

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Recommendation CP/Rec(2023)10
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by the Netherlands**

*adopted at the 33rd meeting of the Committee of the Parties
on 15 December 2023*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the Netherlands on 22 April 2010;

Recalling Committee of the Parties' Recommendation CP (2018)26 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands and the report of the Dutch authorities on measures taken to comply with this recommendation, submitted on 13 November 2019;

Having examined the third report concerning the implementation of the Convention by the Netherlands, adopted by GRETA at its 48th meeting (26-30 June 2023), as well as the comments of the Dutch Government received on 20 October 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to the Netherlands;

Welcoming the measures taken and progress achieved by the Dutch authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to combating human trafficking, including by amending the Criminal Code to criminalise the use of sexual services with the knowledge or reasonable suspicion that a victim of human trafficking is involved;
- the involvement of municipalities in action against human trafficking through the adoption of policies and the provision of support to victims;
- the Human Trafficking Field Lab project, bringing together a range of professionals to develop innovative and effective tools and interventions for combating human trafficking;
- the availability of free legal aid for victims of trafficking and the attention paid to victim compensation in criminal proceedings;
- the existence of specialised police officers, prosecutors, labour inspectors and judges dealing with human trafficking cases, and the training provided to them;
- the efforts made in developing international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of the Netherlands take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. strengthen efforts to investigate and prosecute cases of human trafficking for the purpose of labour exploitation (paragraph 95);
2. intensify efforts to prevent and combat THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:
 - ensure that cases of THB for labour exploitation are not treated as "serious disadvantage" cases;
 - ensure that labour inspectors, law enforcement officers and other relevant actors increase their capacity to detect and identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as logistics, construction, food processing, agriculture and horticulture;
 - take effective steps to regulate recruitment and temporary work agencies to strengthen prevention of THB and labour exploitation (paragraph 163);
3. make further efforts to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - ensuring that, in practice, the identification of victims of THB, upon which assistance measures depend, is not linked to the prospects of the investigation and prosecution;
 - ensuring that the "slightest indication" criterion for identifying victims of trafficking is applied consistently by the police, KMar, NLA and OM, regardless of the purpose of exploitation, and that the recovery and reflection period is provided accordingly;
 - strengthening multi-agency involvement in the identification of victims of trafficking by formally recognising the role of specialised NGOs in the decision-making process leading to identification;
 - ensuring that there is a separation between immigration enforcement functions and labour inspectorate roles, and that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- paying increased attention to the identification of victims of trafficking among asylum seekers and migrants, including by recruiting or otherwise engaging a sufficient number of trained staff, including interpreters and cultural mediators, to more effectively interact with migrants and asylum seekers. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 185);
4. take measures for the identification of, and assistance to, child victims of trafficking, and in particular:
- develop a National Referral Mechanism for child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk, including unaccompanied migrant children;
 - ensure that relevant stakeholders (police, prosecutors, immigration officials, municipal authorities, youth care workers and teachers) take a proactive approach and increase their outreach work to identify child victims of THB, paying increased attention to online recruitment and exploitation;
 - continue to take actions for reducing the risk of unaccompanied migrant children going missing from institutional care and set up a system for tracking re-trafficked children, in order to understand the extent of this issue and react adequately (paragraph 204);
5. ensure, in compliance with the obligations under Article 13 of the Convention, that all possible foreign victims of trafficking, including those falling under the Dublin Regulations, are offered a recovery and reflection period and are able to fully benefit from all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 213).
- B. Recommends that the Dutch authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of the Netherlands to report to the Committee of the Parties on the measures taken to comply with this recommendation by **15 December 2025**.
- D. Invites the Government of the Netherlands to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.