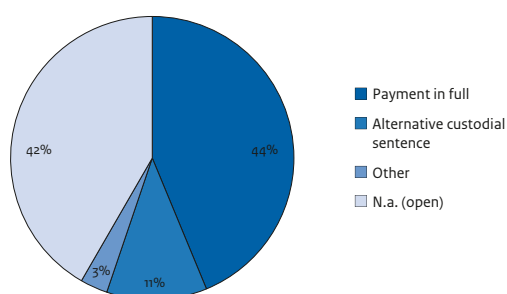


The amounts awarded – per case, not per victim – do not generally exceed €5000.

Compensation orders by disposition¹¹⁶

Figure 3.18 shows whether, and if so how, the compensation orders made during the entire period 2000-2009 had been disposed of on the reference date of 12 May 2010.¹¹⁷

Figure 3.18 Compensation orders by disposition (total from 2000-2009)



¹¹⁵ For the table with the detailed overview of these data, see Appendix 3, Table B3.19.

¹¹⁶ The method of disposition refers to the final action taken by the CJIB, whereupon the CJIB closes the case. If an alternative custodial sentence has been imposed, for example, the convicted person is still obliged to pay the victim the compensation ordered by the court. However, the CJIB is no longer involved. As far as the CJIB is concerned, the case is closed even though the convicted person has still not paid the amount.

¹¹⁷ For the table with the complete and detailed overview of these data (including the breakdown of the data by year), see Appendix 3, Table B3.20.

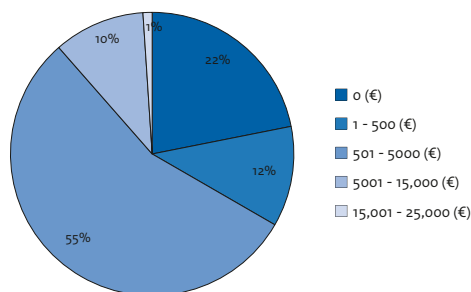
Collecting compensation is a time-consuming business, as is apparent from the large proportion (42%) of cases that are still open from earlier years.¹¹⁸ Nevertheless, a change for the better can be observed in this regard when these data are compared with the figures BNRM received from the CJIB last year.¹¹⁹ Last year there were 41 open cases (in the period 2000-2008) out of a total of 78 cases (53%), while now there are 40¹²⁰ (in the period 2000-2009) open cases out of a total of 96 (42%). The same positive trend can be seen in the number of cases where payment has been made in full. Whereas only 26 of the 78 cases (33%) had been settled with payment in full last year, compensation had been paid in full in 42 of the 96 cases (44%) this year. Examples of the occasional cases that fall into the category 'other' might be the barring of a case due to lapse of time or a settlement between the convicted person and the victim.

In the last decade, a total of 11 cases have been disposed of with an 'alternative custodial sentence'. In these cases the convicted perpetrator has not paid the full compensation and the public prosecution service has ordered that he or she must serve the alternative custodial sentence that the judge imposed at the time of sentencing. The period of custody is not a substitute for the compensation but is intended as a means of exerting pressure. However, if this produces no result, the CJIB's involvement in the matter does end and it is then left to the victim to collect the money. The victim is given a warrant with which he or she can authorise a bailiff to enforce the order (but which in fact leaves the victim practically empty-handed).

Compensation orders by amount paid

Figure 3.19 shows the amounts that had been collected in the cases where a compensation order had been made in the period 2000-2009 on the reference date of 12 May 2010.¹²¹

Figure 3.19 Compensation orders by amount paid (total from 2000-2009)



The cases where no money has yet been collected might be cases that are still open but could also be cases where, for example, an alternative custodial sentence had been enforced because it had not been possible to collect some or all of the money. The cases where a sum of money has been collected might

118 The fact that a case is still open does not mean that nothing has been paid. The court might, for example, decide that the compensation can be paid in installments, or the CJIB might, in certain cases, decide to reach a settlement (subject to strict conditions).

119 See NRM7 §4.4.

120 Of which 17 cases date from before 2007. There is even one case from 2001 and one case from 2002 still open. The majority of the open cases are therefore (probably) cases from the most recent years.

121 For the table with the complete and detailed overview of these data (including the data broken down by year), see Appendix 3, Table B3.21.

be cases that have been disposed of, but could also be open cases, for example, where some of the money has already been paid (see the total of 40 open cases and the 21 cases in which nothing has yet been paid in Appendix 2, Tables B3.20 and B3.21).

3.3.4 Summary

Table 3.4 presents the key data concerning victims that have been discussed in §3.3 in a single table. It should be noted here that the figures come from three different sources (CoMensha, IND and CJIB) and do not cover a cohort so they cannot be compared with each other.

Table 3.4 Overview of data on victims

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
CoMensha: number of victims reported	341	284	343	257	405	424	579	716	826	909	5084
IND: number of victims granted a B9 residence permit	55	122	127			61	150	143	235	280	1173
CJIB: number of victims on whose behalf a compensation order has been made	7	8	5	3	24	20	10	18	16	29	140

Victims in the CoMensha register

- A total of 5084 possible victims of human trafficking were reported to CoMensha in the period 2000-2009. The annual number has almost trebled in the last decade (from 341 to 909), mainly thanks to the growing attention for human trafficking.
- Since 2006, when exploitation in sectors other than the sex industry was criminalised, male victims have also been reported to CoMensha. In 2009, males actually accounted for 15% of the reported victims (compared with 5% to 7% in the period 2006-2008). This increase is partially explained by the large number of men discovered on the asparagus farm in Someren.
- Almost 40% of all reported victims in the last decade were aged between 18 and 23, and 15% were minors. The proportion of underage victims in 2009 (12%) was lower than in the three preceding years (between 18% and 28%).
- Dutch victims were reported most frequently in the period 2000-2009. The second most common nationality was Nigerian, followed by two East European nationalities (Bulgarian and Romanian). Chinese victims completed the top 5.
- The top 5 nationalities of reported underage victims between 2006 and 2009 were Dutch, West African (Nigerian, Guinean and Sierra Leonean) and Chinese (in third place).
A significantly larger proportion of Nigerian victims were underage than among victims of other nationalities in 2006-2007. Since 2008, the proportion of underage victims has been largest among Dutch victims.
- For almost a third of the victims reported to CoMensha since 2007, it is not known whether they had already been exploited or, if they had been exploited, in which sector. For at least one-tenth of the victims, it is at least known that they had not worked, and for at least half of them, it has been established that they were exploited in the sex industry. In the period 2007-2009, at least 161 reported victims were exploited in a sector other than the sex industry, of whom 57 (35%) in agriculture and

horticulture. Once again, this was due to the possible situation of exploitation discovered at the asparagus farm in Someren in 2009.

- Victims are reported to CoMensha most frequently by the police (55% of all notifications in the last decade). In second place are networks for victims of human trafficking (with 11%), followed by shelters (with 5%).

In 2009, three-quarters of the 201 notifications of victims requiring shelter came from the police. But they were also reported by the networks for victims of human trafficking (11%) and the Royal Netherlands Marechaussee (9%).

Victims and the B9 regulation

In the period 2000-2009 (with the exception of 2003 and 2004), 1173 B9 residence permits were granted to victims. The annual number of B9 awards has multiplied more than five-fold in the last decade (from 55 to 280).

- In the period 2006-2008, a larger proportion of B9 permits were granted to male victims than in the preceding years (10% to 11% compared with 2% to 3%) as a result of the criminalisation of exploitation in sectors other than the sex industry. Male victims actually accounted for 19% of B9 awards in 2009.
- On average, 53% of those granted B9 status are aged between 18 and 25 and almost 10% are minors. There has been a slight shift to older age groups over the years.
- The top 5 nationalities of recipients of B9 status in the last decade have been Nigerian in first place, followed at some distance by Bulgarian, Chinese, Sierra Leonean and Romanian.

Over the years, the number of recipients of B9 status from Europe has steadily declined and the number from Africa and Asia has steadily risen.

- A significant share (22%) of successful B9 applications came from the Haaglanden and Amsterdam-Amstelland police regions.

Victims and compensation

There were a total of 96 final and irrevocable judgments in the period 2000-2009 in which compensation orders were made on behalf of 140 victims (85% of them in the period since 2004). In most cases (69%) the compensation was not more than €5000 per case (not per victim). In 44% of the 96 cases the compensation has been paid in full, 42% of the cases are still open and 11% have been disposed of with an alternative custodial sentence.

3.4 Suspects and offenders

This section contains data about persons suspected of human trafficking and persons who have been convicted of the offence in the Netherlands. In other words, suspects of human trafficking registered by the public prosecution service (PPS)¹²² and persons convicted of human trafficking in first instance or on appeal.¹²³ The content of this section is based on:

122 In other words, the known suspects in the Netherlands who have been prosecuted (following an investigation by the police) for at least human trafficking. For the reader's convenience, in the remainder of this section the term 'suspects' will be used.

123 In other words, the known offenders in the Netherlands who have been convicted in first instance or on appeal (following an investigation by the police and a prosecution by the PPS) for at least human

- information from the PPS in §3.4.1 (on the prosecution of the suspects and convicted offenders), §3.4.2 (on the trial in first instance of the suspects and convicted offenders) and in §3.4.3 (on the background characteristics of the suspects and the offenders convicted in first instance);
- information from the Research and Policy Database for Judicial Documentation (OBJD) in §3.4.2 (on the trial on appeal of the suspects and convicted offenders).

Research method

The information in the following subsections (§§3.4.1, 3.4.2 and 3.4.3) is based largely on the database of the PPS (PPS database), a national database containing information from its district offices and the district courts about the prosecution and trial in first instance of suspects and offenders. From the complete database, the cases in which at least the offence of human trafficking (Article 250a, 250ter, 273a or 273f of the Dutch Criminal Code) was registered can be selected. The secondary analyses of the sub-database for ‘human trafficking’ were performed by the Statistical Information and Policy Analysis (SIBA) department of the Ministry of Justice’s Research and Documentation Centre (WODC) at BNRM’s request.

The same applies for the information from the OBJD (§3.4.2). The OBJD is a database created for the purposes of academic research and to assist in the formulation and monitoring of policy. The database is regularly supplied with information from the Judicial Documentation System (JDS). For the explanatory notes to the figures and tables in this section, the additional tables in Appendix 3 and the applicable statistics, see Appendix 2.

Remarks about the figures

The data from the sub-database for ‘human trafficking’ that are presented in this section may not cover all suspects registered by the PPS and offenders convicted of a human trafficking offence in first instance because occasionally, if the indictment contains multiple offences, only the first offence is registered in the PPS database.¹²⁴

Also, the data from the PPS database are not up to date and are therefore often incomplete. The data in the OBJD are even more outdated. It is at least six months before the data in the PPS database for a particular year can give a fairly reliable impression. The data are reasonably stable after approximately a year, although even then some minor changes will still be made at subsequent reference dates.¹²⁵ The most recent reliable data available in January 2010, therefore, were the data for 2008.¹²⁶ Where possible, the data have been supplemented with figures from the PPS’s annual report for 2009.

It also has to be borne in mind that the data do not cover a cohort, since cases are not all dealt with by the PPS and by the court of first instance, and where applicable by the court of appeal, in the same year as they are registered by the PPS.

trafficking. For the reader’s convenience, in the remainder of this section the term ‘offenders’ will be used.

124 In fact, only the principal offences charged are included in the PPS database. However, since it is very unlikely that a human trafficking offence will be charged as a subsidiary offence to another offence this is not relevant for the registered human trafficking offences.

125 Every year, therefore, BNRM requests the data from the earlier years on which it has reported in order to analyse them again.

126 Information received verbally from WODC.

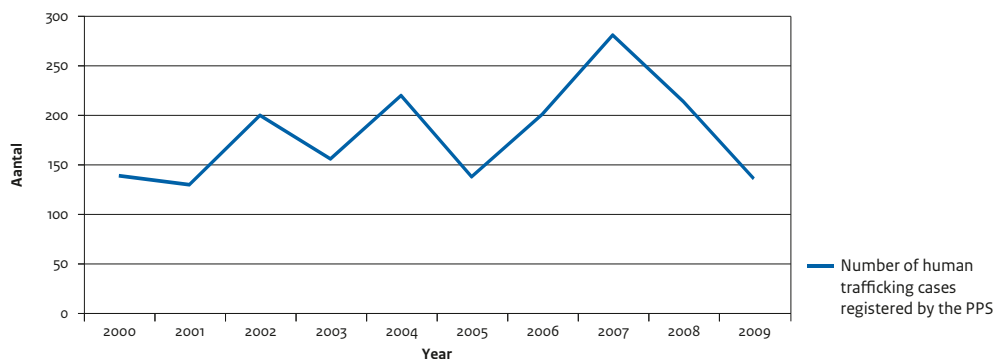
Finally, it should be noted that the PPS database (and the OBDJ) makes no distinction between human trafficking offences involving sexual exploitation and human trafficking offences involving other forms of exploitation. COMPAS, the current registration system used to supply data for the PPS database will shortly be entirely replaced by the new GPS system. The Rapporteur has requested (and in the Fifth and Seventh Reports recommended¹²⁷) that this distinction be made in the new system.

3.4.1 Prosecution

Number of human trafficking cases registered by the PPS

Figure 3.20 shows the trend in the number of human trafficking cases against individual suspects registered annually by the PPS in the period 2000-2009.¹²⁸

Figure 3.20 Number of cases registered by the PPS (2000-2009)



The number of cases registered by the PPS in the period covered (2000-2009) was 1815. The number of cases registered annually remained fairly stable during this ten-year period (from 139 in 2000 to 136 in 2009). The figure shows a heavily fluctuating pattern, with a decline in one year alternating with an increase in the next. The number of cases only increased over successive years in 2006 and 2007, producing the record number of 281 registered cases in 2007. The number of cases fell in 2008, and continued to decline in 2009 to around the level in 2005, according to the PPS's 2009 annual report.¹²⁹

127 NRM5, recommendation 64; NRM7, recommendation 43.

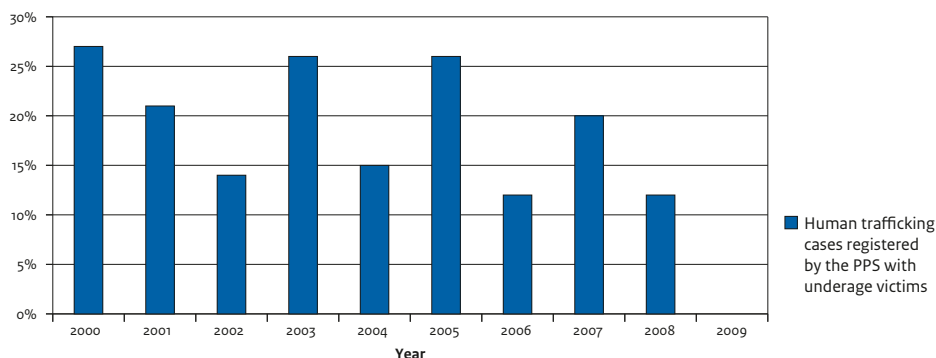
128 For the table with the complete and detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.22.

129 According to the PPS, there were 136 registered human trafficking cases (Public Prosecution Service, Annual Report 2009). The numbers for 'Inflow PPS' for 2005-2008 presented in the annual report differ slightly from the numbers in Figure 3.20 (and the accompanying Table B3.22 in Appendix 3). This is probably the result of the use of different reference dates.

Registered cases involving underage victims

Figure 3.21 shows the percentage, in each year and for the period 2000-2008, of all the human trafficking cases registered in a year in which (as far as is known) one or more¹³⁰ underage victims were involved.^{131,132}

Figure 3.21 Registered cases involving underage victims (2000-2008)



An average of 18% of the registered cases involved at least one underage victim in the period 2000-2008. The figure fluctuated over the nine years, being at least 20% in 2000, 2001, 2003, 2005 and 2007 (with a record of 27% in 2000) and between 12% and 15% in the other four years.

Registered cases, by court district

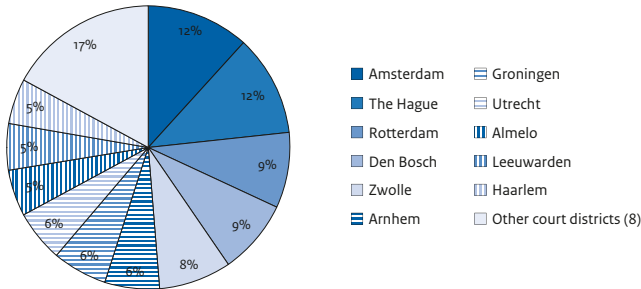
Figure 3.22 shows the percentage of cases registered by each of the district offices of the PPS during the entire period 2000-2008.¹³³

¹³⁰ The number of human trafficking cases involving underage victims is not indicative of the total number of underage victims involved, since there could have been more than one victim in each case.

¹³¹ Criterion: registration under article and section numbers that imply that the victims were underage. In the Dutch Criminal Code, those are section 1 (3) and section 2 (2) of Article 250ter; section 1 (3) and (5) and section 2 (2) of Article 250a; and section 1 (2), (5) and (8), section 3 (2) and section 4 of Article 273 a/f. However, underage victims could also be involved in cases registered under other sections and subsections of those articles (see NRM7 §11.5.2), so the number is almost certainly underestimated.

¹³² For the table with the detailed overview of these data, see Appendix 3, Table B3.23.

¹³³ For the table with a complete and detailed overview of these data (including the breakdown of the figures for the other eight district offices, the top 5 each year and the top 10 overall), see Appendix 3, Table B3.24.

Figure 3.22 Registered cases, by court district (total from 2000-2008)

The district office in Amsterdam registered the largest number of human trafficking cases in the nine-year period ($N=197$), closely followed by The Hague with 194 cases. The other offices in the top 5 were Rotterdam ($N=145$), Den Bosch (143) and Zwolle (139). The offices in Assen, Middelburg and Dordrecht registered the smallest number of cases between 2000 and 2008 (each accounting for just 1%) and they, like Maastricht and Zutphen, did not appear in the top 5 in any of the nine years.¹³⁴ The office in Utrecht appeared in the top 5 for the first time in 2008.

Each office's share of the total number of cases fluctuated over the years.¹³⁵ In this context, there was a noteworthy trend in the Rotterdam office. Whereas that office was never in the top five in the period 2000-2004 (with a maximum of 6% in 2000), from 2005 it was in the top five every year (between 10% and 16%) and in first place twice (2005 and 2006). This trend is probably connected with the establishment of the Rotterdam prostitution/human trafficking team in May 2005. Naturally, it goes without saying that the number of registered cases is not determined exclusively by the efforts of the office in a particular district.¹³⁶

Nature of the registered cases

Figure 3.23 gives a breakdown of the human trafficking cases registered by the PPS according to the different sections of the human trafficking provision in the Dutch Criminal Code, by year, over the period 2000-2008.¹³⁷

The majority of the registered human trafficking cases (71%) over the entire period (2000-2009) involved aggravated human trafficking (Articles 250ter/a (2), 273a/f (3), (4) and (5)). Most of those cases involved human trafficking committed in concert or human trafficking involving a victim below the age of 16 (Articles 250ter/a (2) and 273a/f (3)). There were very few cases involving both of these aggravating cir-

¹³⁴ This also means that some district courts have very little experience with human trafficking cases.

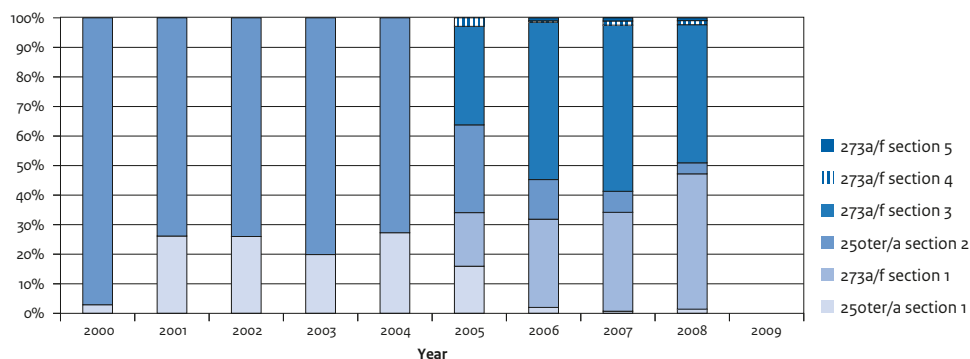
¹³⁵ See Appendix 3, Table 3.24.

¹³⁶ The differences in the number of cases in each district office are undoubtedly connected with differences in the size of the districts. However, there are other possible explanations: the differences could be connected with the efforts and the management structure in the area of investigation and prosecution or with the number of cases of human trafficking that actually occur in a district, perhaps also in connection with the geographic and demographic features of the district. However, there is no reliable information about this so that it is only possible to speculate about the real reason.

¹³⁷ For the table with a detailed overview of these data, see Appendix 3, Table B3.25.

cumstances (Article 273a/f (4)) or human trafficking leading to serious physical injury (Article 273a/f (5)): only twelve and seven cases, respectively, during the nine-year period. There were no registered cases of human trafficking leading to another person's death (Article 273a/f (6)) in the period 2000-2008.

Figure 3.23 Nature of the registered cases (2000-2008)



The proportion of cases involving aggravated human trafficking has declined significantly over time. Whereas in 2000 almost all registered cases involved aggravated human trafficking (97%), in 2008 the percentage was only just over half (53%) of all cases (in the period 2001-2004, 73% to 80%; and in the period 2005-2007, 66% to 68%). The reason for this trend is not entirely clear.¹³⁸

Registered cases by most serious offence

Human trafficking is often committed in combination with other offences, so a case can involve multiple offences. Figure 3.24 presents an overview of the most serious offence charged in each registered human trafficking case.¹³⁹ The 'most serious offence' is the offence that carries the heaviest maximum sentence.¹⁴⁰ The term does not imply a qualitative judgment of the offence.

Human trafficking was the only offence or the most serious registered offence in more than 80% of the cases in the period 2000-2008 (aggravated in 61% of the cases and non-aggravated in 22%). The percentage of cases in which aggravated human trafficking is the most serious offence has declined over time (from 86% in 2000 to 44% in 2008), while non-aggravated human trafficking has been the most serious offence in a growing proportion of cases (2% in 2000 to 39% in 2008). In cases where there were charges for another, more serious, offence in addition to human trafficking, that offence was usually a form of sexual violence (11% of the total in the nine-year period). Sexual violence was the most serious charge in

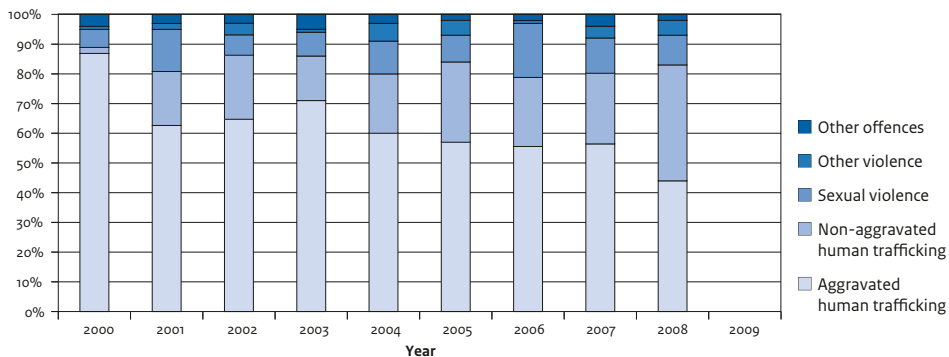
¹³⁸ It would be interesting to investigate what the ratio (between non-aggravated human trafficking and aggravated human trafficking) is for cases in which a summons was issued. Those figures are not available, however.

¹³⁹ For the table with a detailed overview of these data, see Appendix 3, Table B3.26.

¹⁴⁰ In the event of a combination of offences with the same maximum sentence, human trafficking is deemed the most serious offence. If there are then still multiple offences with the same maximum sentence, the offence committed first prevails.

22 cases (10%) in 2008. Human trafficking may be the most serious registered offence in more cases in the future as a result of the raising of the maximum sentences from 1 July 2009 (see §2.2.4).

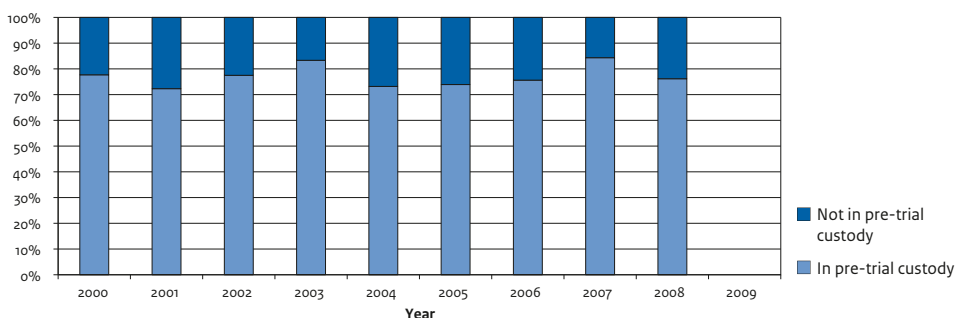
Figure 3.24 Registered cases, by most serious offence (2000-2008)



Registered cases and preventive custody

Figure 3.25 shows the percentage of cases registered by the PPS in which the suspects were detained in preventive custody at any time for the period 2000-2008.¹⁴¹ It is important to note that this does not mean that a suspect was still in preventive custody at the time of the trial.¹⁴²

Figure 3.25 Registered cases and preventive custody (2000-2008)



On average, suspects were held in preventive custody in 78% of all cases. This proportion did not change much from year to year (the range is small, from a minimum of 72% to a maximum of 84%). Although the suspects were all charged at least with the serious offence of human trafficking, almost a quarter were not held in preventive custody. Since preventive custody is sometimes suspended or lifted, an even

¹⁴¹ For the table with a detailed overview of these data, see Appendix 3, Table B3.27.

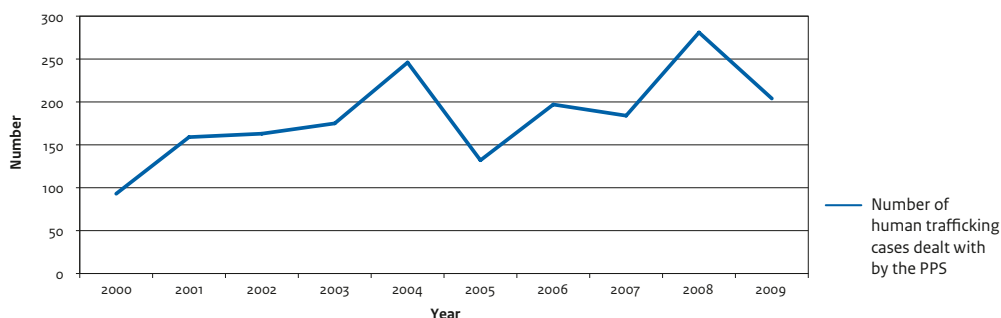
¹⁴² Preventive custody may be suspended or lifted in the meantime. These data therefore do not give any indication of the proportion of suspects who were still in preventive custody at the time of the judgment.

greater proportion will not have been in preventive custody at the time of the trial.¹⁴³ The possibilities for applying preventive custody have increased since the maximum sentences for human trafficking offences were raised from 1 July 2009.

Number of human trafficking cases dealt with by the PPS

Figure 3.26 shows the trend in the number of cases dealt with by the PPS in the ten-year period.¹⁴⁴ The number of cases registered and the number of cases dealt with in any one year do not cover a cohort,¹⁴⁵ so the numbers cannot be compared with each other.

Figure 3.26 Number of cases dealt with by the PPS (2000-2009)



The PPS dealt with a total of 1834 human trafficking cases in the period 2000-2009. The number of cases dealt with annually more than doubled over that period (from 93 in 2000 to 204 in 2009). The number rose almost every year, although the size of the increase compared with the preceding year ranged from just 3% in 2002 to an enormous jump of 53% in 2008, which produced the record number of 281 cases being dealt with in that year. The number of cases dealt with fell for the first time in 2005 (by -46% compared with the preceding year) and then again in 2007, although less dramatically (-7%). According to the PPS's annual report, the number of cases dealt with declined again in 2009 to roughly the level of 2006.¹⁴⁶

Cases dealt with by the PPS, by disposition of the case

Figure 3.27 shows the disposition of cases by the PPS in the period 2000-2008.¹⁴⁷ 'Transfer of jurisdiction' refers to the transfer of a case to another district in the Netherlands or to another country.

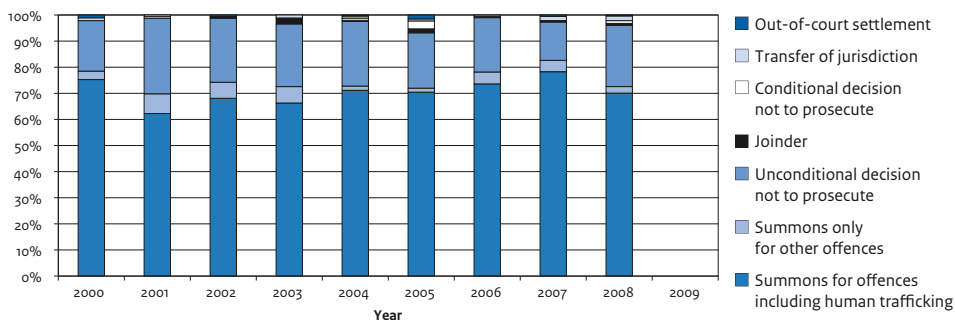
¹⁴³ BNRM proposes conducting research in the future into the system of preventive custody.

¹⁴⁴ For the table with a complete and detailed overview of these data (including index figures and the relative growth in relation to the preceding year), see Appendix 3, Table B3.28.

¹⁴⁵ See under 'Remarks about the figures' earlier in this section.

¹⁴⁶ According to the PPS, 204 human trafficking cases were dealt with in 2009 (Public Prosecution Service, Annual Report 2009). The numbers for 'Outflow PPS' for 2005-2008 presented in the annual report differ slightly from the numbers in Figure 3.26 (and the accompanying Table B3.28 in Appendix 3). This is probably due to the use of different reference dates.

¹⁴⁷ For the table with a detailed overview of these data, see Appendix 3, Table B3.29.

Figure 3.27 Cases dealt with by the PPS, by disposition (2000-2008)

The most common method of disposition of a case was issuing a summons (in 75% of the cases over the nine years). In the majority of cases a summons was issued for offences including human trafficking (71%)¹⁴⁸ and sometimes only for offences other than human trafficking (4%). After the record of issued summons in 2007 (in 82% of the cases), this figure fell again to 72% in 2008. At the same time, the number of cases involving unconditional decisions not to prosecute rose in 2008 (from 15% in 2007 (the smallest percentage in the nine-year period) to 23% in 2008). This reversed a steady, gradual decline since 2001 in the proportion of unconditional decisions not to prosecute (with the exception of 2004 when there was an increase of 1% compared with 2003). Over the nine-year period, there were 369 unconditional decisions not to prosecute. Of these, 71% were taken on technical grounds (*in Dutch: technische sepots*) and 20% were on the basis of policy waivers (*in Dutch: beleidssepots*).¹⁴⁹ In 2008, policy waivers accounted for 24% of decisions not to prosecute, a higher than average proportion and a particularly striking increase in relation to the two preceding years (7% in 2006 and 11% in 2007). The other methods of disposition were scarcely ever used.¹⁵⁰

148 When the figures on summonses for at least human trafficking presented here and in Appendix 3 Table B.3.29 are compared with the figures for 'Of which, summonses' for 2005-2008 in the PPS's annual report for 2009, the data do not correspond. This is probably mainly the result of the use of different selection criteria. For example, the PPS's selection was probably based on registered human trafficking cases that led to a summons (even if charges were only brought for offences other than human trafficking), while the WODC (SIBA department) based its selection, at BNRM's request, on registered human trafficking cases that led to a summons that at least included human trafficking.

149 In 9% of the involving an unconditional decision not to prosecute, the grounds for the decision were not registered and are therefore unknown.

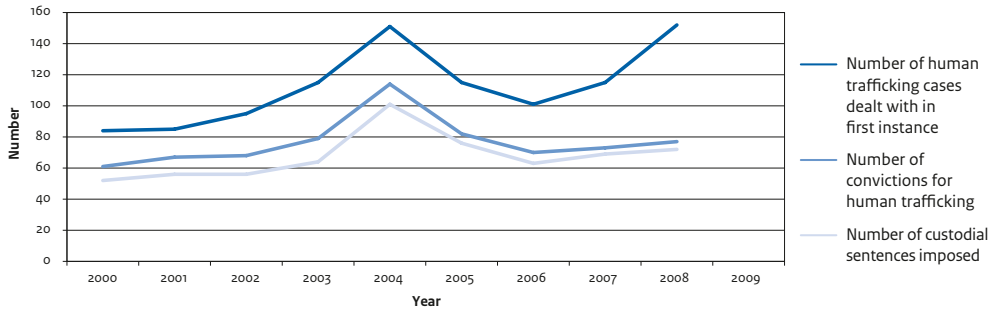
150 It should be noted with respect to 'joinder' as a method of disposition that the PPS' data do not show whether a joinder was '*ad informandum*' or 'for trial'. Joinder for trial means that a summons is issued for the offences in one case in the same indictment as the offences in another case (with a different cause-list number). A joinder for trial therefore represents the disposition of a case by summons. Where a case is joined *ad informandum*, no charges are brought but the case is joined with another case so that the judge can also take the joined case into account in determining the sentence. The judge can only take the joined case into account if the suspect admits the offence.

3.4.2 Trial

Number of human trafficking cases dealt with in first instance

Figure 3.28 shows the trend in the number of cases dealt with in first instance in the period 2000-2008.¹⁵¹

Figure 3.28 Number of cases dealt with in first instance (2000-2008)



The number of human trafficking cases dealt with in first instance each year almost doubled in the nine years (from 84 in 2000 to 152 in 2008). In the first four years of the period covered, the number of cases increased every year (and at a steadily faster rate) before peaking in 2004. The number of cases dealt with then declined in 2005 and 2006 before rising again in the last two years shown. The steepest increase (32%) in the nine-year period occurred in 2008, producing a record number of 152 cases dealt with (one more than in 2004).

Cases dealt with in first instance, by disposition

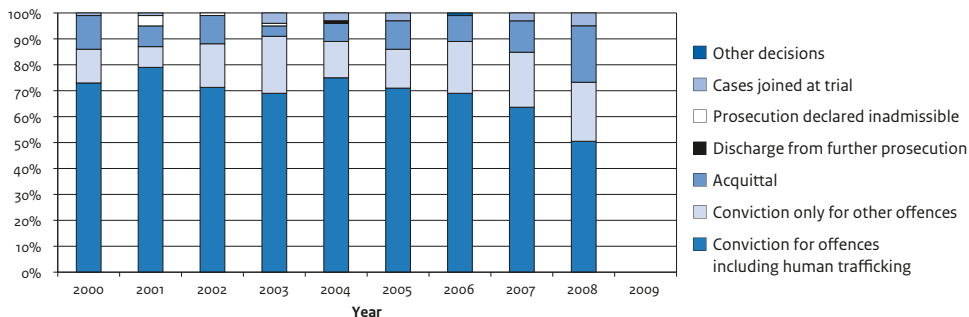
Figure 3.29 shows the decisions made by the court of first instance in the cases dealt with in the period 2000-2008.¹⁵²

On average, 68% of the human trafficking cases dealt with in first instance ended in a conviction for at least human trafficking.¹⁵³ In 28% of the cases, the defendants were acquitted of human trafficking (17% ended in a conviction only for offences other than human trafficking and 11% in a complete acquittal).

¹⁵¹ For the table with a complete and detailed overview of these data (including index figures and the relative growth compared with the preceding year), see Appendix 3, Table B3.30.

¹⁵² For the table with a detailed overview of these data, see Appendix 3, Table B3.31.

¹⁵³ Note, however, that even within this 68% there might have been acquittals on charges of human trafficking, since if one charge of human trafficking is declared proven, there is a conviction for at least human trafficking. At the same time, it is then possible that the suspect was acquitted on the other charges of human trafficking.

Figure 3.29 Cases dealt with in first instance, by disposition (2000-2008)

Broadly speaking, there has generally been a decline in the proportion of convictions for human trafficking during the period covered. Whereas in 2000 and 2001 there were convictions in 73% and 79% of the cases, respectively, the figure was only 63% in 2007 and just 51% in 2008.¹⁵⁴ At the same time, there has been a steady increase in the proportion of cases in which there was no conviction for human trafficking (convictions only for offences other than human trafficking and complete acquittals) since 2004.¹⁵⁵ Other judicial decisions have been rendered only sporadically (together representing 3% of the total). Appendix 3, Table B3.32 presents a breakdown of the disposition of the cases in first instance according to the most serious offence charged.¹⁵⁶

Figure 3.28 shows that the trend in the number of convictions for at least human trafficking up to and including 2006 was roughly the same as the trend in the number of human trafficking cases dealt with in first instance. In 2007 and 2008, however, the number of convictions for at least human trafficking rose far more slowly (in absolute terms) than the number of cases dealt with. This corresponds with Figure 3.29, which shows that the number of convictions for at least human trafficking declined (in relative terms) in relation to the total number of cases dealt with in first instance in 2007 and 2008. A partial explanation for this might be that since the end of 2006 there have also been prosecutions for exploitation outside the sex industry ('other forms of exploitation'), cases which often involved relatively large numbers of suspects – see §3.2.2.¹⁵⁷ The case-law on these forms of exploitation is still evolving. Until the end of 2009, these cases ended relatively frequently in acquittals (see §2.8.5).

¹⁵⁴ When the figures on convictions for at least human trafficking here and in Appendix 3, Table B.3.31 are compared with the figures for 'Convictions' for 2005-2008 in the PPS's annual report for 2009, the data do not correspond. This is probably mainly due to the use of different selection criteria. For example, the PPS's selection was probably based on registered human trafficking cases that led to a summons (even if charges were only brought for offences other than human trafficking) and then led to a conviction (even if there was only a conviction for offences other than human trafficking), while the WODC (SIBA department) based its selection, at BNRM's request, on registered human trafficking cases that led to a summons for at least human trafficking and then led to a conviction for at least human trafficking.

¹⁵⁵ 2004: 21% (14% + 7%) and 2008: 45% (23% + 22%).

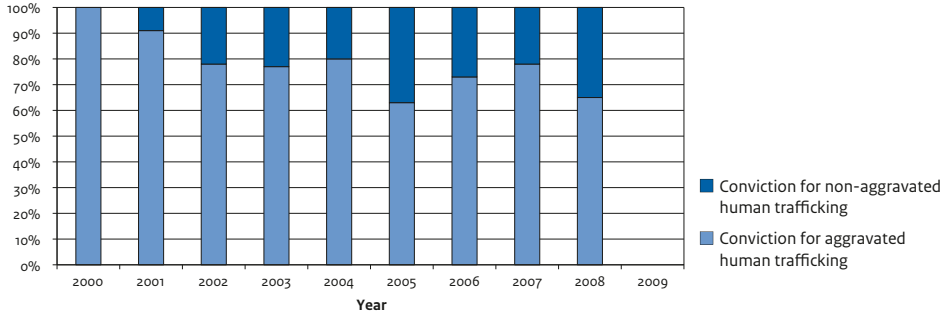
¹⁵⁶ For the interpretation of this table, see the explanation in the footnote to Table B.3.32 in Appendix 3.

¹⁵⁷ Unfortunately, the text of Article 273a/f makes it impossible to give an impression (on the grounds of sections and subsections) of the nature of the exploitation (in the sex industry, in other economic sectors or in relation to the removal of organs).

Nature of the convictions in first instance

Figure 3.30 presents a breakdown of the convictions for human trafficking in first instance by convictions for non-aggravated and for aggravated¹⁵⁸ human trafficking, by year, over the period 2000-2008.¹⁵⁹

Figure 3.30 Nature of the convictions in first instance (2000-2008)



On average, in 78% of the cases in which there were convictions for at least human trafficking, aggravated human trafficking was declared proven. With convictions for aggravated human trafficking in 100% of the cases in 2000 and only in 65% of the cases in 2008, the figure shows a downward trend. The percentage of convictions for aggravated human trafficking has, however, also risen in some years during the nine-year period (in 2004, 2006 and 2007). The trend shown here corresponds with the decline in the proportion of cases involving aggravated human trafficking among the cases registered by the PPS (see figure 3.23). A reservation has to be made here. From the survey of the case-law on sexual exploitation in 2007, for example, it emerged that no indictment ever included the aggravating circumstance of the involvement of a victim below the age of 16, although it was clear from eleven of the judgments that there was a victim younger than 16 involved.¹⁶⁰

Convictions in first instance, by sentence imposed

Figure 3.31 provides an overview of the punishments that were imposed in the cases in which there was a conviction for at least human trafficking between 2000 and 2008.¹⁶¹

Custodial sentences were imposed, on average, in 88% of the cases in which there was a conviction for at least human trafficking. Community service was the principal sentence in 8% of the cases.

Custodial sentences accounted for between 81% and 85% of all sentences between 2000 and 2003 and between 89% and 95% in the period 2004-2008. Although the proportion of convictions for human trafficking declined over the nine years, the relative frequency with which custodial sentences were imposed increased.

¹⁵⁸ In other words, where there were aggravating circumstances.

¹⁵⁹ For the table with a detailed overview of these data, see Appendix 3, Table B3.33.

¹⁶⁰ See NRM7, p. 435.

¹⁶¹ For the table with a complete and detailed overview of these data (including a breakdown into non-aggravated and aggravated human trafficking), see Appendix 3, Table 3.34.

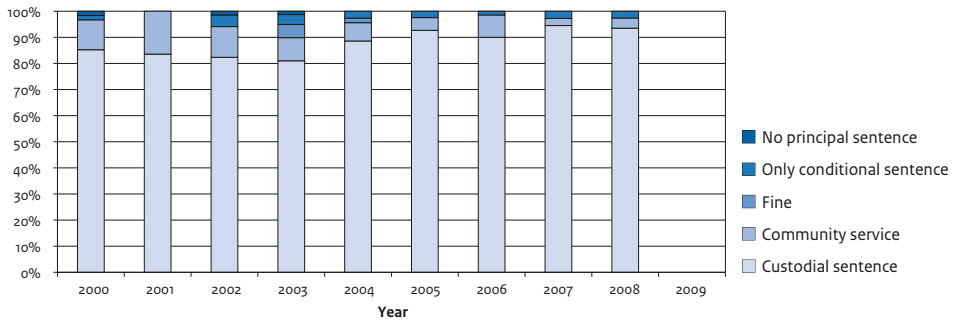
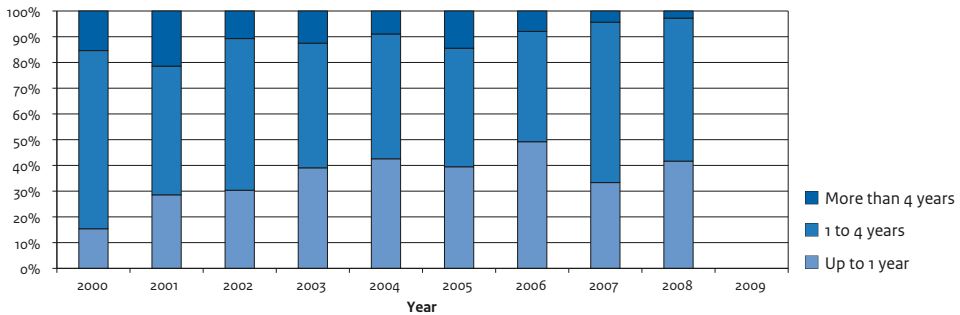
Figure 3.31 Convictions, by sentence imposed (2000-2008)

Figure 3.28 shows the same trend in the number of custodial sentences imposed for convictions for at least human trafficking as in the number of convictions for human trafficking in the period 2000-2008. This figure also shows a steady convergence (in absolute terms) of the number of custodial sentences imposed and the number of convictions for human trafficking. This corresponds with Figure 3.31, in which it can be seen that during the nine-year period the proportion of custodial sentences increased to more than 90% in relation to the total number of convictions (in relative terms).

Custodial sentences imposed in first instance, by length of sentence

Figure 3.32 provides an overview of the length of the custodial sentences imposed in cases in which defendants were convicted of at least human trafficking between 2000 and 2008.¹⁶²

Figure 3.32 Custodial sentences, by length of sentence (2000-2008)

On average, 37% of custodial sentences imposed in first instance for at least human trafficking were for a term of up to one year. More than half (53%) of the custodial sentences were for between one and four years, and only 11% were for more than four years.

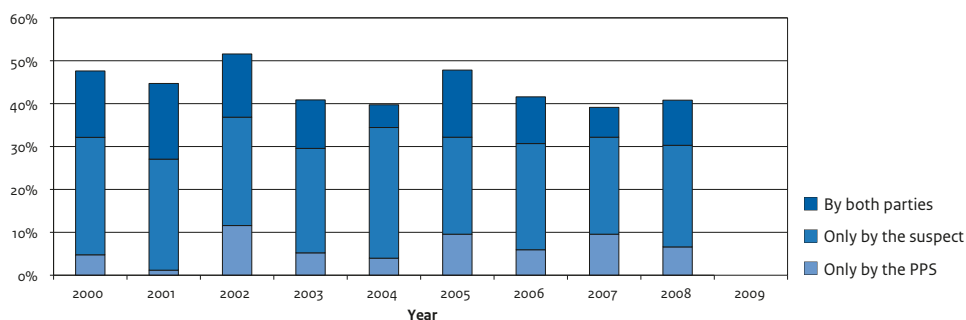
¹⁶² For the table with a complete and detailed overview of these data (including a breakdown by aggravated and non-aggravated human trafficking), see Appendix 3, Table B3.35.

The figure implies¹⁶³ a trend towards shorter custodial sentences in the period 2000-2008. Whereas in 2000 only 15% of the custodial sentences were for a term of up to one year, that applied for 42% of the sentences in 2008. Custodial sentences of more than four years have become steadily less common in relative terms (from 15% in 2000 to 3% in 2008), a trend that is at odds with the current perception of the seriousness of the offence of human trafficking (which led to the raising of the statutory maximum sentences in 2009).

Cases dealt with in first instance in which appeals were filed

Figure 3.33 shows the annual trend in the percentage of all cases dealt with in first instance in which an appeal was filed over the period 2000-2008. It also shows which party filed the appeal.¹⁶⁴

Figure 3.33 Cases dealt with in first instance in which an appeal was filed (2000-2008)



Appeals were filed in 438 (43%) of the 1013 cases dealt with in first instance in the period 2000-2008. The appeal was usually filed by the suspect (25%) or also by the suspect (11%) (total 36%). The proportion of cases in which a judgment was appealed fluctuated over the years, ranging from 39% in 2007 to 52% in 2002. The percentage of cases in which a decision was appealed only by the PPS¹⁶⁵ ranged from 1% in 2001 to 12% in 2002, with an average of 7%.¹⁶⁶

¹⁶³ This is impossible to state with certainty since the length of the custodial sentences is divided into categories. For example, it is possible that in one year the average length of the custodial sentences that fall into the category 1-4 years is slightly longer than one year, while in another year the average length of the sentences in this category is almost four years. That does not apply here, however. The average custodial sentence imposed each year since 2006 (2006: 612.3, Sd=544.6; 2007: 630.8, Sd=587.5; 2008: 624.1, Sd=444.8) is shorter than the average custodial sentence imposed over the entire nine years (759.7 days, Sd=714.9). Also note that the custodial sentences are imposed for the total of offences that are declared proven in one case (so sometimes also for other offences than human trafficking).

¹⁶⁴ For the table with a detailed overview of these data, see Appendix 3, Table B3.36.

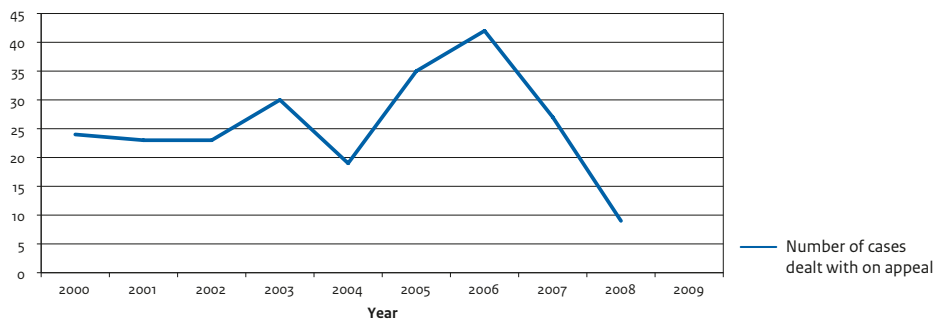
¹⁶⁵ The proportion of all cases where the PPS filed an appeal (alone or together with the suspect) ranged from 9% in 2004 to 27% in 2002, with an average of 18%.

¹⁶⁶ Because the PPS database makes no distinction between human trafficking for the purpose of sexual exploitation and human trafficking for the purpose of exploitation in sectors other than the sex industry, it is impossible to ascertain whether the PPS appeals more often in cases involving exploitation in sectors other than the sex industry.

Number of human trafficking cases dealt with on appeal

Figure 3.34 shows the trend in the number of human trafficking cases heard on appeal in the period 2000-2008.¹⁶⁷

Figure 3.34 Number of cases dealt with on appeal (2000-2008)



The first thing to note is that the impression created by the steep drop in the number of appeals in 2008 is probably unreliable since there is a considerable delay in the registration of appeal cases in the OBJD. Consequently, the number of cases in 2008 will probably be higher at a later reference date (see under ‘Remarks about the figures’ earlier in this section).

In the period covered, at least 232 human trafficking cases were heard on appeal.¹⁶⁸ The annual number of human trafficking cases dealt with on appeal varied over the nine years (2000-2008) from nine (4%) in 2008 to 42 (18%) in 2006. The largest year-on-year increase was 84% in 2005.

As Figure 3.34 shows, only a small number of human trafficking cases are dealt with on appeal each year. It has therefore been decided not to present figures for each individual year but for two periods: 2000-2004 and 2005-2008.¹⁶⁹

¹⁶⁷ For the table with a complete and detailed overview of these data (including index figures and the relative growth compared with the preceding year), see Appendix 3, Table B3.37.

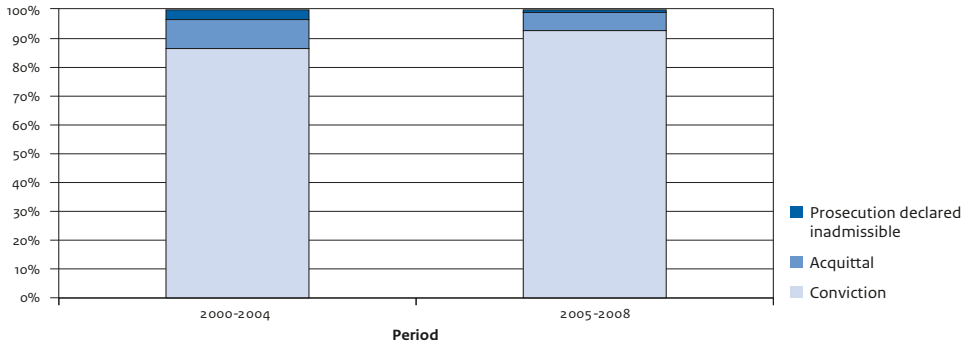
¹⁶⁸ Although ‘the inflow’ (the cases in first instance in which an appeal was filed) and ‘the outflow’ (the cases dealt with on appeal) do not cover a cohort and therefore cannot be compared, the difference between the inflow of 438 cases and the outflow of 232 cases over the entire period 2000-2008 is remarkable, particularly since ‘the inflow’ has been corrected for the cases in which the appeal was withdrawn (information received verbally from WODC). This discrepancy might be explained by a backlog in the disposition of cases on appeal, or, alternatively, a backlog in the registration of cases in the OBJD in comparison with the PPS’s data (see under ‘Remarks about the figures’ earlier in this section).

¹⁶⁹ Note, however, that these are periods of five years and four years, so while the appeal cases dealt with in the two periods can be compared in relative terms, they cannot be properly compared in absolute terms.

Cases dealt with on appeal, by disposition

Figure 3.35 shows the decisions of the courts of appeal in the 230¹⁷⁰ human trafficking cases dealt with in the two relevant periods.¹⁷¹

Figure 3.35 Cases dealt with on appeal, by disposition (2000-2004 and 2005-2008)



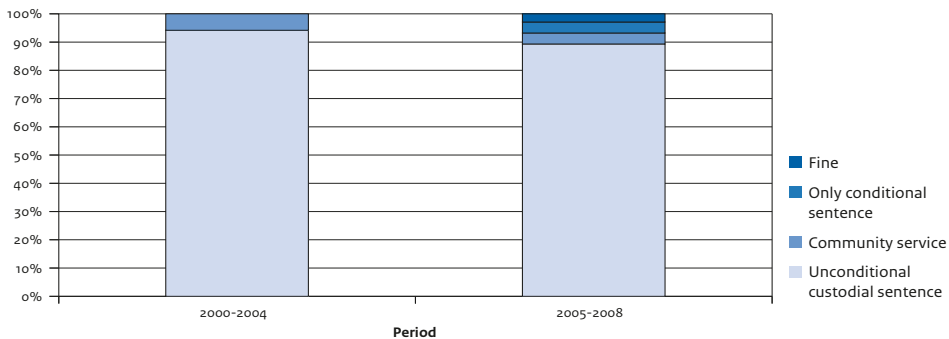
On average, the vast majority (90%) of appeals ended in a conviction for at least human trafficking. In the other 10% of the cases, there were 19 acquittals and a few cases in which the prosecution was declared inadmissible. The proportion of convictions was slightly higher in the period 2005-2008 (by 6%) than in the period 2000-2004.

Table B3.39 in Appendix 3 presents a breakdown of the disposition of cases on appeal according to the most serious offence charged.¹⁷²

Convictions on appeal, by sentence imposed

Figure 3.36 shows the sentences that were imposed on appeal in the 206 human trafficking cases in which there were convictions for at least human trafficking on appeal in the two defined periods.¹⁷³

Figure 3.36 Convictions on appeal, by sentence imposed (2000-2004 and 2005-2008)



170 There were actually 232 appeal cases dealt with (see Appendix 3, Table B3.37). However, two judgments are missing and therefore no further details about them are available to report.

171 For the table with a detailed overview of these data, see Appendix 3, Table B3.38.

172 For the interpretation of this table, see the explanation in the footnote to Table 3.39 in Appendix 3.

173 For the table with a detailed overview of these data, see Appendix 3, Table B3.40.

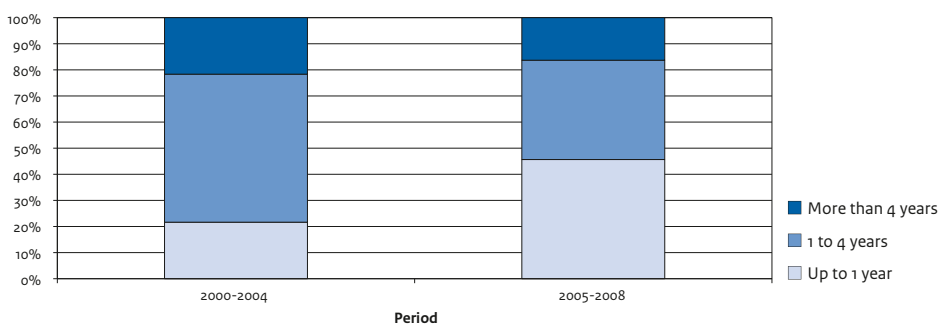
Custodial sentences were imposed in 92% of the cases in which there was a conviction for at least human trafficking in the period 2000-2008. In 5% of the cases, the principal punishment was a community service order.

It is interesting to note that all four conditional sentences and the three fines were imposed in the period 2005-2008. However, these were incidental cases and one should not attach too much significance to them.

Custodial sentences imposed on appeal, by length of sentence

Figure 3.37 shows the length of the custodial sentences imposed in the 189 human trafficking cases in which a custodial sentence was imposed on appeal for at least human trafficking.¹⁷⁴

Figure 3.37 Custodial sentences imposed on appeal, by length of sentence (2000-2004 and 2005-2008)



On average, a third (33%) of the custodial sentences imposed on appeal in cases in which there was a conviction for at least human trafficking were for a term of up to one year. Almost half (48%) of the sentences were for terms of imprisonment of between one and four years and roughly a fifth (19%) were for a period of more than four years.

When the periods 2000-2004 and 2005-2008 are compared there is, as in the case of sentences in first instance, an evident trend towards shorter custodial sentences.¹⁷⁵ In 2008, 46% of the custodial sentences were for terms of up to one year, compared with 22% in the period 2000-2004. At the same time, the severest custodial sentences (of more than four years) were imposed slightly less often (22% in 2000-2004 and 16% in 2005-2008).

¹⁷⁴ For the table with a detailed overview of these data, see Appendix 3, Table B3.41.

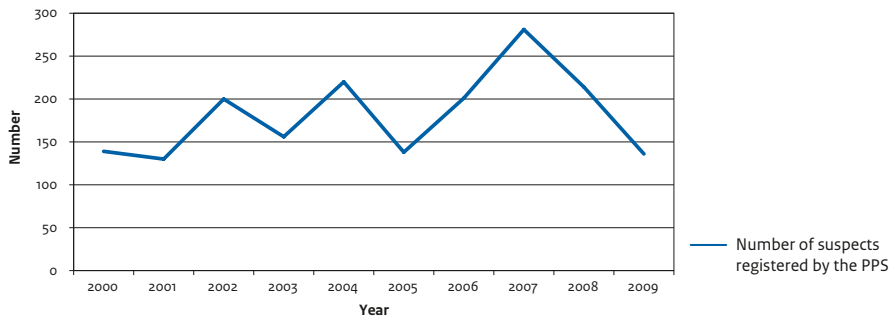
¹⁷⁵ This is impossible to state with certainty since the length of the custodial sentences is divided into categories. For example, it is possible that the average length of the custodial sentences in the category 1-4 years in one year is slightly longer than one year, while the average length of the sentences in this category is almost four years in another year. The average duration of the imposed custodial sentences on appeal are not available. Also note that the custodial sentences are imposed for the total of offences that are declared proven in one case (so sometimes also for other offences than human trafficking).

3.4.3 Characteristics

Number of suspects and offenders

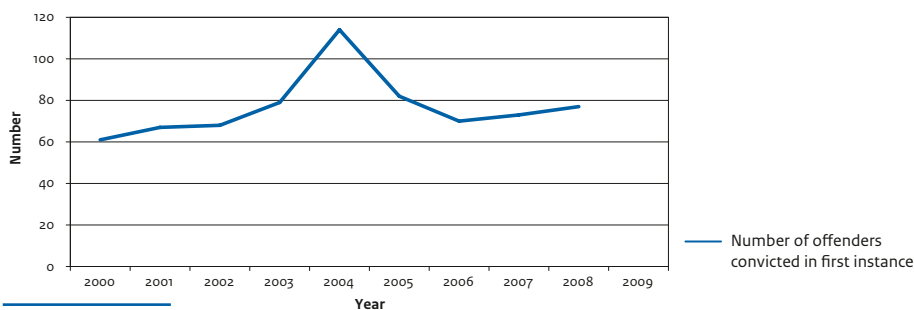
Naturally, the trend in the number of suspected human traffickers registered by the PPS each year in the period 2000-2009 is the same as the trend in the number of human trafficking cases against individual suspects registered annually by the PPS in the same period. The graph line in Figure 3.38 is therefore the same as in Figure 3.20.¹⁷⁶ Figure 3.39 shows the trend in the number of offenders convicted in first instance annually over the period 2000-2008.¹⁷⁷

Figure 3.38 Number of suspects registered by the PPS (2000-2009)



The number of suspects registered annually by the PPS has fluctuated sharply (between 130 in 2001 and 281 in 2007), but has remained roughly stable over the period as a whole (from 139 in 2000 to 136 in 2009). After peaking in 2007, the number declined in 2008, and that decline continued in 2009, according to the PPS's annual report.¹⁷⁸

Figure 3.39 Number of offenders convicted in first instance (2000-2008)



¹⁷⁶ For the table with the complete and detailed overview of these data (including index figures and the relative growth compared with the preceding year), see Appendix 3, Table 3.22.

¹⁷⁷ For the table with a complete and detailed overview of these data (including index figures and the relative growth compared with the preceding year), see Appendix 3, Table B3.42.

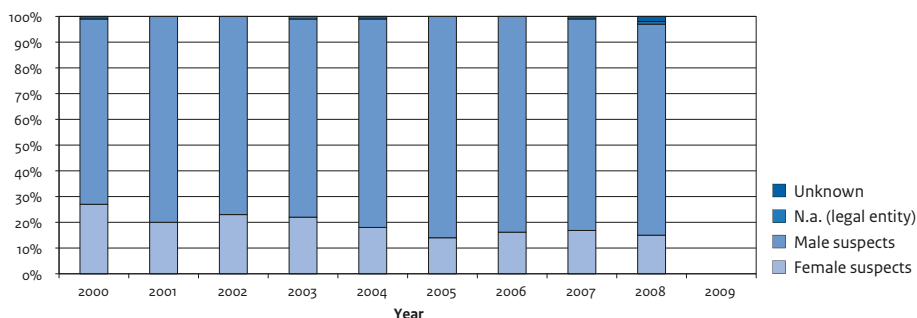
¹⁷⁸ According to the PPS, there were 136 registered suspects of human trafficking in 2009 (Public Prosecution Service, Annual Report 2009). The numbers for 'Inflow PPS' for 2005-2008 presented in the PPS's annual report differ slightly from the number in Figure 3.38 (and the accompanying Table B3.22 in Appendix 3). This is probably the result of the use of different reference dates.

The figure showing the trend in the number of persons convicted in first instance each year displays a totally different pattern. The number of convicted offenders increased slightly from 61 to 77 in the period 2000-2008. The overall range is not very wide (between 61 and 82), with the exception of 2004 when there was a relative increase of 44% compared with 2003, yielding a peak of 114 convicted persons. In 2007 and 2008, there was a gradual increase in absolute terms, although in relative terms the opposite was true (see Figure 3.29).¹⁷⁹

Gender of suspects and offenders

Figure 3.40 shows the distribution by gender of the suspects who were registered by the PPS in the period 2000-2008. Figure 3.41 shows the same distribution for offenders who were convicted in first instance.¹⁸⁰

Figure 3.40 Gender of suspects (2000-2008)



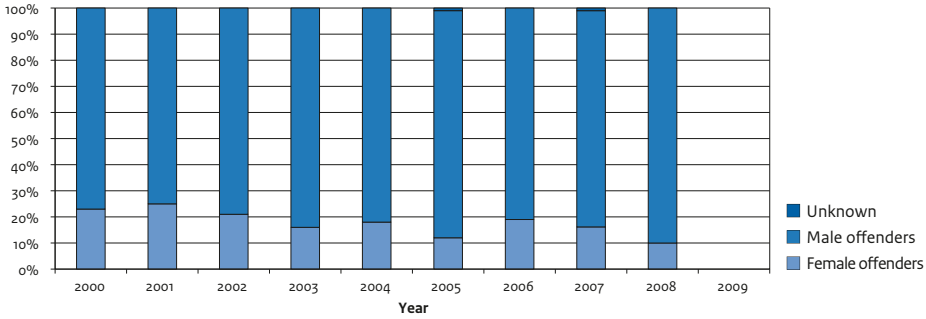
The large majority of the suspects over the nine-year period were male (80%). The proportion of female suspects declined gradually (with slight fluctuations) over this period (from 27% in 2000 to 15% in 2008). The 32 female suspects in 2008 came from Hungary (six), the Netherlands (four), China (three), Bulgaria (two), Nigeria (two) and Australia, Belgium, Brazil, the Philippines, India, Morocco, Mongolia, the Netherlands Antilles, Poland, Romania, Sierra Leone, the former Soviet Union, Thailand, the former Czechoslovakia and Vietnam (one each).

There was a similar trend among convicted offenders. The vast majority were male (82% in the period 2000-2008) and the proportion of female offenders gradually declined (with fluctuations) over the years, from 23% in 2000 to 10% in 2008. The eight women in 2008 came from the Netherlands (three), Hungary (two) and the Netherlands Antilles, Romania and the former Soviet Union (one each).

179 When the figures on convicted persons presented here are compared with the figures for 'Convictions' for 2005-2008 in the PPS's annual report for 2009, the data do not correspond. This is probably mainly the result of the use of different selection criteria. For example, the PPS probably made its selection on the basis of registered human trafficking cases that led to a summons (even if charges were only brought for offences other than human trafficking) and then led to a conviction (even if there was only a conviction for offences other than human trafficking), while the WODC (SIBA department) made its selection, at BNRM's request, on registered human trafficking cases that led to a summons for at least human trafficking and then led to a conviction for at least human trafficking.

180 For the tables with the detailed overviews of these data, see Appendix 3, Table B3.43 and Table B3.44.

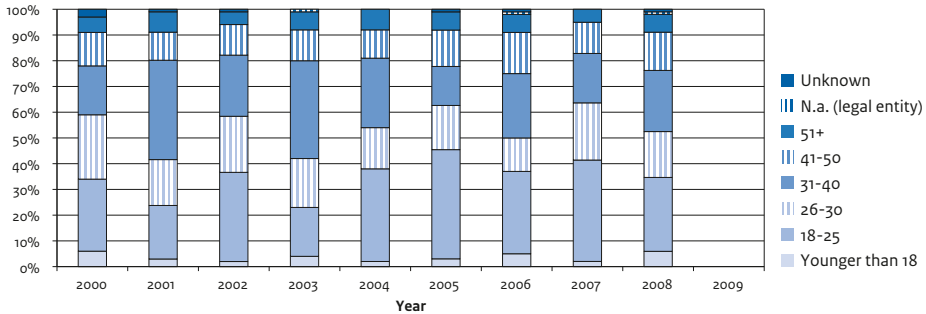
Figure 3.41 Gender of convicted offenders (2000-2008)



Age of suspects and convicted offenders

Figure 3.42 shows the age distribution of the suspects registered by the PPS in the period 2000-2008. Figure 3.43 shows the same distribution for offenders convicted in first instance.¹⁸¹ It refers to the age at the time of the first human trafficking offence according to the indictment, or, in the case of the convicted offenders, the first human trafficking offence for which the offender was convicted.

Figure 3.42 Age of suspects (2000-2008)



On average, more than half of the suspects were younger than 31. The 18-25 age group is the largest in every year (between 28% and 42%), with the exception of 2001 and 2003, when the 31-40 age group was most heavily represented (39% and 38%, respectively). The proportion of underage suspects ranged from 2% in 2002, 2004 and 2007 to 6% in 2000 and 2008.

The average age of the suspects¹⁸² over the nine-year period was 31.5, fluctuating between 30.1 in 2005 and 33.2 in 2001 (the average age in 2008 was 31.8). The average age was 31.7 for male suspects¹⁸³ and 30.4 for female suspects.¹⁸⁴

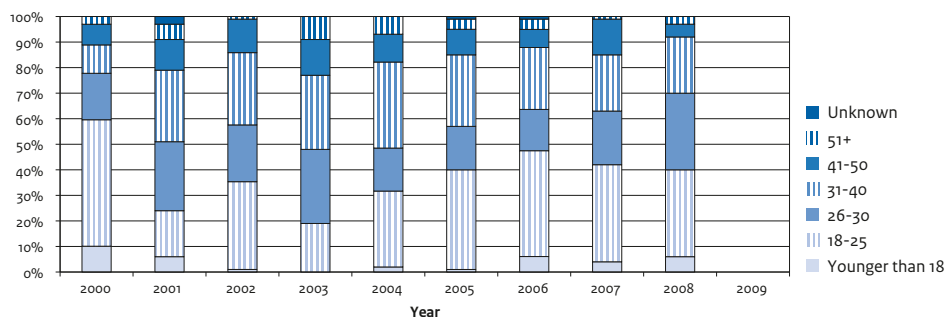
181 For the tables with a detailed overviews of these data, see Appendix 3, Tables B3.45 and B3.46.

182 For the table with a detailed overviews of these data, see Appendix 3, Table B3.47.

183 Sd=11.22.

184 Sd=11.91.

Figure 3.43 Age of convicted offenders (2000-2008)



The majority of convicted offenders were also younger than 31.¹⁸⁵ The 18-25 age group is usually the most heavily represented, although it was an older age group in 2001, 2003 and 2004. The proportion of underage convicted offenders ranged from 0% in 2003 to 10% in 2000 (with 6% in 2008).

The average age of convicted offenders¹⁸⁶ was 30.3 in the period 2000-2008. After rising erratically between 2000 and 2003 (from 26.8 to 33.7 on average), the average age of convicted offenders declined every year (with the exception of 2007) to 27.9 in 2008. The average age was 30.4 for male offenders¹⁸⁷ and 29.8 for female offenders.¹⁸⁸

Country of birth of suspects

Table 3.5 shows the ranking of the five most common countries of birth of suspects registered by the PPS over the nine-year period.

Table 3.5 Ranking of top 5 countries of birth of suspects (2000-2008)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2000-2008
Netherlands	1	1	1	1	1	1	1	1	1	1
Turkey	4'	4	3'	4	2	3	2	2	5	2
Bulgaria		3	2	3	4		4'	3	3'	3
Romania			5	2	3	4'	3	5		4
Morocco	2'				5'	2	4'		3'	5
Hungary						4'			2	
Nigeria	2'							4		
Surinam					5'	4'				
(former) Soviet Union		5		5						
Albania			3'							
(former) Yugoslavia	4'	2								

Source: PPS database (reference date: January 2010)

185 See Appendix 3, Table B3.46.

186 For the table with a detailed overview of these data, see Appendix 3, Table B3.48.

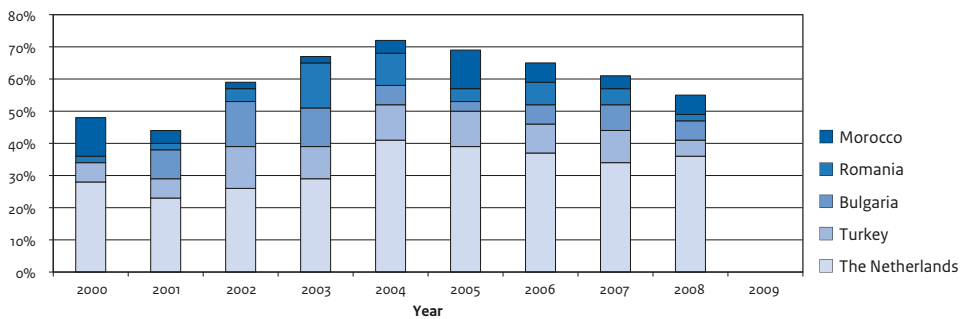
187 Sd=9.94.

188 Sd=10.11.

The Netherlands ranks first among the countries of birth of suspects every year. Apart from the Netherlands, Turkey is the only other country to appear in the top 5 every year, including three times in second place. In 2008, however, Turkey occupied fifth place for the first time. Hungary returned to the annual top 5 in 2008 (after previously sharing fourth place in 2005), while in that year (for the first time since 2002) Romania no longer appeared in the top 5.

The suspects registered by the PPS in the period 2000-2008 were born in a total of 70 different countries (excluding the categories: 'n.a.' and 'unknown'). Figure 3.44 shows the trend in the top 5 countries of birth of suspects over the entire nine-year period 2000-2008.¹⁸⁹ The top 5 countries of birth overall were the Netherlands, Turkey, Bulgaria, Romania and Morocco (see Table 3.5, last column), but they did not constitute the top 5 in each individual year (see Table 3.5, columns 2-10).¹⁹⁰

Figure 3.44 Trend in the overall top 5 countries of birth of suspects (2000-2008)



The proportion of suspects born in the Netherlands has increased slightly over the nine-year period, with fluctuations, from 28% in 2000 to 36% in 2008; on average they represent 33% of all suspects. The proportion of suspects whose country of birth was Turkey has ranged from a minimum of 5% in 2008 to a maximum of 13% in 2002. After peaking in 2001-2003 (between 9% and 14%), Bulgaria accounted for between 6% and 8% of the suspects in the period 2006-2008. Since 2006, the proportion of suspects born in Romania has steadily declined, reaching 2% in 2008 (the same percentage as in 2000-2001). The share of suspects born in Morocco has fluctuated around an average of 5%.

Country of birth of convicted offenders

Table 3.6 shows the annual ranking of the five most common countries of birth of offenders convicted in first instance in the period 2000-2008.

¹⁸⁹ For the table with a complete and detailed overview of these data (including all other countries of birth, the top 5 in each year and the top 10 overall), see Appendix 3, Table B3.49.

¹⁹⁰ Looking at 2001 in Figure 3.44, for example., the five countries of birth that occupy the top 5 overall account for 44% of the 130 suspects registered by the PPS in 2001, while the top 5 for just 2001 (consisting of the Netherlands (23%), former Yugoslavia (17%), Bulgaria (9%), Turkey (6%) and the former Soviet Union (5%) accounts for 60% of the 130 suspects registered by the PPS (see Appendix 3, Table 3.49).

Table 3.6 Ranking of top 5 countries of birth of convicted offenders (2000-2008)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2000-2008
Netherlands	1	1	1	1	1	1	1	1	1	1
Bulgaria	5'		3	2	4	5	5'	4'	2	2
Turkey			4	4'	3	2	3'	3	4'	3
Romania				4'	2			2		4
Morocco	2'				5'		2		4'	5
Netherlands Antilles								4'	3	
Hungary							5'		4'	
Surinam	5'				5'	3		4'		
(former) Czechoslovakia	5'						3'			
(former) Soviet Union		3	5		5'	4				
Albania				3						
(former) Yugoslavia	2'	2	2							
Nigeria	4	4								
Ghana		5								
Belgium	5'									

Source: PPS database (reference date: January 2010)

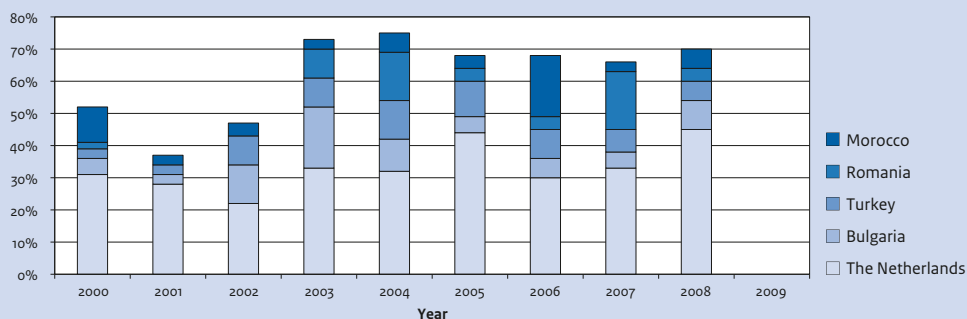
The top 5 countries of birth of convicted offenders are the same as those for suspects. However, Bulgaria rather than Turkey occupies second place. A noteworthy newcomer as an important country of birth of offenders since 2007 is the Netherlands Antilles.¹⁹¹ As in the case of suspects, Hungary reappeared in the top 5 in 2008.

The offenders convicted in first instance in the period 2000-2008 were born in a total of 47 different countries (excluding the category 'unknown'). Figure 3.45 shows the trend in the top 5 countries of birth of offenders over the entire nine-year period 2000-2008.¹⁹² The top 5 countries of birth overall were the Netherlands, Bulgaria, Turkey, Romania and Morocco (see Table 3.6, last column), but they did not constitute the top 5 in each individual year (see Table 3.6, columns 2-10).¹⁹³

191 It is noteworthy that the Netherlands Antilles did not appear in the top 5 for suspects in nine years. This needs to be qualified, however, since in 2007 and 2008 it occupied fourth and third place with only four and six offenders, respectively.

192 For the table with a complete and detailed overview of these data (including all other countries of birth, the top 5 in each year and the top 10 overall), see Appendix 3, Table B3.50.

193 Looking at 2001 in Figure 3.45, for example., the five countries of birth that occupy the top 5 overall account for 37% of the 67 offenders convicted in first instance in 2001, while the top 5 for just 2001 (consisting of the Netherlands (28%), former Yugoslavia (13%), the former Soviet Union (9%), Nigeria (7%) and Ghana (6%)) accounts for 63% of the 67 offenders convicted in first instance (see Appendix 3, Table 3.50).

Figure 3.45 Trend in overall top 5 countries of birth of convicted offenders (2000-2008)

In the period 2000-2008, the proportion of offenders born in the Netherlands rose from 31% in 2000 to 45% in 2008, which represents an average of 33% (the same as with suspects). After fluctuating between 5% and 6% for three years, the proportion of Bulgarian-born offenders suddenly increased to 9% in 2008. Turkey was the country of birth of between 6% and 7% of the offenders in 2007 and 2008, which was less than in the five previous years. The percentage of Romanian offenders varies greatly each year, ranging between 0% and 18%. The number of offenders born in Morocco has fluctuated slightly each year (between 3% and 6%), with the exception of 2000 (11%), and in particular 2006, when the country accounted for the remarkably large proportion of 19%.

3.4.4 Summary

Table 3.7 (next page) consolidates the key data from the statistics discussed in §3.4 concerning suspects and convicted offenders in a single table. It should be noted that the data come from two different sources (PPS and OBJD) and do not usually cover a cohort. The data presented in a particular row can be compared.

As has been regularly mentioned, the number of cases registered annually by the PPS cannot be compared with the number of cases dealt with by it (because not all the cases are dealt with in the same year that they are registered). But that does not apply to the same extent for the total numbers of cases registered and dealt with over the entire period 2000-2008. Accordingly, the totals of 1679 cases registered and 1620 cases dealt with by the PPS are close. The same applies for the total number of cases in which a summons was issued and the number dealt with in first instance (1150 compared with 1013). In this context, a noteworthy comparison is that between the total number of cases in which an appeal was filed in first instance (corrected for the cases in which the appeal was withdrawn¹⁹⁴) and the cases dealt with on appeal (438 compared with 232). Possible explanations for the discrepancy are that there is a backlog in the disposition of cases on appeal or that the registration in OBJD lags behind the PPS database.

Table 3.7 Overview of data on suspects and offenders

Number of cases	2000		2001		2002		2003		2004	
	N	%	N	%	N	%	N	%	N	
Cases registered by PPS	139	100%	130	100%	200	100%	156	100%	220	
Cases dealt with by PPS	93	100%	159	100%	163	100%	175	100%	246	
- with summons incl. human trafficking	70	75%	99	62%	111	68%	116	66%	175	
Cases dealt with in first instance	84	100%	85	100%	95	100%	115	100%	151	
- with conviction incl. human trafficking	61	73%	67	79%	68	72%	79	69%	114	
- with custodial sentence (after conviction)	52 (52)	62% (85%)	56 (56)	66% (84%)	56 (56)	59% (82%)	64 (64)	56% (81%)	101 (101)	
- appeal filed	40	48%	38	45%	49	52%	47	41%	60	
Cases dealt with on appeal							119 (100%)			
- with conviction incl. human trafficking							103 (87%)			
- with custodial sentence (after conviction)							97 (82%) (97 (94%))			

Cases registered by the PPS

A total of 1815 cases in which there was a suspicion of at least human trafficking were registered by the PPS in the period 2000-2009. The number of registered cases fluctuated greatly from one year to another, but remained roughly the same over the ten-year period (from 139 in 2000 to 136 in 2009). The following information covers the period 2000-2008 and thus a total of 1679 cases.

- The proportion of registered cases involving at least one underage victim varied from one year to another (between 12% and 27%) and averaged 18%.
- Of the PPS's 19 district offices, the offices in Amsterdam, The Hague and Rotterdam registered an average of 32% of all human trafficking cases. The Rotterdam office owes its position in the top 3 mainly to the number of cases it has registered since 2005; the number has increased sharply, probably as a result of the establishment of the Rotterdam prostitution/human trafficking team in that year.

195 According to the PPS's annual report for 2009, there were 136 registered cases in 2009, which brings the total to 1815.

196 According to the PPS's annual report for 2009, there were 204 cases dealt with in 2009, which brings the total to 1834.

197 This is not equal to the sum of the cases dealt with on appeal in the period 2000-2004 and the number of cases dealt with on appeal in the period 2005-2008, since two judgments are missing and no information is available about them.

	2004		2005		2006		2007		2008		Totaal	
	%	N	%	N	%	N	%	N	%	N	%	
	100%	138	100%	201	100%	281	100%	214	100%	1679 ¹⁹⁵	100%	
	100%	132	100%	197	100%	184	100%	281	100%	1630	100%	
	71%	93	70%	145	74%	144	78%	197	70%	1150	71%	
	100%	115	100%	101	100%	115	100%	152	100%	1013 ¹⁹⁶	100%	
	75%	82	71%	70	69%	73	63%	77	51%	691	68%	
	67%	76	66%	63	62%	69	60%	72	47%	609	60%	
	(89%)	(76)	(93%)	(63)	(90%)	(69)	(95%)	(72)	(94%)	(609)	(88%)	
	40%	55	48%	42	42%	45	39%	62	41%	438	43%	
					111 (100%)					232 ¹⁹⁷	100%	
					103 (93%)					206	90%	
					92 (83%)					189	82%	
					(92 (89%))					(189)	(92%)	

- Most registered cases concern forms of aggravated human trafficking (an average of 71%). However, that percentage has declined sharply over the nine years (from 97% to 53%).
- Human trafficking is the only offence or the most serious offence (in terms of the maximum sentence) in most of the registered cases (83%). Among these cases, the proportion of aggravated human trafficking cases has declined (from 86% to 44%) over the nine years and the proportion of non-aggravated human trafficking cases has increased (from 2% to 39%). Sexual violence was registered as the most serious offence in 11% of all registered cases.
- In 78% of the registered cases the suspect was detained in preventive custody at some point in time.

Cases dealt with by the PPS

In the period 2000-2009, the PPS dealt with 1834 cases involving a suspicion of at least human trafficking. The number of cases dealt with annually has more than doubled in ten years (from 93 in 2000 to 204 in 2009). The following information covers the period 2000-2008 and thus a total of 1630 cases.

- 71% (N=1150) of the cases were dealt with by a summons for human trafficking, alone or in combination with other offences. In 23% of the cases there was an unconditional decision not to prosecute, and in a fifth of those cases the decisions were based on policy waivers.

Cases dealt with in first instance

A total of 1013 cases that included charges of at least human trafficking were dealt with in first instance in the period 2000-2008. The number of cases dealt with annually has almost doubled in the nine years (from 84 in 2000 to 152 in 2008).

- On average, 68% (N=691) of the cases dealt with in first instance led to a conviction for at least human trafficking. The trend over the entire period was as follows: the proportion of convictions for at least human trafficking declined sharply (from 73% in 2000 to 51% in 2008), while at the same time the percentage of acquittals on charges of human trafficking increased (from 26% in 2000 to 45% in 2008). A partial explanation for this could be that since the end of 2006 there have also been prosecutions for exploitation outside the sex industry 'other forms of exploitation' (cases that often involve a relatively large number of suspects). The case-law on these forms of exploitation is still evolving. Until the end of 2009, these cases relatively frequently ended in acquittals.
- On average, aggravated human trafficking was declared proven in 78% of the cases in which there was a conviction for at least human trafficking (compared with 22% of cases in which non-aggravated human trafficking was declared proven). Over the entire period, the proportion of cases in which aggravated human trafficking was declared proven has declined from 100% in 2000 to 65% in 2008.
- Custodial sentences were imposed in the vast majority of cases in which there were convictions for human trafficking (88%). These sentences have been even more common in the period since 2004 (between 89% and 95%).
- If a custodial sentence was imposed in a case in which there was a conviction for at least human trafficking it was mainly for a period of one to four years (53%). Sentences of less than a year were imposed in 37% of cases, and sentences of more than four years in just 11%. The custodial sentences imposed have become steadily shorter, which contrasts with current perceptions of the seriousness of the offence of human trafficking (which led to the increase in the maximum sentences from 1 July 2009).
- Appeals were filed in 43% of the 1013 cases dealt with in first instance, usually by the suspect alone or by the suspect and the PPS.

Cases dealt with on appeal

A total of 232 cases in which the charges included human trafficking were dealt with on appeal in the period 2000-2008. In 90% of the cases, there was a conviction for at least human trafficking. The 206 convictions usually (92%) resulted in a custodial sentence. A third of the custodial sentences were for a term of up to one year, and a fifth for a term of more than four years. The other custodial sentences were for terms of between one and four years. As in cases dealt with in first instance, there has been an apparent trend towards shorter custodial sentences in appeal cases.

Characteristics

On average, 80% of the suspects and 82% of the convicted offenders were male and more than half of both suspects and convicted offenders were below the age of 31 (including an average of 4% minors) in the period 2000-2008. The top 5 countries of birth of the suspects and convicted offenders were the Netherlands, Turkey, Bulgaria, Romania and Morocco, although the order was slightly different in the ranking for convicted offenders.

The National Rapporteur on Trafficking in Human Beings in the Netherlands: Ten Years On

Recommendations

The previous chapters have reviewed developments in efforts in the fight against human trafficking in the Netherlands and the results of the work of the National Rapporteur on Trafficking in Human Beings in the ten years since the position was created in the Netherlands. That review yielded a qualitative and quantitative overview of the issues that arose in relation to efforts to combat human trafficking during that period and how they have been addressed. As regards the role of the Rapporteur, the focus was on the recommendations she has made and the effects they have had. The effectiveness of an independent rapporteur depends to a large extent on the degree to which the recommendations produced results. Most of the Rapporteur's recommendations have been closely connected with practical issues. It is easy to see the extent to which those recommendations have been adopted and have led to improvements. Other recommendations have been of a more fundamental nature and have contributed more to the development of a vision. Recommendations incorporate commentary on policies and their implementation, and have an impact when the comments are understood and subsequently play a role in decision-making processes. That has generally been the case in the last decade.

For example, the Rapporteur's recommendations concerning immigration policy have largely been translated into improvements in rules and policies. Recommendations concerning the care for victims have, slowly but surely, led to care being tailored more closely to the specific needs of victims of human trafficking and to serious efforts to eliminate shortages of capacity. In the field of investigation and prosecution, professionalism has increased in many areas, although capacity and prioritisation remain persistent problems. The recommendations concerning prevention, awareness and identification of victims have also produced results.

It is not only the recommendations that have an impact. The Rapporteur also brings about improvements by initiating discussion of subjects and by conducting her own research. The study of case-law on exploitation in the sex industry in the seventh report, for example, has led to growing attention to the subject in the judiciary.

In view of the priority given to tackling human trafficking in the Netherlands, in her recommendations the Rapporteur has repeatedly drawn attention to the need to make sufficient realistic capacity available for the relevant organisations. This is a point that still demands attention. Although capacity is not a goal in itself, it is always important to enquire whether the policy objectives formulated in this important domain can be achieved with the resources available. Naturally, identification, attitude, awareness and training also play a prominent role in this context. The recommendations have generated a lot of attention for these aspects too in the last ten years.

There have been a number of other recurring themes in the Rapporteur's interventions. One important topic has been to foster the realisation that human trafficking is not confined to exploitation in the sex industry, but also occurs in other sectors (summed up as 'other forms of exploitation'). This was the reason why, even before the office of Rapporteur was created, there were calls for a rapporteur on *human trafficking* and not just trafficking in *women*. Since the expansion of the criminalisation of human trafficking to 'other forms of exploitation', the Rapporteur has repeatedly observed that Dutch legislation makes no distinction between exploitation in the sex industry and in other sectors, and that, in principle, the seriousness of the exploitation does not depend on the sector in which it occurs.

The Rapporteur has also drawn attention to the importance of a comprehensive policy, one that is not confined to arranging care for victims, but also encompasses the investigation and prosecution of offenders, based on the notion that the two approaches are inseparable and can only be effective in combination. By extension, the Rapporteur has also helped to secure recognition of the fact that human trafficking is sometimes manifested as a form of organised crime, and should be dealt with appropriately when the situation arises.

The Rapporteur has constantly stressed the importance of cooperation and the exchange of information in the anti-trafficking chain. This importance has certainly grown in the Netherlands, and has been put into practice, but chain cooperation is still fragile. To remain effective, cooperation needs maintenance: a constant effort to maintain the involvement of all the partners in the chain, if necessary by providing direction.

As well as highlighting the fact that aliens without residence status should be treated as possible victims if there is even the slightest indication of human trafficking, the Rapporteur has constantly drawn attention to the fact that human trafficking can also occur solely within national borders and that underage domestic victims, in particular, require special care.

A number of recommendations have related to the regulation of the prostitution sector. In 2000, the Netherlands adopted an exceptional position (in international terms) on the regulation of the prostitution sector by lifting the ban on brothels and opting for a more regulatory approach to prostitution. This approach was based, in part, on the idea that the profession of prostitution could be normalised. One of the factors behind this decision was the view that entering the profession was an individual's free choice that should be respected. This may have obscured the sight of forced prostitution, especially since establishing a licensing system for the prostitution sector was expected to make licensed prostitution more manageable, and hence lead to eradication of abuses in the sector. Over the last decade, the emphasis in attitudes towards the prostitution sector seems to have shifted to the vulnerability of the sector to human trafficking. Several notorious cases that have shown that widespread exploitation can also take place in the licensed prostitution sector have undoubtedly been a factor in this. The Rapporteur has repeatedly pointed out that a comprehensive policy is also required in this area, one in which tackling the illegal sector is as important as firm supervision of the licensed sector. In the draft Act to Regulate Prostitution and Combat Abuses in the Sex Industry, the Dutch government has proposed a series of measures in response to some of the developments and new insights that have emerged since the lifting of the ban on brothels. Accordingly, the Netherlands has shown that it is willing to look critically at the effects of policies and to revise them if necessary.

To whom does the National Rapporteur address her recommendations? She reports to the government, and can make recommendations to all government agencies and non-governmental organizations in-

volved in formulating and implementing policy on human trafficking. Recommendations have been directed at the central government as a whole, the legislature, the judiciary, local authorities, the institutions that provide shelter and help for victims, as well as to executive agencies such as the police, the public prosecution service, the Labour Inspectorate, the Social Intelligence and Investigation Service and the tax authorities.

More specifically, the recommendations have been addressed to the organisations with coordinating and executive duties. Inherent to the independent position of the Rapporteur is the fact that the Rapporteur has no coordinating or executive duties. In the Netherlands, those tasks are performed by public officials or consortia of the relevant organisations. For example, CoMensha coordinates the placement of victims. One of the members of the Council of Police Chiefs has been assigned the human trafficking portfolio, as has one of the procurators general. In addition, the public prosecution service has a national public prosecutor and eleven regional prosecutors. The police service's Centre of Expertise for Human Trafficking and Migrant Smuggling (EMM) has the task of collecting and analysing strategic and operational information, while the police and public prosecution service have formed a number of consultative bodies (LEM, OOM, BOOM) to coordinate their activities and share operational information. The ministries of Justice; Foreign Affairs; the Interior and Kingdom Relations; Health, Welfare and Sport (partly from the perspective of Youth and Family); and Social Affairs and Employment (as the ministry responsible for the SIOD and the Labour Inspectorate) also have coordinating and management tasks. Furthermore, in response to a recommendation by the Rapporteur, the Task Force on Human Trafficking (consisting of leading members of those key organisations, together with representatives of local authorities) was established with the task of identifying bottlenecks, solving problems and promoting innovative initiatives. In light of the results that have been achieved, it would be logical to extend the Task Force's mandate, which expires at the beginning of 2011.¹ That would present a good opportunity to formalise the position of CoMensha, which is not a member of the Task Force but is attending its meetings.

The situation in 2010

Where do efforts to combat human trafficking stand in the Netherlands in 2010? There is a lot of political and public attention for the phenomenon of human trafficking. But while the police and the public prosecution service have made human trafficking a clear priority, in practice there are persistent problems in terms of capacity and giving it the priority it needs.

Partly through the efforts of the Task Force, innovative investigative methods are being used and progress is being made in promoting the chain philosophy.

The policy towards victims living illegally in the Netherlands has become more balanced, but there are still tensions with respect to assumed abuses of the facilities for victims provided under immigration law, experienced as a disproportionate burden on the capacity of the police and the public prosecution service in cases with little prospect of successful prosecution, and on the other hand the recognition of a person's status as a victim apart from leads for a criminal investigation.

The provision of assistance for victims is also still characterised by a shortage of capacity, although the situation has improved as regards initial shelter for victims. There is progress in that area with the pilot project to investigate whether category-oriented initial shelter should be created, and if so, what form it should take. Providing shelter and care for underage victims is a task of the youth care services, but they have not yet formulated an adequate vision of the specific needs of this group.

¹ Task Force on Human Trafficking, 2009b.

There is attention for prevention, in the form of campaigns to raise awareness targeted at the general public, at clients of prostitutes and for example also at the staff of diplomatic missions abroad, as well as in the form of information for schools and the workplace. Preventing individuals from becoming victims is at the heart of the policy to combat human trafficking. It is noteworthy in this context that the number of Dutch victims declined in 2009, in both absolute and relative terms, for the first time since 2003². As far as foreign victims are concerned, the IND should consider compiling a safety file on victims it is considering repatriating to their country of origin, partly in order to prevent revictimisation.

The approach to other forms of exploitation is still evolving. Awareness and cooperation in the chain with respect to other forms of exploitation have started to grow, particularly in the last few years, although these situations of exploitation still seem to be less easily recognised. There is also no vision of the facilities needed for victims of other forms of exploitation. With the growing awareness of exploitation outside the sex industry, it will become increasingly common for large groups of victims, often male, to be discovered at the same time, which will impose special demands on shelter capacity. It is only in the last year that there have been more than incidental convictions for other forms of exploitation. The judgment of the Supreme Court on 27 October 2009 in a case of exploitation in a Chinese restaurant provides important guidelines for trying cases of other forms of exploitation.³ The interpretation of the definition of the offence is expected to be further elaborated in other cases in the coming years.

Areas requiring attention in the future

The role of the internet in human trafficking will demand a lot of attention in the coming period. The importance of information and communication technology (ICT), also in relation to human trafficking, has grown enormously in a relatively short space of time. The internet is used to recruit potential victims, as a means of coercing victims with compromising photos or films or as a medium to exploit victims. Images of sexual acts with victims circulating on the internet constitute a new dimension to victimhood. Young potential victims spend a large part of their lives in the internet environment, but that is not always true of those who have to protect them. There is, therefore, ground to be made up. Not only to learn more about the virtual world of young people, but also to make optimal use of the possibilities of ICT.

One area calling for attention is the development of the care for victims. Is further specialisation the correct approach (the pilot project on category-oriented shelter will provide more certainty about this)? What is particularly needed is a vision for the care that the youth care services should provide for under-age victims.

From the outset, the Rapporteur has made recommendations concerning the collection and proper registration of data. Since the Rapporteur does not perform executive tasks herself, she depends to a considerable extent on how other organizations keep records, whether for their own operations or for the benefit of the Rapporteur. Compiling aggregated results from the data from the computerised systems of the relevant agencies, without their intervention, could be compatible with the role of independent observer and rapporteur. If it were to prove technically feasible to automate this task, BNRM would be the most logical choice to perform it.

2 See Appendix 3, table B3.4.

3 For a lengthy discussion of this judgment, see §§2.8.5.

We are still a long way from reaching a situation where there is sufficient control of the Dutch prostitution sector to substantially reduce vulnerability to exploitation in the sector; what is needed here are better and more uniform enforcement and supervision and control of the illegal sector. One cause for concern is the possible shift from window prostitution, which is in theory relatively easier to control, to other forms of sexual services that are more difficult to monitor. The proposed introduction of the Act to Regulate Prostitution and Combat Abuses in the Sex Industry and the evaluation of the effects it has are very important in this context.

The development of case-law on both sexual exploitation and other forms of exploitation will also remain an important topic in the coming period. This will include such aspects as specialisation within the judiciary, the development of guidelines for sentencing and analysis of case-law. Attention will certainly be paid to the decline in the proportion of convictions in human trafficking cases in the last decade.

Finally, there may be a further expansion of the domain covered by the Rapporteur when part of the Netherlands Antilles becomes part of the Netherlands on 10 October 2010 as a result of constitutional reforms.

Conclusion

The post of National Rapporteur on Trafficking in Human Beings has now existed for 10 years in the Netherlands. The approach chosen was to create an institution that, while part of the central government, occupies an entirely independent position, similar to an independent advisory body of the government. The Rapporteur is a full-time official with her own staff, whose core task is to report on the nature and scale of human trafficking and on the effects of policies to combat it.

With this structure, the Netherlands has created a powerful instrument. Through the appointment of an independent Rapporteur to evaluate policy and make recommendations on it, the Dutch government has arranged structural feedback. This can be regarded as a powerful model for the office of rapporteur. This robust instrument demonstrates the Dutch government's determination to achieve tangible results in tackling human trafficking. The government further underlined its intentions by extending the Rapporteur's mandate for at least another four years⁴ in 2009.

4 Decision of the Minister of Justice appointing the Rapporteur, 2009. The appointment decision provides for an evaluation after four years, to be followed by a new decision on whether or not to extend the appointment.

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Appendix

I Article 273f of the Dutch Criminal Code (valid until 1 July 2009)

1. Any person who:
 - (a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;
 - (b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has not yet reached the age of eighteen years;
 - (c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;
 - (d) forces or induces another person by the means referred to under (a) to make himself/ herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;
 - (e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/ herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;
 - (f) willfully profits from the exploitation of another person;
 - (g) willfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);
 - (h) willfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;
 - (i) forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs; shall

be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine*, or either of these penalties:

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.
3. The following offences shall be punishable with a term of imprisonment not exceeding eight years and a fifth category fine*, or either of these penalties:
 - (a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;
 - (b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.
4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstance referred to in paragraph 3 under (b), shall be punishable with a term of imprisonment not exceeding ten years and a fifth category fine*, or either of these penalties.
5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve years and a fifth category fine*, or either of these penalties.
6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding fifteen years and a fifth category fine*, or either of these penalties.
7. Article 251 is applicable *mutatis mutandis*.

* A fifth category fine is a fine of maximum €67.000.

II Article 273f of the Dutch Criminal Code (valid from 1 July 2009)

1. Any person who:
 - (a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;
 - (b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has not yet reached the age of eighteen years;
 - (c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;
 - (d) forces or induces another person by the means referred to under (a) to make himself/ herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;
 - (e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result

- in that other person making himself/ herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;
- (f) wilfully profits from the exploitation of another person;
 - (g) wilfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);
 - (h) wilfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;
 - (i) forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs; shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding eight years and a fifth category fine*, or either of these penalties:
2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.
 3. The following offences shall be punishable with a term of imprisonment not exceeding twelve years and a fifth category fine*, or either of these penalties:
 - (a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;
 - (b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.
 4. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding fifteen years and a fifth category fine*, or either of these penalties.
 5. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding eighteen years and a fifth category fine*, or either of these penalties.
 6. Article 251 is applicable mutatis mutandis.
- * A fifth category fine is a fine of maximum €67.000

A2 Explanatory notes to Figures, Tables and Statistics

1 Notes to the tables

This report contains a great many tables (particularly in Appendix 3: Additional Tables). The following remarks are relevant for the interpretation of the tables.

The totals in the tables do not always come to precisely 100% because figures are rounded off. However, to make the tables easier to read the totals are always given as 100%.

If a column in a table contains numbers, the letter N appears at the top of the column to denote the word 'number'.

If a column in a table contains a ranking, the letter R appears at the top of the column to denote the word 'rank'.

In the tables a dash (-) is used to represent the number zero and to indicate that the associated percentage is 0%. If the number is higher than zero but the percentage is 0% after rounding off, 0% is used instead of a dash.

2 Notes to the figures

This report contains a great many figures that are based on the additional tables in Appendix 3. The following remarks are relevant for the interpretation of these figures.

In figures that show a trend in absolute terms (numbers), a line graph is used. If there is more than one line in the figure they represent trends that can be compared, unless they are dotted lines, in which case the trends are not comparable.

In figures that show a trend in relative terms (percentages), bar charts are used.

In figures that provide an overview (of one particular period), pie charts are used.

3 Notes to the statistics

Standard deviation (Sd)

Averages are sometimes given in this report, for example the average age of suspects and offenders. The number (N, see above) and the standard deviation (Sd) are sometimes also given. The standard deviation expresses the range in the numbers over which the average is calculated. The higher the standard deviation, the greater the range.

Index figure

Some tables include an index figure. The index figure shows by how many the number – of suspects, for example – in a particular year has changed in relation to a reference year. The reference year is shown at the top of the table. The figure for that year is 1.0. An index figure higher than 1.0 indicates an increase and an index figure lower than 1.0 indicates a decline in relation to the reference year.

Significance

When differences shown have proved significant (meaningful), the probability level (p-value) is given in a footnote. A p-value of 0.05 means that the chance that a difference shown is based on coincidence is 5%. A difference is significant when the chance that the difference is not based on coincidence is equal to or greater than 95% ($p \leq 0.05$). When the chance is equal to or greater than 99% ($p \leq 0.01$), it is said to be very significant.

A3 Additional tables

Tables B3.1 to B3.10 supplement §3.3.1 (Victims in the CoMensha register);
 Tables B3.11 to B3.17 supplement §3.3.2 (Victims and the B9 regulation);
 Tables B3.18 to B3.21 supplement §3.3.3 (Victims and compensation);
 Tables B3.22 to B3.29 supplement §3.4.1 (Suspects and offenders: Prosecution);
 Tables B3.30 to B3.36 supplement §3.4.2 (Suspects and offenders: Trial (in first instance));
 Tables B3.37 to B3.41 supplement §3.4.2 (Suspects and offenders: Trial (on appeal)) and;
 Tables B3.42 to B3.50 supplement §3.4.3 (Suspects and offenders: Characteristics).

Supplement to §3.3.1: Victims in the CoMensha register

Tables B3.1 to B3.10 provide a complete overview of the available data on victims reported to CoMensha over the last decade. See §3.3.1 for an explanation of the research method and Appendix 2 for explanatory notes to the tables in this appendix and the applicable statistics.

Table B3.1 Number of victims reported to CoMensha (2000-2009)

	Number of victims (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year
2000	341	1.0	-
2001	284	0.8	-17%
2002	343	1.0	21%
2003	257	0.8	-25%
2004	405	1.2	58%
2005	424	1.2	5%
2006	579	1.7	37%
2007	716	2.1	24%
2008	826	2.4	15%
2009	909	2.7	10%
Total	5084	<i>n. a.</i>	<i>n. a.</i>

Source: STV/CoMensha: annual reports and databases

Table B3.2 Gender of victims reported to CoMensha (2000-2009)¹

	Female		Male		Unknown	
	N	%	N	%	N	%
2000	almost all	100%	almost none	0%	-	-
2001	almost all	100%	almost none	0%	-	-
2002	almost all	100%	almost none	0%	-	-
2003	257	100%	0	0%	-	-
2004	404	100%	1	0%	-	-
2005	422	100%	2	0%	-	-
2006	549	95%	30	5%	-	-
2007	664	93%	49	7%	3	0%
2008	779	94%	46	6%	1	0%
2009	770	85%	138	15%	1	0%

Source: STV/CoMensha: annual reports and databases

¹ Since 2003, CoMensha has registered the gender of the victims. In the period 2000-2002 there were only a few male victims (information received verbally and in writing from CoMensha).

Table B3.3 Age of victims reported to CoMensha (2001-2009)²

	10-14		15-17		18-23		24-30		31-40		41 and over		Unknown	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2001	2	1%	25	9%	86	30%	39	14%	12	4%	1	0%	119	42%
2002	-	-	41	12%	130	38%	56	16%	19	6%	5	1%	92	27%
2003	2	1%	18	7%	112	44%	54	21%	25	10%	5	2%	41	16%
2004	3	1%	23	6%	165	41%	141	35%	61	15%	-	-	12	3%
2005	1	0%	23	5%	167	39%	150	35%	50	12%	15	4%	18	4%
2006	10	2%	93	16%	222	38%	151	26%	66	11%	9	2%	28	5%
2007	29	4%	170	24%	288	40%	140	20%	70	10%	19	3%	-	-
2008	7	1%	162	20%	321	39%	196	24%	108	13%	32	4%	-	-
2009	11	1%	100	11%	352	39%	249	27%	126	14%	58	6%	13 ³	1%
Total since 2001	65	1%	655	14%	1843	39%	1175	25%	537	11%	144	3%	324	7%

Source: STV/CoMensha: annual reports and databases

- 2 Since 2001, CoMensha has registered the age of the victims. The age groups in the period 2001-2003 are slightly different: 10-13, 14-17, 18-23, 24-29, 30-39, 40 and over, unknown.
- 3 The precise age of these 13 reported victims is not known, but five victims were (probably) adults (information received verbally and in writing from CoMensha).

Table B3.4 Nationality of victims reported to CoMensha (2000-2009)

Nationality	2000		2001		2002		2003		2004	
	N	%	N	%	N	%	N	%	N	%
Afghan	-	-	-	-	-	-	-	-	1	0%
Albanian	5	1%	4	1%	8	2%	2	1%	8	2%
Algerian	1	0%	-	-	1	0%	-	-	-	-
Angolan	-	-	1	0%	3	1%	2	1%	2	0%
Antigua and Barbudan	-	-	-	-	-	-	-	-	-	-
Armenian	-	-	-	-	-	-	3	1%	3	1%
Azerbaijani	-	-	-	-	-	-	-	-	-	-
Belarussian	2	1%	1	0%	8	2%	-	-	12	3%
Belgian	-	-	-	-	1	0%	-	-	-	-
Bengali	-	-	-	-	-	-	-	-	1	0%
Beninois	-	-	-	-	-	-	1	0%	1	0%
Bolivian	-	-	-	-	-	-	-	-	-	-
Bosnian	-	-	1	0%	1	0%	1	0%	-	-
Brazilian	-	-	1	0%	-	-	12 (5)	5%	5	1%
British	-	-	-	-	-	-	-	-	2	0%
Bulgarian	19 (3')	6%	40 (1)	14%	59 (1)	17%	48 (1)	19%	55 (2)	14%
Burkinan	-	-	-	-	-	-	-	-	-	-
Burundian	-	-	-	-	1	0%	-	-	-	-
Cameroonian	4	1%	2	1%	10	3%	5	2%	11	3%
Canadian	-	-	-	-	-	-	-	-	1	0%
Cape Verdean	-	-	-	-	-	-	-	-	-	-
Chilean	-	-	-	-	-	-	-	-	-	-
Chinese	19 (3')	6%	10	4%	8	2%	8	3%	9	2%
Colombian	2	1%	1	0%	2	1%	1	0%	4	1%
Comoran	-	-	-	-	-	-	-	-	-	-
Congolese	4	1%	1	0%	3	1%	1	0%	-	-
Croat	-	-	-	-	1	0%	-	-	-	-
Cuban	-	-	-	-	3	1%	-	-	2	0%
Czech	14	4%	8	3%	6	2%	3	1%	2	0%
Danish	-	-	-	-	-	-	-	-	-	-
Dominican	4	1%	-	-	3	1%	-	-	2	0%

	2005		2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	-	-	-	-	-	-	1	0%	2	0%	4	0%	
	2	0%	1	0%	-	-	2	0%	4	0%	36	1%	*
	-	-	-	-	-	-	-	-	-	-	2	0%	
	8	2%	2	0%	1	0%	5	1%	4	0%	28	1%	*
	1	0%	-	-	-	-	-	-	-	-	1	0%	
	-	-	4	1%	2	0%	2	0%	3	0%	17	0%	
	-	-	1	0%	-	-	-	-	2	0%	3	0%	
	3	1%	-	-	2	0%	1	0%	1	0%	30	1%	**
	2	0%	1	0%	-	-	-	-	-	-	4	0%	
	-	-	3	1%	-	-	-	-	-	-	4	0%	
	2	0%	-	-	-	-	1	0%	3	0%	8	0%	
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	1	0%	-	-	2	0%	1	0%	1	0%	8	0%	
	8	2%	17	3%	4	1%	13	2%	14	2%	74	1%	**
	-	-	-	-	-	-	-	-	-	-	2	0%	
	52 (2)	12%	39 (3)	7%	50 (3)	7%	32	4%	39 (5)	4%	433	9%	3
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	2	0%	1	0%	3	0%	-	-	1	0%	8	0%	
	4	1%	4	1%	6	1%	11	1%	15	2%	72	1%	**
	-	-	-	-	-	-	1	0%	1	0%	3	0%	
	-	-	-	-	1	0%	1	0%	-	-	2	0%	
	-	-	2	0%	2	0%	2	0%	-	-	6	0%	
	5	1%	29 (5)	5%	33 (4)	5%	78 (2)	9%	37	4%	236	5%	5
	1	0%	-	-	1	0%	5	1%	1	0%	18	0%	*
	-	-	1	0%	-	-	-	-	-	-	1	0%	
	3	1%	5	1%	5	1%	3	0%	5	1%	30	1%	*
	-	-	1	0%	-	-	-	-	-	-	2	0%	
	-	-	-	-	-	-	-	-	-	-	5	0%	
	18 (5)	4%	3	1%	4	1%	7	1%	3	0%	68	1%	**
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	1	0%	-	-	-	-	1	0%	1	0%	12	0%	

Continued table B3.4

Nationality	2000		2001		2002		2003		2004	
	N	%	N	%	N	%	N	%	N	%
Dutch	25 (2)	7%	11 (5)	4%	18 (4)	5%	11	4%	59 (1)	15%
Ecuadorian	-	-	-	-	1	0%	-	-	1	0%
Egyptian	-	-	2	1%	-	-	-	-	-	-
Eritrean	-	-	1	0%	-	-	-	-	1	0%
Estonian	3	1%	1	0%	-	-	2	1%	1	0%
Ethiopian	2	1%	-	-	1	0%	2	1%	2	0%
Finnish	-	-	-	-	-	-	-	-	-	-
French	-	-	-	-	1	0%	-	-	-	-
Gambian	-	-	-	-	-	-	-	-	-	-
Georgian	-	-	2	1%	1	0%	1	0%	-	-
German	1	0%	-	-	1	0%	1	0%	1	0%
Ghanaian	4	1%	2	1%	2	1%	1	0%	6	1%
Greek	-	-	-	-	-	-	-	-	-	-
Guinea-Bissauan	-	-	-	-	-	-	-	-	5	1%
Guinean	1	0%	3	1%	6	2%	5	2%	3	1%
Guyanese	-	-	-	-	1	0%	-	-	-	-
Hungarian	6	2%	4	1%	1	0%	-	-	3	1%
Indian	-	-	-	-	-	-	-	-	-	-
Indonesian	-	-	-	-	1	0%	1	0%	-	-
Iranian	-	-	-	-	1	0%	-	-	5	1%
Iraqi	1	0%	-	-	-	-	-	-	2	0%
Irish	-	-	-	-	-	-	1	0%	-	-
Italian	-	-	1	0%	-	-	-	-	-	-
Ivorian	1	0%	-	-	4	1%	2	1%	2	0%
Jamaican	-	-	-	-	-	-	-	-	-	-
Kazach	-	-	1	0%	-	-	-	-	-	-
Kenyan	-	-	-	-	-	-	-	-	2	0%
Kirghiz	-	-	1	0%	-	-	1	0%	-	-
Kuwaiti	-	-	-	-	-	-	-	-	-	-
Latvian	9	3%	1	0%	1	0%	-	-	1	0%
Lebanese	-	-	-	-	-	-	-	-	-	-
Liberian	4	1%	4	1%	-	-	2	1%	1	0%
Lithuanian	10	3%	10	4%	13	4%	9	4%	3	1%

	2005		2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	98 (1)	23%	146 (1)	25%	270 (1)	38%	320 (1)	39%	240 (1)	26%	1198	24%	1
	-	-	-	-	-	-	-	-	-	-	2	0%	
	-	-	-	-	1	0%	2	0%	1	0%	6	0%	
	-	-	-	-	-	-	-	-	-	-	2	0%	
	-	-	1	0%	1	0%	-	-	-	-	9	0%	
	1	0%	1	0%	1	0%	-	-	1	0%	11	0%	
	-	-	1	0%	-	-	-	-	-	-	1	0%	
	-	-	-	-	1	0%	1	0%	-	-	3	0%	
	-	-	-	-	-	-	4	1%	2	0%	6	0%	
	-	-	2	0%	-	-	3	0%	1	0%	10	0%	
	2	0%	-	-	3	0%	7	1%	3	0%	19	0%	*
	2	0%	1	0%	8	1%	9	1%	23	3%	58	1%	**
	1	0%	-	-	1	0%	-	-	-	-	2	0%	
	4	1%	-	-	-	-	1	0%	-	-	10	0%	*
	4	1%	8	1%	15	2%	20	2%	35	4%	100	2%	10
	-	-	-	-	-	-	-	-	-	-	1	0%	
	9	2%	13	2%	15	2%	45 (4)	5%	47 (4)	5%	143	3%	7
	-	-	7	1%	3	0%	13	2%	6	1%	29	1%	**
	-	-	2	0%	-	-	1	0%	17	2%	22	0%	**
	-	-	3	1%	1	0%	1	0%	2	0%	13	0%	*
	-	-	-	-	-	-	-	-	3	0%	6	0%	
	1	0%	-	-	-	-	-	-	-	-	2	0%	
	2	0%	1	0%	1	0%	-	-	-	-	5	0%	
	-	-	-	-	2	0%	3	0%	6	1%	20	0%	*
	-	-	1	0%	-	-	-	-	1	0%	2	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	1	0%	3	1%	3	0%	3	0%	-	-	12	0%	
	-	-	-	-	-	-	-	-	1	0%	3	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	3	1%	3	1%	2	0%	-	-	9	1%	29	1%	*
	-	-	1	0%	-	-	-	-	-	-	1	0%	
	1	0%	-	-	2	0%	3	0%	5	1%	22	0%	*
	3	1%	6	1%	3	0%	8	1%	5	1%	70	1%	**

	2005		2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	1	0%	2	0%	
	-	-	-	-	-	-	-	-	-	-	11	0%	**
	-	-	-	-	-	-	-	-	2	0%	3	0%	
	-	-	1	0%	-	-	-	-	1	0%	2	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	2	0%	3	1%	-	-	-	-	1	0%	42	1%	**
	2	0%	1	0%	4	1%	4	1%	7	1%	21	0%	*
	11	3%	9	2%	13	2%	10	1%	15	2%	82	2%	**
	1	0%	-	-	1	0%	-	-	-	-	3	0%	
	-	-	-	-	-	-	-	-	2	0%	2	0%	
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	28 (3)	7%	86 (2)	15%	104 (2)	15%	64 (3)	8%	101 (2)	11%	544	11%	2
	-	-	-	-	1	0%	-	-	1	0%	2	0%	
	1	0%	1	0%	-	-	-	-	-	-	2	0%	
	1	0%	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	3	0%	4	0%	
	-	-	-	-	2	0%	6	1%	1	0%	13	0%	*
	13	3%	27	5%	14	2%	6	1%	19	2%	115	2%	9
	1	0%	-	-	-	-	2	0%	4	0%	7	0%	
	23 (4)	5%	34 (4)	6%	28	4%	19	2%	89 (3)	10%	305	6%	4
	13	3%	12	2%	9	1%	5	1%	4	0%	130	3%	8
	-	-	-	-	2	0%	-	-	2	0%	6	0%	
	1	0%	-	-	1	0%	-	-	1	0%	5	0%	
	-	-	-	-	-	-	1	0%	3	0%	4	0%	
	14	3%	20	3%	29 (5)	4%	44 (5)	5%	35	4%	187	4%	6
	10	2%	2	0%	3	0%	7	1%	1	0%	36	1%	**
	-	-	2	0%	5	1%	3	0%	5	1%	18	0%	*
	-	-	2	0%	-	-	-	-	1	0%	3	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	1	0%	-	-	-	-	1	0%	

Continued Table B3.4

Nationality	2000		2001		2002		2003		2004		
	N	%	N	%	N	%	N	%	N	%	
Sudanese	4	1%	1	0%	1	0%	-	-	2	0%	
Surinamese	1	0%	1	0%	1	0%	1	0%	3	1%	
Swedish	-	-	1	0%	-	-	-	-	-	-	
Syrian	-	-	-	-	-	-	-	-	-	-	
Tadjik	-	-	1	0%	-	-	-	-	-	-	
Taiwanese	-	-	-	-	1	0%	1	0%	-	-	
Tanzanean	-	-	-	-	-	-	-	-	-	-	
Thai	4	1%	-	-	3	1%	5	2%	2	0%	
Togolese	3	1%	2	1%	6	2%	2	1%	2	0%	
Trinidad and Tobagoan	-	-	-	-	-	-	-	-	-	-	
Tunisian	-	-	-	-	-	-	-	-	-	-	
Turkish	1	0%	-	-	5	1%	1	0%	2	0%	
Ugandan	-	-	1	0%	1	0%	3	1%	-	-	
Ukrainian	12	4%	18 (3)	6%	5	1%	14 (4)	5%	8	2%	
Uzbek	-	-	1	0%	-	-	-	-	2	0%	
Venezuelan	-	-	-	-	-	-	-	-	-	-	
Vietnamese	2	1%	1	0%	-	-	-	-	3	1%	
Yugoslavian	1	0%	3	1%	-	-	1	0%	2	0%	
Zambian	-	-	-	-	-	-	-	-	-	-	
Zimbabwean	-	-	-	-	-	-	-	-	-	-	
Unknown	49	14%	72	25%	21	6%	19	7%	18	4%	
Total	341	100%	284	100%	343	100%	257	100%	405	100%	

Source: STV/CoMensha: annual reports and databases

Dark blue shading: This nationality was in the top 5 in the relevant year (the ranking is shown between brackets after the number) or this nationality was in the top 10 overall (the ranking is shown in the last column).

* Is not in the top 10 overall, but five or more of the victims reported to CoMensha in at least one of the years (2000-2009) had this nationality.

** Is not in the top 10 overall, but ten or more of the victims reported to CoMensha in at least one of the years (2000-2009) had this nationality.

	2005		2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	1	0%	2	0%	2	0%	2	0%	3	0%	18	0%	
	1	0%	2	0%	6	1%	4	1%	8	1%	28	1%	*
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	4	1%	1	0%	7	0%	
	-	-	1	0%	-	-	1	0%	1	0%	3	0%	
	2	0%	3	1%	9	1%	12	2%	5	1%	45	1%	**
	2	0%	2	0%	2	0%	1	0%	4	0%	26	1%	*
	-	-	-	-	-	-	1	0%	-	-	1	0%	
	-	-	1	0%	-	-	-	-	1	0%	2	0%	
	2	0%	5	1%	8	1%	1	0%	1	0%	26	1%	*
	4	1%	-	-	3	0%	1	0%	10	1%	23	0%	**
	10	2%	10	2%	4	1%	5	1%	5	1%	91	2%	**
	1	0%	-	-	-	-	-	-	2	0%	6	0%	
	-	-	-	-	2	0%	2	0%	1	0%	5	0%	
	1	0%	-	-	-	-	2	0%	2	0%	11	0%	
	5	1%	1	0%	6	1%	1	0%	1	0%	21	0%	*
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	2	0%	-	-	-	-	1	0%	1	0%	4	0%	
	27	6%	38	7%	2	0%	6	1%	17	2%	269	5%	
	424	100%	579	100%	716	100%	826	100%	909	100%	5084	100%	

Table B3.5 Nationality of underage victims reported to CoMensha (2006-2009)⁴

Nationality of underage victims	2006		2007		2008		2009		Total 2006-2009		Top 5 R
	N	%	N	%	N	%	N	%	N	%	
	Afghan	-	-	-	-	-	-	2	2%	2	
Angolan	-	-	-	-	2	1%	-	-	2	0%	
Armenian	1	1%	-	-	-	-	-	-	1	0%	
Azerbaijani	-	-	-	-	-	-	1	1%	1	0%	
Beninois	-	-	-	-	1	1%	1	1%	2	0%	
Brazilian	-	-	-	-	1	1%	-	-	1	0%	
Bulgarian	5 (5)	5%	6 (4)	3%	1	1%	1	1%	13	2%	*
Cameroonian	-	-	1	1%	2	1%	1	1%	4	1%	
Chinese	6 (3')	6%	4 (5')	2%	14 (2)	8%	3 (5)	3%	27	5%	3
Colombian	-	-	-	-	1	1%	-	-	1	0%	
Congolese	2	2%	2	1%	-	-	-	-	4	1%	
Dutch	35 (1)	34%	100 (1)	50%	104 (1)	62%	63 (1)	57%	302	52%	1
Egyptian	-	-	-	-	-	-	1	1%	1	0%	
Gambian	-	-	-	-	-	-	1	1%	1	0%	
German	-	-	-	-	1	1%	-	-	1	0%	
Ghanaian	-	-	2	1%	-	-	-	-	2	0%	
Guinea-Bissauan	-	-	-	-	1	1%	-	-	1	0%	
Guinean	1	1%	3	2%	11 (3)	7%	8 (3)	7%	23	4%	4
Hungarian	-	-	-	-	1	1%	-	-	1	0%	
Indian	-	-	2	1%	1	1%	-	-	3	1%	
Indonesian	-	-	-	-	1	1%	-	-	1	0%	
Iranian	-	-	1	1%	-	-	-	-	1	0%	
Iraqi	-	-	-	-	-	-	1	1%	1	0%	
Italian	1	1%	-	-	-	-	-	-	1	0%	
Ivorian	-	-	-	-	-	-	2	2%	2	0%	

4 From 2006, a relationship can be established between age and nationality.

Continued Table B3.5

Nationality of underage victims	2006		2007		2008		2009		Total 2006-2009		Top 5 R
	N	%	N	%	N	%	N	%	N	%	
Jamaican	-	-	-	-	-	-	1	1%	1	0%	
Lithuanian	1	1%	-	-	-	-	2	2%	3	1%	
Mongolian	1	1%	-	-	2	1%	-	-	3	1%	
Moroccan	2	2%	3	2%	1	1%	1	1%	7	1%	
Nigerian	32 (2)	31%	50 (2)	25%	7 (5)	4%	10 (2)	9%	99	17%	2
Philippine	-	-	1	1%	-	-	-	-	1	0%	
Polish	-	-	-	-	-	-	1	1%	1	0%	
Romanian	4	4%	10 (3)	5%	1	1%	1	1%	16	3%	**
Russian	1	1%	1	1%	1	1%	-	-	3	1%	
Serbian	-	-	-	-	1	1%	-	-	1	0%	
Sierra Leonean	6 (3')	6%	4 (5')	2%	8 (4)	5%	3 (4)	3%	21	4%	5
Slovak	-	-	-	-	4	2%	-	-	4	1%	
Somali			1	1%	1	1%	1	1%	3	1%	
Sudanese	-	-	-	-	-	-	1	1%	1	0%	
Surinamese	2	2%	2	1%	-	-	-	-	4	1%	
Taiwanese	-	-	-	-	1	1%	-	-	1	0%	
Thai	-	-	-	-	-	-	1	1%	1	0%	
Turkish	1	1%	3	2%	-	-	1	1%	5	1%	
Ugandan	-	-	2	1%	-	-	1	1%	3	1%	
Ukrainian	-	-	1	1%	-	-	-	-	1	0%	
Uzbek	-	-	-	-	-	-	1	1%	1	0%	
Zimbabwean	-	-	-	-	-	-	1	1%	1	0%	
Unknown	2	2%	-	-	-	-	-	-	2	0%	
Total	103	100%	199	100%	169	100%	111	100%	582	100%	

Source: STV/CoMensha databases

Dark blue shading: This nationality was in the top five in the relevant year (the ranking is shown between brackets after the number) or this nationality was in the top five overall (the ranking is shown in the last column).

* Is not in the top five overall, but five or more of the underage victims reported to CoMensha in at least one of the years (2006-2009) had this nationality.

** Is not in the top five overall, but ten or more of the underage victims reported to CoMensha in at least one of the years (2006-2009) had this nationality.

Table B3.6 Nationality of male victims reported to CoMensha (2006-2009)⁵

Nationality of male victims	2006		2007		2008		2009		Total 2006-2009		Top 5 R
	N	%	N	%	N	%	N	%	N	%	
Afghan	-	-	-	-	-	-	2	1%	2	1%	
Angolan	-	-	-	-	-	-	2	1%	2	1%	
Armenian	1	3%	1	2%	-	-	-	-	2	1%	
Azerbaijani	1	3%	-	-	-	-	1	1%	2	1%	
Bengali	3 (3')	10%	-	-	-	-	-	-	3	1%	
Beninois	-	-	-	-	-	-	2	1%	2	1%	
Brazilian	-	-	-	-	-	-	1	1%	1	0%	
Bulgarian	1	3%	1	2%	-	-	-	-	2	1%	
Cameroonian	1	3%	-	-	1	2%	-	-	2	1%	
Canadian	-	-	-	-	1	2%	-	-	1	0%	
Chilean	1	3%	2	4%	1	2%	-	-	4	2%	
Chinese	4 (2)	13%	5 (3')	10%	12 (1)	26%	11 (2)	8%	32	12%	2
Congolese	2	7%	-	-	-	-	-	-	2	1%	
Dutch	-	-	5 (3')	10%	3 (5)	7%	6 (5')	4%	14	5%	5
Egyptian	-	-	-	-	2	4%	1	1%	3	1%	
Georgian	-	-	-	-	-	-	1	1%	1	0%	
German	-	-	-	-	-	-	1	1%	1	0%	
Ghanaian	-	-	-	-	-	-	10 (3')	7%	10	4%	**
Guinean	-	-	1	2%	-	-	3	2%	4	2%	
Hungarian	-	-	1	2%	-	-	3	2%	4	2%	
Indian	7 (1)	23%	3 (5)	6%	8 (2)	17%	5	4%	23	9%	4

5 From 2006, a relationship can be established between gender and nationality.

Continued Table B3.6

Nationality of male victims	2006		2007		2008		2009		Total 2006-2009		Top 5 R
	N	%	N	%	N	%	N	%	N	%	
	Indonesian	-	-	-	-	-	-	10 (3')	7%	10	4%
Iraqi	-	-	-	-	-	-	2	1%	2	1%	
Ivorean	-	-	-	-	-	-	2	1%	2	1%	
Jamaican	-	-	-	-	-	-	1	1%	1	0%	
Liberian	-	-	-	-	-	-	1	1%	1	0%	
Mauritanian	1	3%	-	-	-	-	-	-	1	0%	
Moroccan	-	-	-	-	1	2%	2	1%	3	1%	
Nepalese	-	-	-	-	-	-	1	1%	1	0%	
Nigerian	3 (3')	10%	13 (1)	27%	7 (3)	15%	6 (5')	4%	29	11%	3
Nigerien	-	-	-	-	-	-	1	1%	1	0%	
Pakistani	-	-	-	-	-	-	3	2%	3	1%	
Polish	-	-	-	-	-	-	2	1%	2	1%	
Portuguese	-	-	-	-	-	-	4	3%	4	2%	
Romanian	-	-	8 (2)	16%	1	2%	44 (1)	32%	53	20%	1
Russian	-	-	1	2%	-	-	-	-	1	0%	
Rwandan	-	-	1	2%	-	-	-	-	1	0%	
Sierra Leonean	1	3%	1	2%	6 (4)	13%	4	3%	12	5%	*
Somali	-	-	-	-	-	-	1	1%	1	0%	
Sri Lankan	-	-	1	2%	-	-	-	-	1	0%	
Sudanese	-	-	-	-	1	2%	-	-	1	0%	
Surinamese	-	-	-	-	1	2%	2	1%	3	1%	
Tanzanian	-	-	-	-	-	-	1	1%	1	0%	
Togolese	-	-	1	2%	-	-	-	-	1	0%	

Continued Table B3.6

Nationality of male victims	2006		2007		2008		2009		Total 2006-2009		Top 5
	N	%	N	%	N	%	N	%	N	%	R
	Turkish	3 (3')	10%	-	-	-	-	-	-	3	1%
Ugandan	-	-	1	2%	-	-	1	1%	2	1%	
Ukrainian	-	-	2	4%	-	-	-	-	2	1%	
Vietnamese	-	-	-	-	1	2%	-	-	1	0%	
Yugoslavian	-	-	1	2%	-	-	-	-	1	0%	
Zimbabwean	-	-	-	-	-	-	1	1%	1	0%	
Unknown	1	3%	-	-	-	-	-	-	1	0%	
Total	30	100%	49	100%	46	100%	138	100%	263	100%	

Source: STV/CoMensha databases

Dark blue shading: This nationality was in the top 5 in the relevant year (the ranking is shown between brackets after the number) or this nationality was in the top 5 overall (the ranking is shown in the last column).

* Is not in the top 5 overall, but five or more of the male victims reported to CoMensha in at least one of the years (2006-2009) had this nationality.

** Is not in the top 5 overall, but ten or more of the male victims reported to CoMensha in at least one of the years (2006-2009) had this nationality.

Table B3.7 Percentage of underage victims among Dutch, Nigerian and other non-Dutch victims reported to CoMensha (2006-2009)⁶

	2006		2007		2008		2009		Total 2006-2009	
	N	%	N	%	N	%	N	%	N	%
Dutch victims	146	100%	270	100%	320	100%	240	100%	976	100%
- of whom underage	35	24%	100	37%	104	33%	63	26%	302	31%
Nigerian victims	86	100%	104	100%	64	100%	101	100%	355	100%
- of whom underage	32	37%	50	48%	7	11%	10	10%	99	28%
Other non-Dutch victims	312	100%	340	100%	436	100%	551	100%	1699	100%
- of whom underage	34	11%	49	14%	58	13%	38	7%	181	11%
Victims of unknown nationality	35	100%	2	100%	6	100%	17	100%	60	100%
- of whom underage	2	6%	0	0%	0	0%	0	0%	2	3%
Total	579	100%	716	100%	826	100%	909	100%	3030	100%
- of whom underage	103	18%	199	28%	169	20%	111	12%	582	19%

Source: STV/CoMensha databases

⁶ From 2006, a relationship can be established between age and nationality.

Table B3.8 Sectors in which victims were exploited (2007-2009)⁷

Exploitation	Sector	2007					
		F N	M N	Unknown N	Total N	%	
Exploitation in the sex industry ⁸		329 (+4)	9 (+1)	-	338	47%	
Exploitation in sectors other than the sex industry	Agriculture and horticulture	-	-	-	-	-	
	Au pair	1	-	-	1	0%	
	Cleaning	1	-	-	1	0%	
	Construction	-	3	-	3	0%	
	Domestic work	12 (+1)	-	-	12	2%	
	Drug dealing	-	-	-	-	-	
	Food industry	-	-	-	-	-	
	Hospitality	2 (+1)	5	1	8	1%	
	Textile industry	1	-	-	1	0%	
	Total		17 (+2)	8	1	26	4%
Exploitation, other		6	8	-	14	2%	
Forced organ donation		-	1	-	1	0%	
N. a. ⁹		93	10	2	105	15%	
Unknown		219	13	-	232	32%	
Total		664	49	3	716	100%	

Source: STV/CoMensha: annual reports and databases

7 Since 2007, BNRM has had access to information about the sectors in which the reported victims were exploited. Note: some victims were exploited in more than one sector, but in order to bring the totals to 100% these victims are only recorded under one sector. The other sectors in which they were exploited are shown between brackets under those sectors.

8 Such as: brothel/club, escort, internet (one female victim in 2009), massage parlour, private home, window prostitution, street prostitution.

9 If the victim has not yet worked.

	2008					2009					Total 2007-2009	
	F	M	Unknown	Total		F	M	Unknown	Total		N	%
	N	N	N	N	%	N	N	N	N	%		
	465 (+2)	7	1	473	57%	394 (+2)	24 (+2)	1	419	46%	1230	50%
	1	-	-	1	0%	25	31	-	56	6%	57	2%
	1	-	-	1	0%	1	-	-	1	0%	3	0%
	2	1	-	3	0%	1	-	-	1	0%	5	0%
	-	-	-	-	-	-	14	-	14	2%	17	1%
	6	-	-	6	1%	11 (+1)	4	-	15	2%	33	1%
	4	1	-	5	1%	5	3	-	8	1%	13	1%
	-	-	-	-	-	4	9	-	13	1%	13	1%
	3	4	-	7	1	-	4	-	4	0%	19	1%
	-	-	-	-	-	-	-	-	-	-	1	0%
	17	6	-	23	3%	47 (+1)	65	-	112	12%	161	7%
	15	14	-	29	4%	25	23	-	48	5%	91	4%
	-	-	-	-	-	-	-	-	-	-	1	0%
	50	8	-	58	7%	83	7	-	90	10%	253	10%
	232	11	-	243	29%	221	19	-	240	26%	715	29%
	779	46	1	826	100%	770	138	1	909	100%	2451	100%

Table B3.9 Notifiers (2001-2009)¹⁰

Notifiers	2001		2002		2003		2004		
	N	%	N	%	N	%	N	%	
Health care / field work ¹¹	3	1%	5	1%	4	2%	3	1%	
IND	-	-	-	-	-	-	-	-	
Individuals ¹²	18	6%	36	10%	23	9%	23	6%	
Legal / social services ¹³	11	4%	13	4%	3	1%	22	5%	
Networks for victims of human trafficking ¹⁴	-	-	-	-	-	-	-	-	
Police ¹⁵	135	48%	193	56%	153	60%	192	47%	
Refugee / asylum worker ¹⁶	17	6%	25	7%	17	7%	12	3%	
Royal Netherlands Marechaussee ¹⁷	-	-	-	-	-	-	-	-	
Shelters ¹⁸	23	8%	24	7%	20	8%	49	12%	
SIOD ¹⁹	-	-	-	-	-	-	-	-	
Victim personally	6	2%	11	3%	3	1%	12	3%	
Victim support organisation ²⁰	8	3%	11	3%	10	4%	18	4%	
Youth care services ²¹	12	4%	10	3%	6	2%	14	3%	
Other organisations ²²	3	1%	15	4%	18	7%	60	15%	
Unknown / anonymous	48	17%	-	-	-	-	-	-	
Total	284	100%	343	100%	257	100%	405	100%	

Source: STV/CoMensha: annual reports and databases

- 10 CoMensha has registered notifiers since 2001. From 2007, the total number of notifications in a year no longer corresponds with the total number of reported victims in that year (2007: 742 compared with 716, 2008: 842 compared with 826, 2009: 933 compared with 909). The reason for this is that some victims are reported to CoMensha by different individuals or agencies and since 2007 CoMensha has registered all of the various notifiers.
- 11 Institutions (municipal health services, doctors, hospital staff) who provide medical care and information to prostitutes in the workplace or at the surgery.
- 12 They could be family, friends or a partner of the victim. Notifications sometimes come from a client (STV Annual Report, 2006).
- 13 The category 'social services' was introduced (without specification) in the STV annual report for 2004. Previously, the category 'legal services' had been used (Legal Aid office, pro bono lawyers, victim support offices and lawyers). Both categories were used in the STV annual report for 2006 and in the CoMensha annual report for 2007. In 2008 and 2009 there were separate categories for 'social services' and 'lawyers'. For the purposes of comparability, the categories ('social services', 'legal services' and 'lawyers') are merged in the table.
- 14 The networks for victims of human trafficking were established by CoMensha to provide integrated assistance for victims. The networks are supervised by a care coordinator, or by CoMensha if there is no coordinator. Before 2006, the few notifications by the networks were included in the category 'shelters'.

	2005		2006		2007		2008		2009		Total		Top 5
	N	%	N	%	N	%	N	%	N	%	N	%	R
	5	1%	3	1%	-	-	-	-	-	-	23	0%	
	-	-	15	3%	5	1%	4	0%	-	-	24	0%	
	-	-	20	3%	15	2%	10	1%	18	2%	163	3%	
	10	2%	16	3%	27	4%	55	7%	19	2%	176	4%	
	-	-	104	18%	144	20%	136	16%	160	17%	544	11%	2
	218	51%	310	54%	385	54%	493	60%	573	61%	2652	55%	1
	19	4%	8	1%	6	1%	9	1%	4	0%	117	2%	
	-	-	56	10%	23	3%	15	2%	32	3%	126	3%	
	75	18%	21	4%	20	3%	22	3%	7	1%	261	5%	3
	-	-	-	-	-	-	-	-	48	5%	48	1%	
	12	3%	7	1%	3	0%	2	0%	2	0%	58	1%	
	2	0%	9	2%	9	1%	2	0%	1	0%	70	1%	
	6	1%	8	1%	81	11%	72	9%	11	1%	220	5%	5
	40	9%	-	-	24	3%	22	3%	58	6%	240	5%	4
	37	9%	2	0%	-	-	-	-	-	-	87	2%	
	424	100%	579	100%	742	100%	842	100%	933	100%	4809	100%	

- 15 This category covers every police service that could be confronted with human trafficking.
- 16 These are professional groups that work in reporting centres, reception centres and asylum-seeker centres, such as refugeeworkers (*Vluchtelingenwerk*), but also counsellors and medical staff, the COA and the Deportation Holding Centre (*Grenshospitium*).
- 17 In 2006, the Royal Netherlands Marechaussee (KMar) reported victims for the first time. Those notifications were the result of the activities of the 'Sluis' team that intercepts possible victims of human trafficking at Schiphol.
- 18 Including facilities for public and women's shelters and religious, private or local initiatives.
- 19 In 2009, victims were reported for the first time by the Social Intelligence and Investigation Service (SIOD) following working agreements made by CoMensha with the SIOD at the beginning of 2009 (CoMensha Annual Report, 2009).
- 20 General Social Work (including addiction treatment) and Prostitution Social Work.
- 21 Child Protection Council, Youth Care Agency offices and the guardianship service of Stichting NIDOS.
- 22 Including the International Organisation for Migration (IOM), from which eight notifications were received in 2009.

Table B3.10 Purpose of notification by notifier (2009)

Notifiers	Registration		Registration, Information & Advice		Registration, Shelter		Total	
	N	%	N	%	N	%	N	%
Individual	10	2%	6	5%	2	1%	18	2%
Legal / social services	2	0%	12	10%	5	2%	19	2%
Networks for victims of human trafficking	118	20%	20	17%	22	11%	160	18%
Police	354	60%	66	57%	153	74%	573	63%
Refugee / asylum worker	1	0%	3	3%	0	0%	4	0%
Royal Netherlands Marechaussee	9	2%	5	4%	18	9%	32	4%
Shelter	3	1%	4	3%	0	0%	7	1%
SIOD	42	7%	1	1%	5	2%	48	5%
Victim personally	1	0%	1	1%	0	0%	2	0%
Victim support organisation	0	0%	1	1%	0	0%	1	0%
Youth care institution	4	1%	5	4%	2	1%	11	1%
Other organisations	53	9%	4	3%	1	0%	58	6%
Total	597²³	100%	128²⁴	100%	208²⁵	100%	933	100%

Source: CoMensha databases 2009

- 23 These 597 notifications concern 593 different reported victims (one victim was reported both by 'police' and by 'legal/social services', two victims were reported both by 'police' and by 'networks for victims of human trafficking' and one victim was reported both by 'police' and by 'shelter').
- 24 These 128 notifications concern 115 different reported victims (two victims were reported both by 'police' and by 'legal/social services', five victims were reported both by 'police' and by 'networks for victims of human trafficking', two victims were reported both by 'police' and by 'shelter', two victims were reported both by 'police' and by 'other organisations', one victim was reported both by 'police' and by 'individual' and one victims was reported both by 'Royal Netherlands Marechaussee' and by 'networks for victims of human trafficking').
- 25 These 208 notifications concern 201 different reported victims (one victim was reported both by 'police' and by 'legal/social services', four victims were reported both by 'police' and by 'networks for victims of human trafficking' and one victim was reported by both 'police', by 'networks for victims of human trafficking' and by 'legal/social services').

Supplement to §3.3.2 Victims and the B9 regulation

Tables B3.11 to B3.17 provide a complete overview of the available data on the applications made to the IND for B9 residence permits and the B9 permits granted by the IND in the last decade. See §3.3.2 for a description of the research method and Appendix 2 for explanatory notes to the tables in this appendix and the applicable statistics.

Table B3.11 Number of B9 applications (2000-2009)

	Number of B9 applications (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year
2000	77	1.0	-
2001	145	1.9	88%
2002	160	2.1	10%
2005	77	1.0	-
2006	180	2.3	134%
2007	186	2.4	3%
2008	237 ²⁶	3.0	27%
2009	299	3.9	26%
Total	1361	<i>n. a.</i>	<i>n. a.</i>

Source: IND databases

²⁶ In NRM7, the number was incorrectly reported as 443.

Table B3.12 Number of B9 awards (2000-2009)

	Number of B9 awards (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year
2000	55	1.0	-
2001	122	2.2	122%
2002	127	2.3	4%
2005	61	1.1	-
2006	150	2.7	146%
2007	143	2.6	-5%
2008	235	4.3	64%
2009	280	5.1	19%
Total	1173	<i>n. a.</i>	<i>n. a.</i>

Source: IND databases

Table B3.13 Gender of victims granted B9 status (2000-2009)

	Female ²⁷ %	Male %
2000	98%	2%
2001	97%	3%
2002	97%	3%
2005	98%	2%
2006	89%	11%
2007	90%	10%
2008	89%	11%
2009	81%	19%

Source: IND databases

27 For the period 2000-2002, it was not been established with certainty whether all victims were women.

Table B3.14 Age of victims granted B9 status (2000-2009)

	0-10		11-17		18-25		26-30		31-40		41 and over		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2000	1	2%	6	11%	34	62%	12	22%	2	4%	-	-	55	100%
2001	2	2%	9	7%	75	62%	20	16%	14	12%	2	2%	122	100%
2002	1	1%	12	10%	86	68%	18	14%	7	6%	2	2%	126 ²⁸	100%
2005	-	-	5	8%	29	48%	18	30%	8	13%	1	2%	61	100%
2006	-	-	27	18%	70	47%	23	15%	24	16%	6	4%	150	100%
2007	-	-	17	12%	70	49%	27	19%	25	18%	4	3%	143	100%
2008	1	0%	17	7%	120	51%	33	14%	49	21%	15	6%	235	100%
2009	-	-	12	4%	135	48%	69	25%	51	18%	13	5%	280	100%
Total	5	0%	105	9%	619	53%	220	19%	180	15%	43	4%	1172 ²⁹	100%

Source: IND databases

28 The age of one victim is not known.

29 The age of one victim who was granted a B9 residence permit in 2002 is not known.

Table B3.15 Nationality of victims granted B9 status (2000-2009)

Nationality	2000		2001		2002		2005	
	N	%	N	%	N	%	N	%
Albanian	1	2%	1	1%	4	3%	1	2%
Angolan	-	-	1	1%	2	2%	-	-
Armenian	-	-	-	-	-	-	1	2%
Azerbaijani	-	-	-	-	-	-	-	-
Belarussian	1	2%	1	1%	1	1%	1	2%
Belgian	-	-	1	1%	-	-	-	-
Bengali	-	-	-	-	-	-	-	-
Beninese	-	-	-	-	-	-	-	-
Bolivian	-	-	-	-	-	-	-	-
Bosnian	-	-	1	1%	1	1%	-	-
Brazilian	-	-	-	-	-	-	-	-
British	-	-	-	-	-	-	1	2%
Bulgarian	7 (2)	13%	33 (1)	27%	35 (1)	28%	11 (1)	18%
Burundian	-	-	-	-	-	-	1	2%
Cameroonian	1	2%	2	2%	5	4%	-	-
Cape Verdean	-	-	-	-	-	-	-	-
Central African	-	-	-	-	-	-	-	-
Chinese	-	-	2	2%	2	2%	1	2%
Congolese (Zairean)	-	-	-	-	-	-	-	-
Croatian	-	-	-	-	-	-	-	-
Czech	4 (5)	7%	7 (5)	6%	3	2%	2	3%
Dominican	-	-	-	-	-	-	1	2%
Estonian	2	4%	1	1%	-	-	-	-
Ethiopian	-	-	-	-	-	-	-	-
Finnish	1	2%	-	-	-	-	-	-
French	-	-	-	-	-	-	-	-
Gambian	-	-	-	-	-	-	-	-
Georgian	-	-	-	-	-	-	-	-
German	1	2%	1	1%	-	-	-	-
Ghanaian	-	-	1	1%	1	1%	-	-

	2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	R
	1	1%	-	-	-	-	1	0%	9	1%	
	2	1%	-	-	-	-	1	0%	6	1%	
	2	1%	1	1%	2	1%	3	1%	9	1%	
	-	-	-	-	2	1%	2	1%	4	0%	
	-	-	-	-	1	0%	2	1%	7	1%	
	-	-	-	-	-	-	-	-	1	0%	
	2	1%	-	-	-	-	-	-	2	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	1	1%	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	2	0%	
	1	1%	4	3%	4	2%	8	3%	17	1%	*
	-	-	-	-	-	-	-	-	1	0%	
	18 (3)	12%	10 (4)	7%	8	3%	6	2%	128	11%	2
	1	1%	1	1%	-	-	1	0%	4	0%	
	2	1%	4	3%	10	4%	5	2%	29	2%	10
	1	1%	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	9 (5)	6%	16 (3)	11%	42 (2)	18%	24 (3)	9%	96	8%	3
	2	1%	-	-	2	1%	3	1%	7	1%	
	1	1%	-	-	-	-	-	-	1	0%	
	3	2%	-	-	1	0%	1	0%	21	2%	*
	1	1%	-	-	1	0%	1	0%	4	0%	
	1	1%	-	-	-	-	-	-	4	0%	
	-	-	2	1%	1	0%	1	0%	4	0%	
	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	3	1%	-	-	3	0%	
	-	-	1	1%	-	-	1	0%	2	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	2	1%	-	-	-	-	4	0%	
	-	-	1	1%	7	3%	18 (4')	6%	28	2%	**

Continued table B3.15

Nationality	2000		2001		2002		2005	
	N	%	N	%	N	%	N	%
Guinean	-	-	3	2%	1	1%	-	-
Hungarian	-	-	2	2%	-	-	1	2%
Indian	-	-	-	-	-	-	-	-
Indonesian	-	-	-	-	-	-	-	-
Iranian	-	-	-	-	-	-	-	-
Iraqi	-	-	-	-	-	-	-	-
Italian	-	-	1	1%	-	-	1	2%
Ivorian	1	2%	-	-	-	-	-	-
Jamaican	-	-	-	-	-	-	-	-
Kenyan	-	-	-	-	-	-	-	-
Kirgizian	-	-	-	-	1	1%	-	-
Latvian	-	-	1	1%	-	-	1	2%
Lebanese	-	-	-	-	-	-	-	-
Liberian	-	-	-	-	-	-	-	-
Lithuanian	3	5%	1	1%	5	4%	-	-
Malaysian	-	-	-	-	-	-	-	-
Mauritanian	-	-	-	-	-	-	-	-
Moldavian	1	2%	5	4%	12 (4)	9%	-	-
Mongolian	-	-	-	-	-	-	-	-
Moroccan	2	4%	-	-	-	-	1	2%
Namibian	-	-	-	-	-	-	-	-
Nepalese	-	-	-	-	-	-	-	-
Nigerian	9 (1)	16%	9 (4)	7%	14 (3)	11%	4 (5)	7%
Nigerien	-	-	-	-	-	-	1	2%
Norwegian	-	-	-	-	-	-	1	2%
Noth Korean	-	-	-	-	-	-	-	-
Pakistani	-	-	-	-	-	-	-	-
Philippine	-	-	-	-	-	-	-	-
Polish	1	2%	3	2%	2	2%	3	5%

	2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	R
	3	2%	5	4%	14 (4)	6%	18 (4')	6%	44	4%	6'
	2	1%	4	3%	11 (5)	5%	10	4%	30	3%	9
	3	2%	-	-	6	3%	4	1%	13	1%	*
	-	-	-	-	1	0%	5	2%	6	1%	*
	-	-	1	1%	-	-	2	1%	3	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	-	-	-	-	2	0%	
	-	-	1	1%	1	0%	1	0%	4	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	-	-	1	0%	2	0%	
	1	1%	-	-	-	-	6	2%	9	1%	*
	1	1%	-	-	-	-	-	-	1	0%	
	-	-	1	1%	1	0%	2	1%	4	0%	
	-	-	1	1%	1	0%	1	0%	12	1%	*
	-	-	-	-	-	-	1	0%	1	0%	
	1	1%	2	1%	-	-	-	-	3	0%	
	3	2%	-	-	-	-	-	-	21	2%	**
	-	-	-	-	2	1%	2	1%	4	0%	
	1	1%	6 (5)	4%	2	1%	9	3%	21	2%	*
	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	33 (1)	22%	34 (1)	24%	54 (1)	23%	54 (1)	19%	211	18%	1
	-	-	1	1%	1	0%	1	0%	4	0%	
	-	-	-	-	-	-	-	-	1	0%	
	1	1%	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	3	1%	-	-	3	0%	
	2	1%	5	4%	-	-	1	0%	17	1%	*

Continued Table B3.15

Nationality	2000		2001		2002		2005		
	N	%	N	%	N	%	N	%	
Romanian	6 (3')	11%	4	3%	15 (2)	12%	6 (3)	10%	
Russian (Soviet Russian)	6 (3')	11%	16 (2')	13%	6 (5')	5%	5 (4)	8%	
Rwandan	-	-	-	-	-	-	-	-	
Senegalese	-	-	-	-	-	-	1	2%	
Sierra Leonean	-	-	1	1%	6 (5')	5%	8 (2)	13%	
Slovak	2	4%	2	2%	1	1%	2	3%	
Somali	-	-	-	-	-	-	-	-	
South African	-	-	-	-	-	-	-	-	
Sudanese	1	2%	-	-	-	-	-	-	
Surinamese	-	-	-	-	-	-	-	-	
Taiwanese	-	-	-	-	-	-	-	-	
Tanzanian	-	-	-	-	-	-	-	-	
Thai	-	-	-	-	-	-	1	2%	
Togolese	-	-	-	-	1	1%	-	-	
Tunisian	-	-	-	-	-	-	-	-	
Turkish	-	-	1	1%	-	-	-	-	
Ugandan	-	-	1	1%	2	2%	1	2%	
Ukrainian	3	5%	16 (2')	13%	4	3%	1	2%	
Uzbeki	-	-	-	-	1	1%	2	3%	
Vietnamese	-	-	-	-	-	-	-	-	
Yugoslavian	1	2%	2	2%	1	1%	-	-	
Zimbabwean	-	-	-	-	-	-	-	-	
Unknown	1	2%	1	1%	1	1%	1	2%	
Stateless	-	-	-	-	-	-	-	-	
Total	55	100%	122	100%	127	100%	61	100%	

Source: IND databases

Dark blue shading: This nationality was in the top 5 in the relevant year (the ranking is shown between brackets after the number) or this nationality was in the top 10 overall (the ranking is shown in the last column).

* Is not in the top 10 overall, but five or more victims who were granted B9 status had this nationality in at least one of the years (2000-2009).

** Is not in the top 10 overall, but ten or more victims who were granted B9 status had this nationality in at least one of the years (2000-2009).

	2006		2007		2008		2009		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	R
	24 (2)	16%	5	4%	3	1%	13	5%	76	6%	5
	3	2%	4	3%	2	1%	3	1%	45	4%	6'
	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	-	-	1	0%	2	0%	
	10 (4)	7%	17 (2)	12%	23 (3)	10%	25 (2)	9%	90	8%	4
	-	-	2	1%	2	1%	1	0%	12	1%	
	-	-	-	-	2	1%	4	1%	6	1%	
	1	1%	-	-	-	-	-	-	1	0%	
	3	2%	-	-	-	-	3	1%	7	1%	
	-	-	-	-	2	1%	3	1%	5	0%	
	1	1%	-	-	1	0%	2	1%	4	0%	
	1	1%	-	-	-	-	-	-	1	0%	
	1	1%	3	2%	4	2%	3	1%	12	1%	
	1	1%	2	1%	-	-	4	1%	8	1%	
	-	-	1	1%	-	-	-	-	1	0%	
	-	-	2	1%	1	0%	-	-	4	0%	
	1	1%	-	-	3	1%	3	1%	11	1%	
	4	3%	1	1%	2	1%	3	1%	34	3%	8
	-	-	-	-	-	-	1	0%	4	0%	
	-	-	-	-	-	-	2	1%	2	0%	
	-	-	1	1%	2	1%	1	0%	8	1%	
	-	-	-	-	-	-	1	0%	1	0%	
	1	1%	1	1%	7	3%	2	1%	15	1%	
	1	1%	-	-	-	-	-	-	1	0%	
	150	100%	143	100%	235	100%	280	100%	1173	100%	

Table B3.16 Region of origin of victims granted B9 status (2000-2009)

Region of origin	2000		2001		2002	
	N	%	N	%	N	%
EU: 1995³⁰						
EU: new member states ³¹	40	73%	100	82%	92	72%
Non-EU Eastern Europe ³²						
Non-EU Western Europe ³³						
Africa	14	25%	16	13%	31	24%
Latin America & the Caribbean	-	-	-	-	-	-
Asia	-	-	5	4%	3	2%
Unknown/stateless	1	2%	1	1%	1	1%
Total	55	100%	122	100%	127	100%

Source: IND databases

30 EU member states since 1995: Belgium, France, Italy, Luxembourg, the Netherlands, Germany, Denmark, Ireland, Greece, United Kingdom, Portugal, Spain, Finland, Austria and Sweden.

31 EU member states since 2004: Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia, Czech Republic, and since 2007: Bulgaria and Romania.

32 Non EU countries in Eastern Europe: Russia, Moldavia, Ukraine, Belarus, Albania, Bosnia-Herzegovina, Serbia, Macedonia, Croatia, Montenegro, Kazakhstan, Turkey, Kirgizia, Azerbaijan.

33 Non-EU countries in Western Europe: Switzerland, Norway, Iceland, Isle of Man, the Faeroe Islands, Andorra, Gibraltar, Vatican City, San Marino, Liechtenstein, Monaco.

	2005		2006		2007		2008		2009		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
	2	3%	-	-	2	1%	1	0%	-	-	460	39%
	26	43%	51	34%	27	19%	26	11%	39	14%		
	10	16%	12	8%	8	6%	10	4%	13	5%		
	1	2%	-	-	-	-	-	-	-	-		
	17	28%	60	40%	74	52%	110	47%	160	57%	482	41%
	1	2%	2	1%	5	3%	6	3%	13	5%	27	2%
	3	5%	23	15%	26	18%	75	32%	53	19%	188	16%
	1	2%	2	1%	1	1%	7	3%	2	1%	16	1%
	61	100%	150	100%	143	100%	235	100%	280	100%	1173	100%

Table B.3.17 Police region from which successful B9 applications were made (2000-2009)

Police region	2000		2001		2002	
	N	%	N	%	N	%
Amsterdam-Amstelland	11	20%	13	11%	25	20%
Brabant-Noord	1	2%	-	-	2	2%
Brabant-Zuid-Oost	4	7%	2	2%	1	1%
Drenthe	5	9%	6	5%	1	1%
Flevoland	-	-	-	-	5	4%
Friesland	-	-	8	7%	8	6%
Gelderland-Midden	1	2%	7	6%	2	2%
Gelderland-Zuid	1	2%	3	2%	2	2%
Gooi en Vechtstreek	-	-	2	2%	2	2%
Groningen	6	11%	16	13%	13	10%
Haaglanden	5	9%	9	7%	10	8%
Hollands Midden	1	2%	3	2%	-	-
IJsselland	-	-	3	2%	6	5%
Kennemerland	1	2%	7	6%	5	4%
Limburg-Noord	2	4%	11	9%	1	1%
Limburg-Zuid	-	-	2	2%	3	2%
Midden- en West-Brabant	2	4%	3	2%	8	6%
Noord- en Oost-Gelderland	1	2%	1	1%	5	4%
Noord-Holland Noord	1	2%	6	5%	6	5%
Rotterdam-Rijnmond	6	11%	7	6%	5	4%
Twente	-	-	1	1%	3	2%
Utrecht	2	4%	7	6%	1	1%
Zaanstreek-Waterland	-	-	-	-	2	2%
Zeeland	-	-	1	1%	4	3%
Zuid-Holland-Zuid	2	4%	2	2%	3	2%
Unknown	3	5%	2	2%	4	3%
Total	55	100%	122	100%	127	100%

Source: IND databases

	2005		2006		2007		2008		2009		Total		Top 5
	N	%	N	%	N	%	N	%	N	%	N	%	R
	6	10%	23	15%	16	11%	21	9%	15	5%	130	11%	2
	-	-	2	1%	2	1%	2	1%	5	2%	14	1%	
	2	3%	8	5%	8	6%	8	3%	15	5%	48	4%	
	2	3%	3	2%	2	1%	4	2%	4	1%	27	2%	
	2	3%	2	1%	1	1%	3	1%	3	1%	16	1%	
	8	13%	4	3%	5	3%	7	3%	20	7%	60	5%	
	2	3%	2	1%	1	1%	6	3%	11	4%	32	3%	
	-	-	2	1%	2	1%	4	2%	3	1%	17	1%	
	1	2%	-	-	-	-	-	-	-	-	5	0%	
	3	5%	8	5%	12	8%	19	8%	27	10%	104	9%	4
	2	3%	16	11%	16	11%	41	17%	33	12%	132	11%	1
	1	2%	3	2%	3	2%	3	1%	1	0%	15	1%	
	1	2%	1	1%	8	6%	4	2%	6	2%	29	2%	
	2	3%	34	23%	17	12%	31	13%	26	9%	123	10%	3
	-	-	-	-	2	1%	8	3%	3	1%	27	2%	
	1	2%	2	1%	2	1%	6	3%	3	1%	19	2%	
	1	2%	8	5%	4	3%	18	8%	13	5%	57	5%	
	4	7%	2	1%	2	1%	5	2%	4	1%	24	2%	
	-	-	3	2%	4	3%	1	0%	3	1%	24	2%	
	9	15%	11	7%	13	9%	14	6%	18	6%	83	7%	5
	3	5%	1	1%	2	1%	1	0%	-	-	11	1%	
	5	8%	4	3%	10	7%	13	6%	4	1%	46	4%	
	1	2%	-	-	-	-	-	-	-	-	3	0%	
	-	-	4	3%	1	1%	-	-	1	0%	11	1%	
	1	2%	1	1%	1	1%	1	0%	3	1%	14	1%	
	4	7%	6	4%	9	6%	15	6%	59	21%	102	9%	
	61	100%	150	100%	143	100%	235	100%	280	100%	1173	100%	

Supplement to §3.3.3: Victims and compensation

Tables B3.18 to B3.21 provide a complete overview of the available data from the CJIB concerning the compensation orders made in cases that led to convictions for at least human trafficking in the period 2000-2009. See §3.3.3 for an explanation of the research method and Appendix 2 for the explanatory notes to the tables in this appendix and the applicable statistics.

Table B3.18 Number of compensation orders made (2000-2009)

	Number of compensation orders (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year	Number of victims involved (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year
2000	5	1.0	-	7 ³⁴	1.0	-
2001	3	0.6	-40%	8 ³⁵	1.1	14%
2002	3	0.6	0%	5 ³⁶	0.7	-38%
2003	3	0.6	0%	3 ³⁷	0.4	-40%
2004	17	3.4	467%	24 ³⁸	3.6	700%
2005	12	2.4	-29%	20 ³⁹	2.9	-17%
2006	9	1.8	-25%	10 ⁴⁰	1.4	-50%
2007	13	2.6	44%	18 ⁴¹	2.6	80%
2008	13	2.6	0%	16 ⁴²	2.3	-11%
2009	18	3.6	38%	29 ⁴³	4.1	81%
Total	96	<i>n.a.</i>	<i>n.a.</i>	140 ⁴⁴	<i>n.a.</i>	<i>n.a.</i>

Source: CJIB (reference date: 12 May 2010)

34 4x1 victim and 1x3 victims.

35 1x1 victim, 1x3 victims and 1x4 victims.

36 2x1 victim, 1x3 victims.

37 3x1 victim.

38 13x1 victim, 2x2 victims, 1x3 victims and 1x4 victims.

39 8x1 victim, 1x2 victims, 2x3 victims and 1x4 victims.

40 8x1 victim and 1x2 victims.

41 10x1 victim, 1x2 victims and 2x3 victims.

42 11x1 victim, 1x2 victims and 1x3 victims.

43 11x1 victim, 4x2 victims, 2x3 victims and 1x4 victims.

44 17x1 victim, 10x2 victims, 11x3 victims and 4x4 victims.

Table B3.19 Compensation orders by amount of claim (2000-2009)

Amount claimed (in €)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total	
	N	N	N	N	N	N	N	N	N	N	N	%
1-500	2	-	-	-	-	-	-	2	2	-	6	6%
501-5000	2	1	3	3	13	6	6	9	6	11	60	63%
5001-15,000	1	2	-	-	1	3	2	2	5	4	20	21%
15,001-25,000	-	-	-	-	1	1	-	-	-	2	4	4%
25,001-35,000	-	-	-	-	-	-	1	-	-	-	1	1%
more than 35,000	-	-	-	-	2	2	-	-	-	1	5	5%
Total	5	3	3	3	17	12	9	13	13	18	96	100%

Source: CJIB (reference date: 12 May 2010)

Table B3.20 Compensation orders by disposition (2000-2009)

Disposition	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total	
	N	N	N	N	N	N	N	N	N	N	N	%
Payment in full	3	1	1	2	8	5	3	6	8	5	42	44%
Alternative custodial sentence	1	1	1	-	2	2	3	-	1	-	11	11%
Other	1	-	-	1	-	-	-	-	-	1	3	3%
N.a. (open)	-	1	1	-	7	5	3	7	4	12	40	42%
Total	5	3	3	3	17	12	9	13	13	18	96	100%

Source: CJIB (reference date: 12 May 2010)

Table B3.21 Compensation orders by amount paid (2000-2009)

Amount paid (in €)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total	
	N	N	N	N	N	N	N	N	N	N	N	%
0	1	1	-	-	5	3	1	3	1	6	21	22%
1-500	1	-	-	-	4	2	-	1	1	2	11	11%
501-5000	3	2	3	3	7	4	8	8	6	9	53	55%
5001-15,000	-	-	-	-	1	2	-	1	5	1	10	10%
15,001-25,000	-	-	-	-	-	1	-	-	-	-	1	1%
25,001-35,000	-	-	-	-	-	-	-	-	-	-	-	-
more than 35,000	-	-	-	-	-	-	-	-	-	-	-	-
Total	5	3	3	3	17	12	9	13	13	18	96	100%

Source: CJIB (reference date: 12 May 2010)

Supplement to §3.4.1: Suspects and offenders - Prosecution

Tables B3.22 to B3.29 provide a complete overview of the available data from the PPS database on the human trafficking cases registered by the PPS and the human trafficking cases dealt with by the PPS in the period 2000-2008 (and occasionally including 2009). See §3.4 for the explanation of the research method and Appendix 2 for the explanatory notes to the tables in this appendix and the applicable statistics.

Table B3.22 Number of cases/suspects registered by the PPS (2000-2009)

	Number of cases/suspects registered by PPS	Index figure (2000=1.0)	Percentage growth compared with preceding year
2000	139	1.0	-
2001	130	0.9	-6%
2002	200	1.4	54%
2003	156	1.1	-12%
2004	220	1.6	41%
2005	138	1.0	-37%
2006	201	1.4	46%
2007	281	2.0	40%
2008	214	1.5	-24%
2009 ⁴⁵	136	1.0	-36%
Total	1815	<i>n.v.t</i>	<i>n.v.t</i>

Source: PPS database (reference date: January 2010)

Table B3.23 Registered cases that involved underage victims (2000-2008)

	Case registered by PPS		Cases that involved underage victims	
	N	%	N	%
2000	139	100%	38	27%
2001	130	100%	27	21%
2002	200	100%	27	14%
2003	156	100%	41	26%
2004	220	100%	32	15%
2005	138	100%	36	26%
2006	201	100%	25	12%
2007	281	100%	56	20%
2008	214	100%	26	12%
Total	1679	100%	308	18%

Source: PPS database (reference date: January 2010)

Table B3.24 Cases registered by each district office (2000-2008)

	2000		2001		2002		2003		2004		
	N	%	N	%	N	%	N	%	N	%	
Alkmaar	4	3%	4	3%	8	4%	13 (4)	8%	3	1%	
Almelo	10 (5)	7%	4	3%	7	4%	5	3%	11	5%	
Amsterdam	18 (3)	13%	6	5%	25 (2)	13%	25 (1)	16%	25 (3')	11%	
Arnhem	23 (1)	17%	5	4%	20 (4)	10%	3	2%	15	7%	
Assen	-	-	7	5%	-	-	2	1%	8	4%	
Breda	3	2%	11 (3)	8%	15	8%	11 (5)	7%	4	2%	
Den Bosch	2	1%	5	4%	33 (1)	17%	20 (2)	13%	25 (3')	11%	
Dordrecht	3	2%	2	2%	-	-	3	2%	1	0%	
Groningen	13 (4)	9%	12 (2)	9%	9	5%	7	4%	11	5%	
Haarlem	4	3%	9 (5')	7%	19 (5)	10%	6	4%	8	4%	
Leeuwarden	3	2%	9 (5')	7%	1	1%	7	4%	27 (2)	12%	
Maastricht	2	1%	5	4%	-	-	3	2%	1	0%	
Middelburg	-	-	7	5%	3	2%	-	-	-	-	
Roermond	4	3%	13 (1)	10%	1	1%	1	1%	6	3%	
Rotterdam	8	6%	7	5%	4	2%	5	3%	11	5%	
The Hague	20 (2)	14%	7	5%	13	7%	18 (3)	12%	28 (1)	13%	
Utrecht	9	6%	7	5%	14	7%	9	6%	6	3%	
Zutphen	6	4%	-	-	4	2%	10	6%	9	4%	
Zwolle	7	5%	10 (4)	8%	24 (3)	12%	8	5%	21 (5)	10%	
Total	139	100%	130	100%	200	100%	156	100%	220	100%	

Source: PPS database (reference date: January 2010)

Dark blue shading: This district office was in the top 5 in the relevant year (the ranking is shown between brackets after the number).

	2005		2006		2007		2008		Total		Top 10 R
	N	%	N	%	N	%	N	%	N	%	
	5	4%	11	5%	19	7%	4	2%	71	4%	
	15 (3)	11%	9	4%	16	6%	12	6%	89	5%	9'
	11 (5')	8%	24 (3')	12%	37 (1)	13%	26 (2')	12%	197	12%	1
	6	4%	12	6%	11	4%	10	5%	105	6%	6'
	-	-	1	0%	-	-	2	1%	20	1%	
	1	1%	-	-	4	1%	2	1%	51	3%	
	19 (2)	14%	14 (5)	7%	10	4%	15 (5)	7%	143	9%	4
	1	1%	-	-	3	1%	-	-	13	1%	
	11 (5')	8%	10	5%	22 (5)	8%	10	5%	105	6%	6'
	6	4%	7	3%	14	5%	14	7%	87	5%	
	13 (4)	9%	7	3%	12	4%	10	5%	89	5%	9'
	2	1%	5	2%	10	4%	5	2%	33	2%	
	-	-	4	2%	4	1%	-	-	18	1%	
	-	-	2	1%	2	1%	3	1%	32	2%	
	22 (1)	16%	33 (1)	16%	29 (4)	10%	26 (2')	12%	145	9%	3
	9	7%	24 (3')	12%	30 (2')	11%	45 (1)	21%	194	12%	2
	8	6%	6	3%	20	7%	20 (4)	9%	99	6%	8
	4	3%	4	2%	8	3%	4	2%	49	3%	
	5	4%	28 (2)	14%	30 (2')	11%	6	3%	139	8%	5
	138	100%	201	100%	281	100%	214	100%	1679	100%	n.a.

Table B3.25 Nature of the registered cases (2000-2008)

		2000		2001		2002		2003		
		N	%	N	%	N	%	N	%	
Non-aggravated human trafficking	250ter/a section 1	4	3%	34	26%	52	26%	31	20%	
	273a/f section 1	-	-	-	-	-	-	-	-	
	Total	4	3%	34	26%	52	26%	31	20%	
Aggravated human trafficking	250ter/a section 2	135	97%	96	74%	148	74%	125	80%	
	250ter/a section 3	-	-	-	-	-	-	-	-	
	273a/f section 3	-	-	-	-	-	-	-	-	
	273a/f section 4	-	-	-	-	-	-	-	-	
	273a/f section 5	-	-	-	-	-	-	-	-	
	273a/f section 6	-	-	-	-	-	-	-	-	
	Total	135	97%	96	74%	148	74%	125	80%	
Total	139	100%	130	100%	200	100%	156	100%		

Source: PPS database (reference date: January 2010)

Table B3.26 Registered cases by most serious offence (2000-2008)

	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Aggravated human trafficking	119	86%	81	62%	131	66%	111	71%	
Non-aggravated human trafficking	3	2%	24	18%	43	22%	23	15%	
Sexual violence	9	6%	18	14%	14	7%	12	8%	
Other violence	2	1%	3	2%	7	4%	2	1%	
Other offences	6	4%	4	3%	5	3%	8	5%	
Total	139	100%	130	100%	200	100%	156	100%	

Source: PPS database (reference date: January 2010)

	2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
	60	27%	22	16%	4	2%	2	1%	3	1%	212	13%
	-	-	25	18%	60	30%	94	33%	98	46%	277	16%
	60	27%	47	34%	64	32%	96	34%	101	47%	489	29%
	160	73%	41	30%	27	13%	20	7%	8	4%	760	45%
	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	46	33%	107	53%	158	56%	100	47%	411	24%
	-	-	4	3%	1	0%	4	1%	3	1%	12	1%
	-	-	-	-	2	1%	3	1%	2	1%	7	0%
	-	-	-	-	-	-	-	-	-	-	-	-
	160	73%	91	66%	137	68%	185	66%	113	53%	1190	71%
	220	100%	138	100%	201	100%	281	100%	214	100%	1679	100%

	2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
	133	60%	78	57%	111	55%	160	57%	94	44%	1018	61%
	43	20%	37	27%	46	23%	67	24%	83	39%	369	22%
	24	11%	13	9%	36	18%	34	12%	22	10%	182	11%
	13	6%	7	5%	3	1%	10	4%	10	5%	57	3%
	7	3%	3	2%	5	2%	10	4%	5	2%	53	3%
	220	100%	138	100%	201	100%	281	100%	214	100%	1679	100%

Table B3.27 Registered cases and preventive custody (2000-2008)

	Preventive custody		No preventive custody		Total	
	N	%	N	%	N	%
2000	108	78%	31	22%	139	100%
2001	94	72%	36	28%	130	100%
2002	155	78%	45	23%	200	100%
2003	130	83%	26	17%	156	100%
2004	161	73%	59	27%	220	100%
2005	102	74%	36	26%	138	100%
2006	152	76%	49	24%	201	100%
2007	237	84%	44	16%	281	100%
2008	163	76%	51	24%	214	100%
Total	1302	78%	377	22%	1679	100%

Source: PPS database (reference date: January 2010)

Table B3.28 Number of cases dealt with by PPS (2000-2009)

	Number of cases dealt with by PPS (N)	Index figure (2000=1.0)	Percentage growth compared with preceding year
2000	93	1.0	-
2001	159	1.7	71%
2002	163	1.8	3%
2003	175	1.9	7%
2004	246	2.6	41%
2005	132	1.4	-46%
2006	197	2.1	49%
2007	184	2.0	-7%
2008	281	3.0	53%
2009 ⁴⁶	204	2.2	-27%
Total	1834	<i>n.a.</i>	<i>n.a.</i>

Source: PPS database (reference date: January 2010)

46 According to the Public Prosecution Service's Annual Report 2009.

Table B3.29 Cases dealt with by disposition (2000-2008)

	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Summons for human trafficking	70	75%	99	62%	111	68%	116	66%	
Summons for other offences	3	3%	12	8%	10	6%	11	6%	
Unconditional decision not to prosecute	18	19%	46	29%	40	25%	42	24%	
Joinder	-	-	-	-	1	1%	4	2%	
Conditional decision not to prosecute	-	-	1	1%	-	-	-	-	
Transfer within the PPS	-	-	1	1%	-	-	2	1%	
Transfer to another institution	1	1%	-	-	-	-	-	-	
Out-of-court settlement	1	1%	-	-	1	1%	-	-	
Total	93	100%	159	100%	163	100%	175	100%	

Source: PPS database (reference date: January 2010)

	2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
	175	71%	93	70%	145	74%	144	78%	197	70%	1150	71%
	4	2%	2	2%	9	5%	8	4%	7	2%	66	4%
	61	25%	28	21%	41	21%	27	15%	66	23%	369	23%
	1	0%	2	2%	1	1%	1	1%	2	1%	12	1%
	2	1%	4	3%	-	-	-	-	3	1%	10	1%
	1	0%	-	-	-	-	2	1%	2	1%	8	0%
	1	0%	1	1%	1	1%	1	1%	3	1%	8	0%
	1	0%	2	2%	-	-	1	1%	1	0%	7	0%
	246	100%	132	100%	197	100%	184	100%	281	100%	1630	100%

Supplement to §3.4.2: Suspects and offenders - Trial (in first instance)

Tables B3.30 to B3.36 provide a complete overview of the available data from the PPS database on human trafficking cases dealt with in first instance in the period 2000-2008. See §3.4 for an explanation of the research method and Appendix 2 for explanatory notes to the tables in this appendix and the applicable statistics

Table B3.30 Number of cases dealt with in first instance (2000-2008)

	Number of cases dealt with in first instance (N)	Index figure (2000=1.0)	Percentage growth compared with preceding year
2000	84	1.0	-
2001	85	1.0	1%
2002	95	1.1	12%
2003	115	1.4	21%
2004	151	1.8	31%
2005	115	1.4	-24%
2006	101	1.2	-12%
2007	115	1.4	14%
2008	152	1.8	32%
Total	1013	<i>n.a.</i>	<i>n.a.</i>

Source: PPS database (reference date: January 2010)

Table B3.31 Cases dealt with in first instance by disposition (2000-2008)

	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Conviction									
- also for human trafficking	61	73%	67	79%	68	72%	79	69%	
- only for other offences	11	13%	7	8%	16	17%	25	22%	
Total	72	86%	74	87%	84	88%	104	90%	
Complete acquittal	11	13%	7	8%	10	11%	5	4%	
Dismissal of the charges	-	-	-	-	-	-	-	-	
Prosecution declared inadmissible	-	-	3	4%	1	1%	1	1%	
Joined at trial	1	1%	1	1%	-	-	5	4%	
Other decisions	-	-	-	-	-	-	-	-	
Total	84	100%	85	100%	95	100%	115	100%	

Source: PPS database (reference date: January 2010)

	2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
	114	75%	82	71%	70	69%	73	63%	77	51%	691	68%
	21	14%	17	15%	20	20%	24	21%	35	23%	176	17%
	135	89%	99	86%	90	89%	97	84%	112	74%	867	86%
	11	7%	13	11%	10	10%	14	12%	33	22%	114	11%
	1	1%	-	-	-	-	-	-	-	-	1	0%
	-	-	-	-	-	-	-	-	-	-	5	0%
	4	3%	3	3%	-	-	4	3%	7	5%	25	2%
	-	-	-	-	1	1%	-	-	-	-	1	0%
	151	100%	115	100%	101	100%	115	100%	152	100%	1013	100%

Table B3.32 Cases dealt with in first instance by most serious registered offence in the indictment (2000-2008)⁴⁷

		2000		2001		2002		
		N	%	N	%	N	%	
Non-aggravated human trafficking	Acquittal	-	-	-	-	1	8%	
	Conviction	-	-	3	100%	12	92%	
	Dismissal of the charges	-	-	-	-	-	-	
	Joined at trial	-	-	-	-	-	-	
	Total	-	-	3	100%	13	100%	
Aggravated human trafficking	Acquittal	11	16%	6	9%	9	13%	
	Conviction	57	83%	59	86%	61	87%	
	Prosecution declared inadmissible	-	-	3	4%	-	-	
	Joined at trial	1	1%	1	1%	-	-	
	Other decisions	-	-	-	-	-	-	
	Total	69	100%	69	100%	70	100%	
Sexual violence	Acquittal	-	-	-	-	-	-	
	Conviction	12	100%	9	100%	8	89%	
	Prosecution declared inadmissible	-	-	-	-	1	11%	
	Joined at trial	-	-	-	-	-	-	
	Total	12	100%	9	100%	9	100%	
Other violence	Acquittal	-	-	-	-	-	-	
	Conviction	2	100%	1	100%	1	100%	
	Joined at trial	-	-	-	-	-	-	
	Total	2	100%	1	100%	1	100%	
Other	Acquittal	-	-	1	33%	-	-	
	Conviction	1	100%	2	67%	2	100%	
	Joined at trial	-	-	-	-	-	-	
	Total	1	100%	3	100%	2	100%	
Total	Acquittal	11	13%	7	8%	10	11%	
	Conviction	72	86%	74	87%	84	88%	
	Prosecution declared inadmissible	-	-	3	4%	1	1%	
	Dismissal of the charges	-	-	-	-	-	-	
	Joined at trial	1	1%	1	1%	-	-	
	Other decisions	-	-	-	-	-	-	
	Total	84	100%	85	100%	95	100%	

Source: PPS database (reference date: January 2010)

47 The following has to be noted in interpreting this table: a conviction in a case in which, for example, human trafficking is the most serious registered offence charged does not mean that there was also a conviction for human trafficking in that case. After all, it is possible that there was a conviction for an offence other than human trafficking in the case, while the human trafficking offence was declared unproven. The opposite can also apply: in a case where an offence other than human trafficking is the most serious registered offence in the indictment (for example, sexual violence), there may be a conviction for a human trafficking offence.

	2003		2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	1	9%	2	8%	2	8%	3	20%	4	18%	8	17%	21	13%
	10	91%	21	88%	22	85%	12	80%	15	68%	37	79%	132	82%
	-	-	1	4%	-	-	-	-	-	-	-	-	1	1%
	-	-	-	-	2	8%	-	-	3	14%	2	4%	7	4%
	11	100%	24	100%	26	100%	15	100%	22	100%	47	100%	161	100%
	4	4%	6	6%	11	17%	5	8%	10	14%	17	25%	79	12%
	80	89%	95	91%	54	82%	59	91%	61	85%	47	70%	573	85%
	1	1%	-	-	-	-	-	-	-	-	-	-	4	1%
	5	6%	3	3%	1	2%	-	-	1	1%	3	4%	15	2%
	-	-	-	-	-	-	1	1%	-	-	-	-	1	0%
	90	100%	104	100%	66	100%	65	100%	72	100%	67	100%	672	100%
	-	-	2	18%	-	-	1	8%	-	-	5	23%	8	7%
	9	100%	8	73%	15	100%	11	92%	16	100%	17	77%	105	91%
	-	-	-	-	-	-	-	-	-	-	-	-	1	1%
	-	-	1	9%	-	-	-	-	-	-	-	-	1	1%
	9	100%	11	100%	15	100%	12	100%	16	100%	22	100%	115	100%
	-	-	1	25%	-	-	1	14%	-	-	-	-	2	6%
	2	100%	3	75%	6	100%	6	86%	5	100%	5	83%	31	91%
	-	-	-	-	-	-	-	-	-	-	1	17%	1	3%
	2	100%	4	100%	6	100%	7	100%	5	100%	6	100%	34	100%
	-	-	-	-	-	-	-	-	-	-	3	30%	4	13%
	3	100%	8	100%	2	100%	2	100%	-	-	6	60%	26	84%
	-	-	-	-	-	-	-	-	-	-	1	10%	1	3%
	3	100%	8	100%	2	100%	2	100%	-	-	10	100%	31	100%
	5	4%	11	7%	13	11%	10	10%	14	12%	33	22%	114	11%
	104	90%	135	89%	99	86%	90	89%	97	84%	112	74%	867	86%
	1	1%	-	-	-	-	-	-	-	-	-	-	5	0%
	-	-	1	1%	-	-	-	-	-	-	-	-	1	0%
	5	4%	4	3%	3	3%	-	-	4	3%	7	5%	25	2%
	-	-	-	-	-	-	1	1%	-	-	-	-	1	0%
	115	100%	151	100%	115	100%	101	100%	115	100%	152	100%	1013	100%

Table B3.33 Nature of the convictions in first instance (2000-2008)

	2000		2001		2002		
	N	%	N	%	N	%	
Conviction for non-aggravated human trafficking	-	-	6	9%	15	22%	
Conviction for aggravated human trafficking	61	100%	61	91%	53	78%	
Total	61	100%	67	100%	68	100%	

Source: PPS database (reference date: January 2010)

Table B3.34 Convictions in first instance by sentence imposed (2000-2008)

		2000		2001		2002		
		N	%	N	%	N	%	
Non-aggravated human trafficking	No principal punishment	-	-	-	-	1	7%	
	Only a conditional sentence	-	-	-	-	1	7%	
	Custodial sentence	-	-	6	100%	12	80%	
	Community service	-	-	-	-	1	7%	
	Fine	-	-	-	-	-	-	
	Total	-	-	6	100%	15	100%	
Aggravated human trafficking	No principal punishment	1	2%	-	-	-	-	
	Only a conditional sentence	1	2%	-	-	2	4%	
	Custodial sentence	52	85%	50	82%	44	83%	
	Community service	7	11%	11	18%	7	13%	
	Fine	-	-	-	-	-	-	
	Total	61	100%	61	100%	53	100%	
Total	No principal punishment	1	2%	-	-	1	1%	
	Only a conditional sentence	1	2%	-	-	3	4%	
	Custodial sentence	52	85%	56	84%	56	82%	
	Community service	7	11%	11	16%	8	12%	
	Fine	-	-	-	-	-	-	
	Total	61	100%	67	100%	68	100%	

Source: PPS database (reference date: January 2010)

	2003		2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	18	23%	23	20%	30	37%	19	27%	16	22%	27	35%	154	22%
	61	77%	91	80%	52	63%	51	73%	57	78%	50	65%	537	78%
	79	100%	114	100%	82	100%	70	100%	73	100%	77	100%	691	100%

	2003		2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	-	-	-	-	-	-	-	-	-	-	-	-	1	1%
	1	6%	-	-	2	7%	1	5%	-	-	-	-	5	3%
	12	67%	20	87%	26	87%	18	95%	15	94%	27	100%	136	88%
	3	17%	3	13%	2	7%	-	-	1	6%	-	-	10	6%
	2	11%	-	-	-	-	-	-	-	-	-	-	2	1%
	18	100%	23	100%	30	100%	19	100%	16	100%	27	100%	154	100%
	1	2%	-	-	-	-	-	-	-	-	-	-	2	0%
	2	3%	3	3%	-	-	-	-	2	4%	2	4%	12	2%
	52	85%	81	89%	50	96%	45	88%	54	95%	45	90%	473	88%
	4	7%	5	5%	2	4%	6	12%	1	2%	3	6%	46	9%
	2	3%	2	2%	-	-	-	-	-	-	-	-	4	1%
	61	100%	91	100%	52	100%	51	100%	57	100%	50	100%	537	100%
	1	1%	-	-	-	-	-	-	-	-	-	-	3	0%
	3	4%	3	3%	2	2%	1	1%	2	3%	2	3%	17	2%
	64	81%	101	89%	76	93%	63	90%	69	95%	72	94%	609	88%
	7	9%	8	7%	4	5%	6	9%	2	3%	3	4%	56	8%
	4	5%	2	2%	-	-	-	-	-	-	-	-	6	1%
	79	100%	114	100%	82	100%	70	100%	73	100%	77	100%	691	100%

Table B3.35 Custodial sentences imposed in first instance by length of sentence (2000-2008)

		2000		2001		2002		
		N	%	N	%	N	%	
Non-aggravated human trafficking	Up to 1 year	-	-	2	33%	4	33%	
	1 to 4 years	-	-	4	67%	7	58%	
	More than 4 years	-	-	-	-	1	8%	
	Total	-	-	6	100%	12	100%	
Aggravated human trafficking	Up to 1 year	8	15%	14	28%	13	30%	
	1 to 4 years	36	69%	24	48%	26	59%	
	More than 4 years	8	15%	12	24%	5	11%	
	Total	52	100%	50	100%	44	100%	
Total	Up to 1 year	8	15%	16	29%	17	30%	
	1 to 4 years	36	69%	28	50%	33	59%	
	More than 4 years	8	15%	12	21%	6	11%	
	Total	52	100%	56	100%	56	100%	

Source: PPS database (reference date: January 2010)

Table B3.36 Cases dealt with in first instance that were appealed (2000-2008)

Appeal	2000		2001		2002		
	N	%	N	%	N	%	
None	44	52%	47	55%	46	48%	
Only by public prosecutor	4	5%	1	1%	11	12%	
Only by suspect	23	27%	22	26%	24	25%	
By both	13	15%	15	18%	14	15%	
Total	84	100%	85	100%	95	100%	

Source: PPS database (reference date: January 2010)

	2003		2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	6	50%	9	45%	10	38%	12	67%	7	47%	12	44%	62	46%
	6	50%	10	50%	15	58%	4	22%	8	53%	15	56%	69	51%
	-	-	1	5%	1	4%	2	11%	-	-	-	-	5	4%
	12	100%	20	100%	26	100%	18	100%	15	100%	27	100%	136	100%
	19	37%	34	42%	20	40%	19	42%	16	30%	18	40%	161	34%
	25	48%	39	48%	20	40%	23	51%	35	65%	25	56%	253	53%
	8	15%	8	10%	10	20%	3	7%	3	6%	2	4%	59	12%
	52	100%	81	100%	50	100%	45	100%	54	100%	45	100%	473	100%
	25	39%	43	43%	30	39%	31	49%	23	33%	30	42%	223	37%
	31	48%	49	49%	35	46%	27	43%	43	62%	40	56%	322	53%
	8	13%	9	9%	11	14%	5	8%	3	4%	2	3%	64	11%
	64	100%	101	100%	76	100%	63	100%	69	100%	72	100%	609	100%

	2003		2004		2005		2006		2007		2008		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	68	59%	91	60%	60	52%	59	58%	70	61%	90	59%	575	57%
	6	5%	6	4%	11	10%	6	6%	11	10%	10	7%	66	7%
	28	24%	46	30%	26	23%	25	25%	26	23%	36	24%	256	25%
	13	11%	8	5%	18	16%	11	11%	8	7%	16	11%	116	11%
	115	100%	151	100%	115	100%	101	100%	115	100%	152	100%	1013	100%

Supplement to §3.4.2: Suspects and offenders – Trial (on appeal)

Tables B3.37 to B3.41 provide a complete overview of the available data from the OBDJ on human trafficking cases dealt with on appeal in the period 2000-2008. See §3.4 for the research method and Appendix 2 for explanatory notes to the tables in this appendix and the applicable statistics.

Table B3.37 Number of cases dealt with on appeal (2000-2008)

	Number of cases dealt with on appeal		Index figure (2000=1.0)	Percentage growth compared with preceding year
	N	%		
2000	24	10%	1.0	-
2001	23	10%	1.0	-4%
2002	23	10%	1.0	0%
2003	30	13%	1.3	30%
2004	19	8%	0.8	-37%
2005	35	15%	1.5	84%
2006	42	18%	1.8	20%
2007	27	12%	1.1	-36%
2008	9	4%	0.4	-67%
Total	232 ⁴⁸	100%	n.a.	n.a.

Source: OBDJ (reference date: January 2010)

Table B3.38 Cases dealt with on appeal by disposition (2000-2004 and 2005-2008)

Disposition	2000 to 2004		2005 to 2008		Total	
	N	%	N	%	N	%
Conviction	103	87%	103	93%	206	90%
Acquittal	12	10%	7	6%	19	8%
Prosecution declared inadmissible	4	3%	1	1%	5	2%
Total	119	100%	111	100%	230	100%

Source: OBDJ (reference date: January 2010)

48 For two cases in the period 2005-2008 there are no judgments, so there is no additional information. Consequently, the totals in the two following tables come to 230 rather than 232.

Table B3.39 Cases dealt with on appeal by most serious registered offence in the indictment (2000-2004 and 2005-2008)⁴⁹

Most serious offence		2000 to 2004		2005 to 2008		Total	
		N	%	N	%	N	%
Non-aggravated human trafficking	Conviction	59	95%	57	95%	116	95%
	Acquittal	2	3%	2	3%	4	3%
	Prosecution declared inadmissible	1	2%	1	2%	2	2%
	Total	62	100%	60	100%	122	100%
Aggravated human trafficking	Conviction	14	64%	23	82%	37	74%
	Acquittal	6	27%	5	18%	11	22%
	Prosecution declared inadmissible	2	9%	-	-	2	4%
	Total	22	100%	28	100%	50	100%
Sexual violence	Conviction	14	88%	8	100%	22	92%
	Acquittal	1	6%	-	-	1	4%
	Prosecution declared inadmissible	1	6%	-	-	1	4%
	Total	16	100%	8	100%	24	100%
Other violence	Conviction	2	100%	6	100%	8	100%
	Total	2	100%	6	100%	8	100%
Other offences	Conviction	14	82%	9	100%	23	88%
	Acquittal	3	18%	-	-	3	12%
	Total	17	100%	9	100%	26	100%
Total	Conviction	103	87%	103	93%	206	90%
	Acquittal	12	10%	7	6%	19	8%
	Prosecution declared inadmissible	4	3%	1	1%	5	2%
	Total	119	100%	111	100%	230	100%

Source: OBDJ (reference date: January 2010)

⁴⁹ The following has to be noted in interpreting this table: a conviction in a case in which, for example, human trafficking is the most serious registered offence charged does not mean that there was also a conviction for human trafficking in that case. After all, it is possible that there was a conviction for an offence other than human trafficking in the case, while the human trafficking offence was declared unproven. The opposite can also apply: in a case where an offence other than human trafficking is the most serious registered offence in the indictment (for example, sexual violence) there may be a conviction for a human trafficking offence.

Table B3.40 Convictions on appeal by sentence imposed (2000-2004 and 2005-2008)

Type of sentence	2000 to 2004		2005 to 2008		Total	
	N	%	N	%	N	%
Custodial sentence	97	94%	92	89%	189	92%
Community service	6	6%	4	4%	10	5%
Only a conditional sentence	-	-	4	4%	4	2%
Fine	-	-	3	3%	3	1%
Total	103	100%	103	100%	206	100%

Source: OBDJ (reference date: January 2010)

Table B3.41 Custodial sentences imposed on appeal by length of sentence (2000-2004 and 2005-2008)

Length of custodial sentence	2000 to 2004		2005 to 2008		Total	
	N	%	N	%	N	%
Up to 1 year	21	22%	42	46%	63	33%
1 to 4 years	55	57%	35	38%	90	48%
More than 4 years	21	22%	15	16%	36	19%
Total	97	100%	92	100%	189	100%

Source: OBDJ (reference date: January 2010)

Supplement to §3.4.3: Suspects and offenders - Characteristics

Tables B3.42 to B3.50 provide a complete overview of the available data from the PPS database concerning the suspects registered by the PPS and the offenders convicted in first instance in the period 2000-2008. See §3.4 for an explanation of the research method and Appendix 2 for explanatory notes to the tables in this appendix and the applicable statistics

Table B3.42 Number of offenders convicted in first instance (2000-2008)

	Number of offenders convicted in first instance (N)	Index figure (2000=1.0)	Percentage growth compared with the preceding year
2000	61	1.0	-
2001	67	1.1	10%
2002	68	1.1	1%
2003	79	1.3	16%
2004	114	1.9	44%
2005	82	1.3	-28%
2006	70	1.1	-15%
2007	73	1.2	4%
2008	77	1.3	5%
Total	691	<i>n.a.</i>	<i>n.a.</i>

Source: PPS database (reference date: January 2010)

Table B3.43 Gender of suspects (2000-2008)

	Female		Male		N.a. (legal entity)		Unknown		Total	
	N	%	N	%	N	%	N	%	N	%
2000	38	27%	100	72%	-	-	1	1%	139	100%
2001	26	20%	104	80%	-	-	-	-	130	100%
2002	46	23%	154	77%	-	-	-	-	200	100%
2003	35	22%	120	77%	1	1%	-	-	156	100%
2004	39	18%	178	81%	1	0%	2	1%	220	100%
2005	19	14%	119	86%	-	-	-	-	138	100%
2006	32	16%	167	83%	1	0%	1	0%	201	100%
2007	47	17%	232	83%	-	-	2	1%	281	100%
2008	32	15%	176	82%	2	1%	4	2%	214	100%
Total	314	19%	1350	80%	5	0%	10	1%	1679	100%

Source: PPS database (reference date: January 2010)

Table B3.44 Gender of convicted offenders (2000-2008)

	Female		Male		Unknown		Total	
	N	%	N	%	N	%	N	%
2000	14	23%	47	77%	-	-	61	100%
2001	17	25%	50	75%	-	-	67	100%
2002	14	21%	54	79%	-	-	68	100%
2003	13	16%	66	84%	-	-	79	100%
2004	20	18%	94	82%	-	-	114	100%
2005	10	12%	71	87%	1	1%	82	100%
2006	13	19%	57	81%	-	-	70	100%
2007	12	16%	60	82%	1	1%	73	100%
2008	8	10%	69	90%	-	-	77	100%
Total	121	18%	568	82%	2	0%	691	100%

Source: PPS database (reference date: January 2010)

Table B3.45 Age of suspects (2000-2008)

	Younger than 18		18-25		26-30		31-40		41-50		51 and over		N.a. (legal entity)		Unknown		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2000	8	6%	39	28%	35	25%	27	19%	18	13%	8	6%	-	-	4	3%	139	100%
2001	4	3%	27	21%	23	18%	51	39%	14	11%	10	8%	-	-	1	1%	130	100%
2002	3	2%	70	35%	44	22%	48	24%	24	12%	10	5%	-	-	1	1%	200	100%
2003	7	4%	29	19%	29	19%	60	38%	19	12%	11	7%	1	1%	-	-	156	100%
2004	4	2%	79	36%	35	16%	59	27%	24	11%	17	8%	1	0%	1	0%	220	100%
2005	4	3%	58	42%	23	17%	21	15%	20	14%	10	7%	-	-	2	1%	138	100%
2006	11	5%	64	32%	27	13%	50	25%	32	16%	14	7%	1	1%	2	1%	201	100%
2007	7	2%	109	39%	63	22%	54	19%	35	12%	13	5%	-	-	-	-	281	100%
2008	12	6%	61	29%	38	18%	52	24%	32	15%	15	7%	2	1%	2	1%	214	100%
Total	60	4%	536	32%	317	19%	422	25%	218	13%	108	6%	5	0%	13	1%	1679	100%

Source: PPS database (reference date: January 2010)

Table B3.46 Age of convicted offenders (2000-2008)

	Younger than 18		18-25		26-30		31-40		41-50		51 and over		Unknown		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2000	6	10%	30	49%	11	18%	7	11%	5	8%	2	3%	-	-	61	100%
2001	4	6%	12	18%	18	27%	19	28%	8	12%	4	6%	2	3%	67	100%
2002	1	1%	23	34%	15	22%	19	28%	9	13%	1	1%	-	-	68	100%
2003	-	-	15	19%	23	29%	23	29%	11	14%	7	9%	-	-	79	100%
2004	2	2%	34	30%	19	17%	39	34%	12	11%	8	7%	-	-	114	100%
2005	1	1%	32	39%	14	17%	23	28%	8	10%	3	4%	1	1%	82	100%
2006	4	6%	29	41%	11	16%	17	24%	5	7%	3	4%	1	1%	70	100%
2007	3	4%	28	38%	15	21%	16	22%	10	14%	1	1%	-	-	73	100%
2008	5	6%	26	34%	23	30%	17	22%	4	5%	2	3%	-	-	77	100%
Total	26	4%	229	33%	149	22%	180	26%	72	10%	31	4%	4	1%	691	100%

Source: PPS database (reference date: January 2010)

Table B3.47 Average age of suspects (2000-2008)

	Average age	Number (N)	Standard Deviation
2000	30,5	135 ⁵⁰	10,9
2001	33,2	129 ⁵¹	10,2
2002	30,9	199 ⁵²	10,4
2003	33,1	155 ⁵³	10,8
2004	31,8	218 ⁵⁴	11,0
2005	30,1	136 ⁵⁵	10,7
2006	32,1	198 ⁵⁶	11,4
2007	30,6	281	13,4
2008	31,8	210 ⁵⁷	11,3
Total	31,5	1661 ⁵⁸	11,4

Source: PPS database (reference date: January 2010)

50 The ages of four suspects are not known.

51 The age of one suspect is not known.

52 The age of one suspect is not known.

53 One suspect is a legal entity.

54 One suspect is a legal entity and the age of one suspect is not known.

55 The ages of two suspects are not known.

56 One suspect is a legal entity and the ages of two suspects are not known.

57 Two suspects are legal entities and the ages of two suspects are not known.

58 Five suspects are legal entities and the ages of twelve suspects are not known.

Table B3.48 Average age of convicted offenders (2000-2008)

	Average age	Number (N)	Standard Deviation
2000	26,8	61	9,5
2001	31,9	65 ⁵⁹	11,2
2002	31,2	68	9,1
2003	33,7	79	10,7
2004	32,1	114	10,6
2005	30,3	81 ⁶⁰	9,4
2006	28,7	69 ⁶¹	9,8
2007	28,8	73	8,9
2008	27,9	77	8,3
Total	30,3	687 ⁶²	10,0

Source: PPS database (reference date: January 2010)

59 The ages of two suspects are not known.

60 The age of one suspect is not known.

61 The age of one suspect is not known.

62 The ages of four suspects are not known.

	2004		2005		2006		2007		2008		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	-	-	1	1%	-	-	-	-	-	-	2	0%	
	-	-	-	-	-	-	5	2%	4	2%	46	3%	10
	-	-	1	1%	1	0%	-	-	-	-	3	0%	
	-	-	-	-	1	0%	-	-	1	0%	2	0%	
	2	1%	-	-	1	0%	1	0%	2	1%	12	1%	
	-	-	-	-	1	0%	1	0%	1	0%	6	0%	
	14 (4)	6%	4	3%	13 (4')	6%	23 (3)	8%	12 (3')	6%	124	7%	3
	-	-	-	-	-	-	1	0%	-	-	2	0%	
	-	-	2	1%	-	-	-	-	-	-	3	0%	
	-	-	2	1%	2	1%	1	0%	7	3%	13	1%	*
	1	0%	1	1%	-	-	-	-	-	-	3	0%	
	1	0%	-	-	-	-	1	0%	1	0%	3	0%	
	2	1%	5	4%	3	1%	1	0%	2	1%	23	1%	*
	-	-	-	-	-	-	2	1%	-	-	2	0%	
	-	-	-	-	1	0%	1	0%	-	-	5	0%	
	-	-	-	-	-	-	-	-	-	-	5	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	1	0%	-	-	-	-	4	1%	1	0%	7	0%	
	5	2%	1	1%	-	-	11	4%	7	3%	26	2%	**
	-	-	2	1%	-	-	2	1%	-	-	13	1%	*
	-	-	-	-	1	0%	-	-	-	-	3	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	-	-	6 (4')	4%	1	0%	2	1%	15 (2)	7%	26	2%	**
	-	-	-	-	8	4%	1	0%	5	2%	14	1%	*

Continued Table B3.49

Country of birth of suspects	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Indonesia (former) Netherlands East Indies)	2	1%	3	2%	1	1%	-	-	
International area	1	1%	-	-	-	-	-	-	
Iran	-	-	2	2%	-	-	-	-	
Iraq	-	-	1	1%	6	3%	-	-	
Ireland	-	-	1	1%	-	-	-	-	
Israel	-	-	-	-	-	-	-	-	
Italy	-	-	-	-	-	-	-	-	
Ivory Coast	-	-	-	-	-	-	-	-	
Jordan	1	1%	-	-	-	-	-	-	
(former) Korea	-	-	-	-	-	-	-	-	
Kuwait	-	-	-	-	-	-	-	-	
Latvia	-	-	1	1%	-	-	-	-	
Lebanon	-	-	2	2%	-	-	-	-	
Liberia	2	1%	1	1%	-	-	2	1%	
Libya	-	-	-	-	-	-	1	1%	
Lithuanai	1	1%	2	2%	-	-	-	-	
Malaysia (including (former) British Borneo)	-	-	-	-	-	-	1	1%	
Mongolia	-	-	-	-	-	-	-	-	
Morocco	17 (2')	12%	5	4%	3	2%	3	2%	
Netherlands	39 (1)	28%	30 (1)	23%	51 (1)	26%	46 (1)	29%	
Nederlandse Antilles	4	3%	1	1%	1	1%	2	1%	
Niger	-	-	1	1%	-	-	-	-	
Nigeria	17 (2')	12%	3	2%	7	4%	5	3%	
Pakistan	-	-	-	-	-	-	-	-	
Philippines	-	-	-	-	-	-	-	-	
Poland	1	1%	-	-	4	2%	-	-	
Portugal	-	-	-	-	-	-	-	-	
Romania	3	2%	2	2%	8 (5)	4%	22 (2)	14%	

	2004		2005		2006		2007		2008		Total		Top 10
	N	%	N	%	N	%	N	%	N	%	N	%	R
	2	1%	-	-	1	0%	-	-	-	-	9	1%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	2	1%	-	-	2	1%	2	1%	3	1%	11	1%	
	2	1%	-	-	2	1%	-	-	1	0%	12	1%	*
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	-	-	-	-	-	-	-	-	2	1%	2	0%	
	-	-	-	-	-	-	1	0%	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	1	0%	-	-	-	-	-	-	-	-	1	0%	
	-	-	1	1%	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	1	0%	-	-	3	0%	
	-	-	-	-	-	-	-	-	-	-	5	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	1	0%	-	-	2	1%	6	0%	
	-	-	-	-	1	0%	-	-	-	-	2	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	9 (5')	4%	17 (2)	12%	13 (4')	6%	12	4%	13 (3')	6%	92	5%	5
	91 (1)	41%	54 (1)	39%	75 (1)	37%	95 (1)	34%	76 (1)	36%	557	33%	1
	7	3%	3	2%	4	2%	12	4%	5	2%	39	2%	**
	-	-	-	-	1	0%	-	-	-	-	2	0%	
	4	2%	-	-	2	1%	19 (4)	7%	4	2%	61	4%	7
	-	-	-	-	2	1%	-	-	1	0%	3	0%	
	-	-	-	-	-	-	-	-	1	0%	1	0%	
	3	1%	3	2%	3	1%	7	2%	5	2%	26	2%	*
	1	0%	-	-	1	0%	1	0%	-	-	3	0%	
	23 (3)	10%	6 (4')	4%	14 (3)	7%	15 (5)	5%	4	2%	97	6%	4

Continued Table B3.49

Country of birth of suspects	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Saudi Arabia	-	-	-	-	-	-	-	-	
Sierra Leone	-	-	-	-	1	1%	1	1%	
Somalia	-	-	-	-	1	1%	-	-	
South Africa	-	-	-	-	-	-	-	-	
(former) Soviet Union	3	2%	6 (5)	5%	7	4%	11 (5)	7%	
Sudan	5	4%	-	-	2	1%	-	-	
Surinam	6	4%	4	3%	5	3%	10	6%	
Syria	-	-	1	1%	-	-	-	-	
Thailand	-	-	-	-	1	1%	2	1%	
Tunisia	1	1%	-	-	-	-	-	-	
Turkey	9 (4*)	6%	8 (4)	6%	26 (3')	13%	16 (4)	10%	
Uganda	-	-	-	-	-	-	-	-	
United Kingdom	-	-	-	-	-	-	-	-	
United States	-	-	-	-	-	-	-	-	
Venezuela	-	-	-	-	-	-	-	-	
Vietnam	-	-	1	1%	-	-	-	-	
(former) Yugoslavia	9 (4*)	6%	22 (2)	17%	6	3%	3	2%	
N. a. (legal entity)	-	-	-	-	-	-	1	1%	
Unknown	-	-	-	-	4	2%	2	1%	
Total	139	100%	130	100%	200	100%	156	100%	

Source: PPS database (reference date: January 2010)

Dark blue shading: This country of birth was in the top 5 in the relevant year (the ranking is shown between brackets after the number) or this country of birth is in the top 10 overall (the ranking is shown in the last column).

* Is not in the top 10 overall, but five or more of the suspects registered by the PPS in at least one of the years (2000-2008) were born in this country.

** Is not in the top 10 overall, but ten or more of the suspects registered by the PPS in at least one of the years (2000-2008) were born in this country.

	2004		2005		2006		2007		2008		Total		Top 10 R
	N	%	N	%	N	%	N	%	N	%	N	%	
	-	-	-	-	-	-	1	0%	-	-	1	0%	
	-	-	-	-	1	0%	5	2%	1	0%	9	1%	*
	-	-	-	-	-	-	1	0%	1	0%	3	0%	
	-	-	-	-	-	-	1	0%	-	-	1	0%	
	8	4%	2	1%	7	3%	1	0%	4	2%	49	3%	9
	-	-	-	-	-	-	1	0%	-	-	8	0%	*
	9 (5')	4%	6 (4')	4%	11	5%	12	4%	9	4%	72	4%	6
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	1	1%	-	-	3	1%	1	0%	8	0%	
	-	-	-	-	-	-	-	-	1	0%	2	0%	
	24 (2)	11%	15 (3)	11%	18 (2)	9%	28 (2)	10%	10 (5)	5%	154	9%	2
	-	-	1	1%	-	-	-	-	-	-	1	0%	
	1	0%	-	-	-	-	-	-	-	-	1	0%	
	1	0%	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	1	0%	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	2	1%	3	0%	
	3	1%	4	3%	6	3%	1	0%	2	1%	56	3%	8
	1	0%	-	-	1	0%	-	-	2	1%	5	0%	
	2	1%	-	-	1	0%	5	2%	2	1%	16	1%	
	220	100%	138	100%	201	100%	281	100%	214	100%	1679	100%	

Table B3.50 Country of birth of convicted offenders (2000-2008)

Country of birth of offenders	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Afghanistan	-	-	-	-	1	1%	-	-	
Albania	1	2%	3	4%	1	1%	9 (3)	11%	
Angola	-	-	1	1%	-	-	-	-	
Belgium	3 (5')	5%	-	-	-	-	2	3%	
Brazil	-	-	-	-	-	-	-	-	
Bulgaria	3 (5')	5%	2	3%	8 (3)	12%	15 (2)	19%	
Cape Verde	-	-	-	-	1	1%	-	-	
Colombia	-	-	-	-	-	-	-	-	
(former) Czechoslovakia	3 (5')	5%	3	4%	1	1%	-	-	
Dominican Republic	1	2%	-	-	-	-	-	-	
Egypt	-	-	-	-	2	3%	-	-	
Estonia	-	-	1	1%	3	4%	-	-	
Germany (including former German Federal Republic)	-	-	-	-	-	-	-	-	
Ghana	-	-	4 (5)	6%	-	-	-	-	
Greece	-	-	-	-	-	-	1	1%	
Guinea	1	2%	-	-	-	-	-	-	
Hungary	-	-	-	-	2	3%	-	-	
India	-	-	-	-	-	-	-	-	
Indonesia (former) Netherlands East Indies)	-	-	3	4%	1	1%	1	1%	
International area	-	-	1	1%	-	-	-	-	
Iran	-	-	-	-	1	1%	-	-	
Iraq	-	-	-	-	1	1%	-	-	
Ivory Coast	-	-	-	-	-	-	-	-	
Jordan	-	-	1	1%	-	-	-	-	
(former) Korea	-	-	-	-	-	-	-	-	
Kuwait	-	-	-	-	-	-	-	-	
Latvia	-	-	-	-	1	1%	-	-	
Liberia	-	-	1	1%	-	-	-	-	
Lithuania	-	-	-	-	1	1%	-	-	
Morocco	7 (2')	11%	2	3%	3	4%	2	3%	

	2004		2005		2006		2007		2008		Total		Top 10 R
	N	%	N	%	N	%	N	%	N	%	N	%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	2	2%	-	-	-	-	-	-	1	1%	17	2%	*
	-	-	-	-	1	1%	-	-	-	-	2	0%	
	1	1%	2	2%	-	-	-	-	1	1%	9	1%	
	-	-	-	-	-	-	1	1%	-	-	1	0%	
	11 (4)	10%	4 (5)	5%	4 (5')	6%	4 (4')	5%	7 (2)	9%	58	8%	2
	-	-	-	-	1	1%	-	-	-	-	2	0%	
	-	-	1	1%	-	-	-	-	-	-	1	0%	
	-	-	-	-	6 (3')	9%	3	4%	-	-	16	2%	*
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	2	0%	
	-	-	-	-	-	-	-	-	-	-	4	1%	
	1	1%	1	1%	-	-	-	-	-	-	2	0%	
	-	-	-	-	1	1%	-	-	-	-	5	1%	
	-	-	-	-	1	1%	-	-	-	-	2	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	2	2%	4 (5')	6%	1	1%	5 (4')	6%	14	2%	*
	-	-	-	-	-	-	2	3%	-	-	2	0%	
	-	-	1	1%	-	-	-	-	-	-	6	1%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	1	1%	-	-	2	3%	1	1%	5	1%	
	-	-	-	-	1	1%	-	-	-	-	2	0%	
	-	-	-	-	-	-	1	1%	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	1	1%	-	-	-	-	-	-	1	0%	
	-	-	-	-	1	1%	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	1	1%	-	-	-	-	1	1%	-	-	3	0%	
	7 (5')	6%	3	4%	13 (2)	19%	2	3%	5 (4')	6%	44	6%	5

Continued Table B3.50

Country of birth of offenders	2000		2001		2002		2003		
	N	%	N	%	N	%	N	%	
Netherlands	19 (1)	31%	19 (1)	28%	15 (1)	22%	26 (1)	33%	
Netherlands Antilles	2	3%	3	4%	-	-	-	-	
Nigeria	6 (4)	10%	5 (4)	7%	2	3%	-	-	
Pakistan	-	-	-	-	-	-	-	-	
Poland	-	-	-	-	1	1%	1	1%	
Romania	1	2%	-	-	-	-	7 (4')	9%	
Sierra Leone	-	-	-	-	-	-	-	-	
(former) Soviet Union	-	-	6 (3)	9%	5 (5)	7%	5	6%	
Sudan	1	2%	1	1%	-	-	-	-	
Surinam	3 (5')	5%	-	-	2	3%	1	1%	
Thailand	-	-	-	-	-	-	1	1%	
Tunisia	1	2%	-	-	-	-	-	-	
Turkey	2	3%	2	3%	6 (4)	9%	7 (4')	9%	
United Kingdom	-	-	-	-	-	-	-	-	
United States	-	-	-	-	-	-	-	-	
(former) Yugoslavia	7 (2')	11%	9 (2)	13%	10 (2)	15%	-	-	
(former) Zaire	-	-	-	-	-	-	-	-	
Unknown	-	-	-	-	-	-	1	1%	
Total	61	100%	67	100%	68	100%	79	100%	

Source: PPS database (reference date: January 2010)

Dark blue shading: This country of birth was in the top 5 in the relevant year (the ranking is shown between brackets after the number) or this country of birth is in the top 10 overall (the ranking is shown in the last column).

* Is not in the top 10 overall, but five or more of the persons convicted in first instance in at least one of the years (2000-2008) were born in this country.

	2004		2005		2006		2007		2008		Total		Top 10 R
	N	%	N	%	N	%	N	%	N	%	N	%	
	36 (1)	32%	36 (1)	44%	21 (1)	30%	24 (1)	33%	35 (1)	45%	231	33%	1
	2	2%	3	4%	-	-	4 (4')	5%	6 (3)	8%	20	3%	9
	5	4%	-	-	-	-	-	-	-	-	18	3%	10
	-	-	-	-	-	-	1	1%	-	-	1	0%	
	-	-	-	-	1	1%	2	3%	-	-	5	1%	
	17 (2)	15%	3	4%	3	4%	13 (2)	18%	3	4%	47	7%	4
	-	-	-	-	1	1%	-	-	-	-	1	0%	
	7 (5')	6%	5 (4)	6%	-	-	1	1%	3	4%	32	5%	6
	1	1%	-	-	-	-	-	-	-	-	3	0%	
	7 (5')	6%	8 (3)	10%	1	1%	4 (4')	5%	4	5%	30	4%	7'
	1	1%	-	-	1	1%	-	-	-	-	3	0%	
	-	-	-	-	-	-	-	-	-	-	1	0%	
	14 (3)	12%	9 (2)	11%	6 (3')	9%	5 (3)	7%	5 (4')	6%	56	8%	3
	-	-	-	-	1	1%	-	-	-	-	1	0%	
	-	-	1	1%	-	-	-	-	-	-	1	0%	
	1	1%	-	-	1	1%	2	3%	-	-	30	4%	7'
	-	-	1	1%	-	-	-	-	1	1%	2	0%	
	-	-	-	-	1	1%	-	-	-	-	2	0%	
	114	100%	82	100%	70	100%	73	100%	77	100%	691	100%	

A4 List of activities of BNRM in 2009

1 Interviews, meetings and working visits (Netherlands)^{63 64}

1.1 Police/Royal Netherlands Marechaussee/special investigative services

Centre of Expertise on Human Trafficking and Migrant Smuggling (EMM)*

National Expert Group on Human Trafficking (LEM)*

Operational Consultation Group on Trafficking in Human Beings (OOM)*

Police Academy

Police in Someren, regional police force for Brabant Zuid-Oost

1.2 Public Prosecution Service

B9 working group

Financial, Environmental and Food Safety Offences Office: chief public prosecutor*

Financial, Environmental and Food Safety Offences Office: department of policy and strategy

National Office: Public prosecutor for migrant smuggling and human trafficking *

Chief Public Prosecutor, Amsterdam*

National consultative body of public prosecutors for human trafficking and migrant smuggling *

Procurator General with the human trafficking portfolio *

⁶³ Various meetings were held with some of the listed individuals and agencies, sometimes in different compositions and in the context of different meetings.

⁶⁴ Periodic meetings that are regularly attended by BNRM are marked *. Meetings at which BNRM made a contribution in the form of a presentation are marked **.

1.3 Judiciary

Attendance at various court sessions

National Consultative Body for Presidents of Criminal Divisions of Courts (LOVS)**

Council for the Judiciary

The Hague District Court

President of the Criminal Division of The Hague District Court and chairman of LOVS

Presidents of the Immigration Law sections of the district courts **

President of the Children's Court judges working group

1.4 Social services, victim support groups and NGOs

BLinN*

Youth Care Agency, The Hague

COA: Review Committee for the development of a methodology for protected shelter *

CoMensha*

Fier Fryslan

IOM

OKIA

Platform CoMensha*

PMW Humanitas Rotterdam

Rode Draad

SPIRIT, MEISA, ACM, NIDOS, municipality of Amsterdam: Meisa pilot project on human trafficking

Stichting Jade, municipalities of Schipborg and Assen

1.5 Government, semi-state sector and politics

Labour Inspectorate/Labour Market Fraud Department, Intervention Team for retail trade in Hengelo

Municipality of Amsterdam

Managing Director, IND

Focus Group Workshop for Municipalities*

Minister of the Interior and Kingdom Relations

Ministry of the Interior and Kingdom Relations: Department of Police and Security Regions

Ministry of the Interior and Kingdom Relations: Directorate for General Security

Ministry of Foreign Affairs: Department of Cabinet and Protocol, and BLinN*

Ministry of Foreign Affairs and Ministry of Justice *

Minister of Justice*

Ministry of Justice: Custodial Institutions Agency, Juvenile Affairs department

Ministry of Justice: Director of Individual Juvenile Affairs

Ministry of Justice: Directorate for the Administration of Justice and Law Enforcement, Organised Crime department
Ministry of Justice: Interdepartmental consultation group on human trafficking *
Ministry of Social Affairs and Employment: Director-General for Administration, Enforcement and Operations
Ministry of Social Affairs and Employment, BLinN, CoMensha*
Ministry of Social Affairs and Employment: Director of Labour Relations
Ministry of Social Affairs and Employment: SIOD*
Ministry of Social Affairs and Employment: director of SIOD
Minister for Youth and Family
Task Force on Human Trafficking *
Lower House of Parliament: Chairman of the Permanent Committee for Justice*

1.6 Research/academia/advisory bodies

Monitoring committee for Chinese beauty sector
Erasmus University Rotterdam
Human rights research and consultancy
Information meeting on Caselex
University of Leiden: Department of criminal law and department of criminology
University of Leiden: Criminology alumni association **
University of Utrecht: Faculty of Law, Economics and Governance
University of Amsterdam: Political Science**

1.7 Visits and delegations from abroad

Aruba and Netherlands Antilles: Country coordinators and CoMensha
Bulgaria: Bulgarian National Commission for combating trafficking in human beings, Bulgarian anti-human trafficking organisations, KLPD, IPOL
ICMPD: Associate Project Officer
International Federation of the Red Cross and Red Crescent Societies (IFRC) and the Dutch Red Cross
Jordan: Jordan's Ministry of Labour and National Police Force
Nigeria: Naptip, IOM
Paraguay: Director-General for Human Rights
Poland: President of the Halina Niec Legal Aid Centre and La Strada Poland
United Arab Emirates: Delegation from various public and private organisations, human rights organisations and the public prosecution service
United Arab Emirates: delegation from various organizations arranged by the Bridging the Gulf foundation
Sweden: National Rapporteur on Trafficking in Human Beings

2 Congresses, symposia, study days and lectures (Netherlands)

De Lunchclub, a lecture club for women, The Hague**	Lecture on trafficking in human beings The Hague, 12 January 2009
Municipality of Rotterdam	Municipal approach, national responsibility (signing of agreement on human trafficking) Rotterdam, 4 February 2009
BNRM**	Expert meeting: Complaints/B9 with few leads for investigation The Hague, 9 February 2009
BNRM and University of Utrecht**	Conference on Human Trafficking, turning our attention to labour exploitation Utrecht, 12-13 February 2009
CIROC	Seminar: Chinese and Chinese organised crime Amsterdam, 18 February 2009
Defence for Children International Nederland**	Kick-off meeting for 'Building blocks for children's rights. Further with the recommendations of the UN Children's Rights Committee' The Hague, 19 February 2010
Lecture club**	Lecture on human trafficking The Hague, 9 March
Tijdschrift voor Criminologie/Nederlandse Vereniging voor Kriminologie	Discussion: 'Qualitative research in criminology' (Willem Pompe Institute) Utrecht, 13 March 2009
Aliens Police**	Theme day on Other forms of exploitation Utrecht, 25 March 2009
Voorziening tot Samenwerking (VTS) Politie Nederland	Cope 09 Amsterdam Conference A conference on Interoperability and Information Exchange of Police Forces of the EU Member States Amsterdam, 30-31 March 2009
Defence for Children**	Expert panel on the Annual Report on Children's Rights 2009 Amsterdam, 6 April 2009
Flarenetwork.org**	Meeting: 'Season of Legality' The Hague, 9 April 2009
Studiecentrum Kerckebosch	Practical day on 'Customising the BIBOB instruments' Ede-Wageningen, 10 April 2009
Ministry of the Interior and Kingdom Relations /police forces/Police Quality Agency /Police Academy*	NIK day: 'Information-led policing, how do we stand?' Ede, 23 April 2009
Police Academy	Seminar in Nigerian criminal networks Apeldoorn, 12 May 2009
Ministry of Foreign Affairs	Lecture by former director of NAPTIP The Hague, 119 May 2009
SHOP**	Conference: 'Human trafficking. A problem without borders'. The Hague, 27 May 2009
The Hague District Court	Lecture by J. de Wijkerslooth de Weerdesteyn on the Framework Decision on the standing of victims in criminal proceedings The Hague, 9 June 2009
SSR**	Course on human trafficking Zutphen, 12 June 2009 and 25 November 2009

Task Force on Human Trafficking	Working visit by Minister of Justice "Human Trafficking and official presentation of the Action Plan of the Task Force on Human Trafficking" Rotterdam, 1 July 2009
National Office of the Public Prosecution Service**	First national meeting of regional holders of the Human Trafficking and Migrating Smuggling portfolio The Hague, 11 September 2009
BLinN	Symposium on Chinese victims of human trafficking Amsterdam, 17 September 2009
Medilex**	National Study Day on Loverboys, Utrecht, 30 September 2009
University of Amsterdam**	Guest lecture for Master's programme in Political Science Amsterdam, 14 October 2009
NVvR*	Roundtable meeting on "European asylum law" The Hague, 26 October 2010
BLinN**	Opening of exhibition 'Bought and Sold: Voices of Human Trafficking' The Hague, 18 October 2009
BNRM and Task Force on Human Trafficking**	Theme day on Human Trafficking and Presentation of the Rapporteur's seventh report Utrecht, 29 October 2009
WIK*	Annual meeting of Integral Chain working group Amsterdam, 12 November 2009
Ministry of Social Affairs and Employment	Theme day "Beyond the crisis – lessons after 2010" The Hague, 16 November 2009
Gooische Lezingenclub**	Presentation for the Gooische Lezingenclub Hilversum, 18 November 2009
Police Academy	National meeting in Police Data Act Nieuwegein, 18 November 2009
IFLRY**	Seminar on Human Trafficking: "I am not for sale" Amsterdam, 19 November 2009
UNICEF*	Summit on children's rights Leiden, 20 November 2009
SIOD**	Presentation on case-law on other forms of exploitation for CIE-SIOD The Hague, 25 November 2009
Police Academy	Theme day on financial investigations Apeldoorn, 27 November 2009
KLPD	Theme day on crime analysis Ede, 2 December 2009
Swedish embassy in the Netherlands, Ministry of Foreign Affairs and the Ministry of Defence	Women in War Zones - Second Swedish-Dutch Conference on Gender Equality The Hague, 3 December 2009
University of Leiden**	PAO course in human trafficking Leiden, 4 December 2009

Movisie	National congress in combating juvenile prostitution Utrecht, 7 December 2009
ECP (Platform for Internet Security)	Kick-off for platform on internet security The Hague, 9 December 2009
University of Leiden	Oration by Professor J. van der Leun Leiden, 11 December 2009
Ministry of Justice	Mid-term conference 'Tackling serious forms of nuisance together' The Hague, 16 December 2009

3 International working visits, congresses and other activities

IOM and Federal Ministry of the Interior, Austria**	Final ministerial conference guidelines for the collection of data on trafficking in human beings, including comparable indicators Vienna, 23-24 February 2009
ICMPD and the Ministerstvo Vnutra Slovenskej Republiky**	THB Data Collection and Harmonised Information Management Systems DCIM EU 2nd Project Team and Advisory Board Meeting Warsaw, 12-13 March 2009
Ministry of the Interior of the Czech Republic**	Joint Analysis, Joint Action – Conference of EU National Rapporteurs on Trafficking in Human Beings Prague, 30-31 March 2009
OSCE*	Conference Alliance against Trafficking in Persons – Technical Alliance Export Coordination Team Vienna, 21 April 2009
OSCE	Conference Alliance against Trafficking in Persons – Technical Seminar on trafficking for labour exploitation focusing on the agricultural sector Vienna, 27-28 April 2009
Home Affairs Committee *	International Seminar on Combating Human Trafficking, London, 14 May 2009
Ministry of Justice Sweden, IOM*	1st National Networking Meeting Towards Global EU Action against Trafficking in Human Beings Stockholm, 28 May 2009
Crime Prevention Department of The Ministry of the Interior of the Czech Republic	Expert Conference - Preventing and Combating Trafficking in Human Beings: Reducing Prostitution and Sexual Exploitation. Pilsen, 2-4 June 2009
European Commission, Directorate-General Justice, Freedom and Security**	Informal meeting of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings Brussels, 18 June 2009
OSCE**	High Level Seminar on Trafficking in Human Beings Ashgabad, 24-26 August 2009
Prosecutor General's Office of Ukraine and the Ukrainian Association of Prosecutors*	14th Annual Conference and General Meeting of the International Association of Prosecutors Kiev, 7-8 September 2009

Ministry of Justice Sweden, IOM*	2nd Steering Committee Meeting Towards Global EU Action against Trafficking in Human Beings Vienna, 10 September 2009
OSCE	Prevention of Modern Slavery: "An Ounce of Prevention is Worth a Pound of Cure" Vienna, 14-15 September 2009
ILO**	Technical Consultation on the use of trafficking indicators for prosecution Lisbon, 23-24 September 2009
Institute for International Research on Criminal Policy	Expert meeting MONTRASEC, Brussels, 1 October 2009
Task Force on Human Trafficking	Working visit by Task Force on Human Trafficking to the Netherlands Antilles 13-18 October 2009
Ministry of Justice Sweden, IOM and Payoke**	EU Ministerial Conference: Towards Global EU Action against Trafficking in Human Beings Brussels, 19-20 October 2009
Ariadne European Human Rights Funders Network and European Foundation Centre**	The Intelligent Funders Guide to the Human Rights Architecture of Europe Brussels, 25 November 2009
Centre for Parliamentary Studies**	Tackling Child Trafficking and Exploitation in the EU Brussels, 2 December 2009
Institute for International Research on Criminal Policy	Working visit MONTRASEC Ghent, 14 December 2009

