

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



CP(2017)8

Report submitted by the authorities of the Netherlands
on measures taken to comply with
Committee of the Parties Recommendation
CP(2014)11 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings

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The Netherlands - Information on the measures taken to implement the proposals of GRETA (dating June 2014)
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Comprehensive approach and co-ordination

1. GRETA invites the Dutch authorities to:

- continue and further strengthen their efforts against human trafficking for the purpose of labour exploitation, including by doing more to raise awareness of this type of trafficking among professionals (such as policemen, prosecutors, judges, labour inspectors, municipalities and trade unions), in high risk sectors (e.g. agriculture, horticultural, catering, dock work, meat processing and construction), as well as among the public at large;
- further restrict employment contracts with benefits in kind and tighten regulations on employment agencies.

When it comes to counteracting THB for labour exploitation, restricting employment contracts with benefits in kind and tightening regulations on employment agencies, the Netherlands has taken the following steps:

- Increasing EU efforts against THB for labour exploitation was a priority of the Netherlands presidency of the Council of the EU in the first half of 2016. The Netherlands therefore set up a project together with the preceding EU presidency, Luxembourg, and the subsequent two presidencies, the Slovak Republic and Malta. The project was called TeamWork! and produced a manual on multidisciplinary cooperation against THB for labour exploitation¹ that includes expertise from all EU member states. The manual was presented during a multidisciplinary conference on 18-19 January 2016. On 9 June, the JHA Council adopted council conclusions² in order to strengthen EU cooperation against THB for labour exploitation. More details on the manual, the conference and the council conclusions can be found in the response to recommendation 6.
- The TeamWork! project was the result of multidisciplinary cooperation. The Organising Committee was led by the Ministries of Security and Justice and Social Affairs and Employment and consisted of representatives of the Public Prosecution Service (OM), the National Police, the Inspectorate SZW, the Immigration and Naturalisation Service (IND), the Royal Netherlands Marechaussee (KMar), the Cities of Amsterdam and The Hague, the Expertise Centre on Human Trafficking and People Smuggling (EMM), Fairwork, CoMensha, the Netherlands Trade Union Confederation (FNV), and the Ministry of Foreign Affairs.
- The Netherlands is the so-called "co-driver" of the EU-project for operational cooperation against THB, EMPACT³ THB. The UK is the driver of this project. As part of EMPACT THB, from 28 May to 5 June 2016 a joint action week on THB for labour exploitation was held for the first time in 21 EU member states, during which a significant number of inspections took place. These were the first action days in which labour inspectors took part in addition to police officers. The week resulted in the identification of 275 possible victims of THB for labour exploitation, the arrest of 41 suspects and the initiation of 23 criminal investigations. The Gangmasters Licensing Authority (UK) and the Inspectorate SZW organised this joint action week, which was supported by Europol. For more on EMPACT THB, see the response to recommendations 6 and 22.
- As a follow-up to the TeamWork!-project, ways to improve cooperation with companies will be explored, starting with the banking sector, the hospitality sector and the transport sector. A website based on the TeamWork! Manual has recently been launched: <https://www.teamwork-against-trafficking-for-labour-exploitation.nl/>.
- The Inspectorate SZW is in the process of formalising a new programme to tackle human trafficking for the purpose of labour exploitation. One of the priorities of the new programme is a more pro-active attitude in inspection and criminal investigation. The purpose is to reach a more cooperative attitude and to work on a more international basis. The demand side of THB also forms part of the scope of this programme.
- The study that the Ministry of Social Affairs commissioned in order to look into the nature and extent of THB for labour exploitation is now in its second phase. The first phase looked into the

¹ The pdf-version of the manual can be found on www.government.nl/teamworkmanual.

² See <http://data.consilium.europa.eu/doc/document/ST-9373-2016-INIT/en/pdf>.

³ European Multidisciplinary Platform Against Criminal Threats.

theory of estimating the extent of THB for labour exploitation. The second phase of the study examines which signs in the violations of labour laws in a selected group of notorious violators can be related to exploitation of workers. The study is a joint effort of the Inspectorate SZW, the Expertise Centre on Human Trafficking and People Smuggling (EMM) and the researchers.

- For information about a public awareness campaign on THB for labour exploitation, see the response to recommendation 7.
- The Netherlands is in the last stages of the process of ratifying the 'Protocol of 2014 to the Forced Labour Convention, 1930'. A bill to approve the Protocol was sent to Parliament in December 2016⁴.
- With the action plans *Aanpak Malafide Uitzendbureaus* (Fighting Rogue Employment Agencies) en *Aanpak Schijnconstructies* (Fighting Sham arrangements), the government took important steps. The programme on Fighting Rogue Employment Agencies has been continued. Information exchange between the Inspectorate SZW, the Tax and Customs Administration, the Labour Standards Foundation (Stichting Normering Arbeid; the private certification scheme for employment agencies) and the Stichting Naleving CAO voor Uitzendkrachten (SNCU; the foundation for compliance with the collective bargaining agreement for temporary workers) helps to deal with rogue employment agencies.
- In June 2015, parliament approved the Dutch Labour Market Fraud (Bogus Schemes) Act (*Wet Aanpak Schijnconstructies: 'WAS'*)⁵ (<http://wetten.overheid.nl/BWBR0036706/2016-01-01>), which addresses exploitation, displacement and unfair competition in labour conditions. Among other things, the WAS stipulates that:
 - As from 1 July 2015, 'chain liability' applies to the payment of wages which have been agreed between an employer and employee. Chain liability means that if there is a chain of employers (not necessarily in the same group of companies), the employee can hold principals higher up in the chain liable for payment of the wage to which he is entitled according to his contract or minimum wage rules and regulations.
 - As from 1 January 2016, the statutory minimum wage may no longer be paid in cash. In order to avoid fraud or forgery, the part of the wage equal to the statutory wage at minimum must be paid by bank transfer.
 - As from 1 January 2017, it will no longer be permitted to withhold expenses relating to real costs from the minimum wage. An exception to this is that it will remain possible, under strict conditions, to pay costs for housing to the letter (no more than 25%) and the average nominal premium for health insurance from the minimum wage. The employee needs to hand over a written mandate to the employer to be able to pay these costs to the letter or the health insurer. The payments of costs for housing is not possible if the worker is posted, since it follows from the Posting of Workers Directive that employers shall bear the costs of board and lodging if they post their workers abroad to provide services or work in a foreign country.
- As from 1 July 2017 the Law on minimum wage will be revised. The minimum wage will then also apply to additional work (i.e. more than originally agreed) and piecework.
- The government has also implemented the EU Enforcement Directive, by providing additional information on the minimum level required of labour conditions and labour law. The Inspectorate SZW has been given more instruments to monitor labour law.

2. GRETA considers that the Dutch authorities should continue developing a proactive approach taking full account of the particular vulnerability of child victims of trafficking, in accordance with the best interests of the child.

There is undiminished attention for the vulnerability of minors. Several initiatives have been developed in the past 2 years:

- In November 2014, a multi-year study started at ZonMw (the Netherlands Organisation for Health Research and Development) into the effectiveness of the treatment of girls that were victims of THB. The aim is to achieve well-documented and well-substantiated interventions which can be included

⁴ See <https://www.rijksoverheid.nl/documenten/kamerstukken/2017/01/09/aanbiedingsbrief-bij-nader-rapport-inzake-het-voorstel-van-rijkswet>.

⁵ See <http://wetten.overheid.nl/BWBR0036706/2016-01-01>.

in database of the Dutch Youth Institute. So far one intervention has been included in the database and it is expected that more interventions will be added in the course of 2017.

- Since 2015 the Public Prosecution Service and the National Police more actively investigate and prosecute customers who pay to have sex with a minor. For more information on this, see the response to recommendation 8.
- To trace more victims and offenders, a campaign was launched in 2016 to report minor victims of sexual exploitation. The campaign is aimed at customers and youth care professionals. Reports can be made anonymously. For more information on this campaign, see the response to recommendation 7.

“Loverboys”, or pimp boyfriends

A number of studies and projects are being or have been conducted to address the issue of so-called “loverboys”, or pimp boyfriends:

- The committee Azough worked on improving the integrated approach to loverboy (“pimp boyfriend”) issues and the support offered to child victims of human trafficking⁶. The committee has drawn up a number of practical guides and roadmaps that help youth care professionals in the identification and support of child victims and should lead to better cooperation between youth care professionals and the police. The committee has also drawn up arrangements for the registration of child victims by youth care professionals with Comensha. This should lead to a better understanding of the nature and extent of THB with underage victims.
- A new project has started to make the practical guides and roadmaps of the committee Azough applicable to victims of “loverboys” with mental health problems, because children in this group have a higher chance of becoming a victim
- A bill has been introduced in Parliament that aims to allow police officers to pretend to be adolescents on the internet. This should make it possible for them to catch people that try to groom children before they are able to sexually abuse these children or to exploit them in forced prostitution.
- Research has been conducted on profiles of loverboys and the methods they use. The results of the study will be used to create barriers that various (private and government) parties can raise to make it harder for loverboys to exploit vulnerable girls (and in some cases boys).
- Various initiatives and projects aimed at prevention have been developed which either specifically aim at preventing victimisation or more generally aim at increasing the sexual assertiveness of young people. Schools in primary and secondary education are required to pay attention to sexuality and sexual diversity. An overview of all the available prevention material has been made. This overview will be distributed to schools, municipalities, and youth workers.
- Research into male victims of sexual exploitation and trafficking will be finalised in early 2017.
- An overview is being made of the healthcare landscape for victims of loverboys. And the knowledge about loverboy problems is being increased in the so-called “social neighbourhood teams” consisting of healthcare and welfare professionals that municipalities in the Netherlands employ to offer social care and support. In this way, the identification and referral of victims will be improved.

Unaccompanied minors

Immediately upon the entry of an unaccompanied minor (UAM) into the Netherlands or upon finding an UAM without legal residence by the authorities, he or she is brought into contact with Nidos Foundation. Nidos is responsible for the guardianship of UAM. Nidos submits an application for guardianship to the court to this end. When the guardianship is granted, the responsibility for the child rests with Nidos. In accordance with the Civil Code, Nidos has to ensure that young people are educated and cared for so that they can develop well. Within this framework, Nidos among other things arranges shelter, counselling, education, medical care and legal assistance for these minors. Nidos is authorised to represent the UAMs interests during the asylum procedure and may be assisted by a lawyer in this procedure.

The main measure to protect unaccompanied minors against THB is the protected shelter. The protected shelter was introduced in 2008, after a large human trafficking network was detected. In the protected shelter - among others - welfare workers, guardians, and human trafficking

⁶ See <http://www.nji.nl/nl/Publicaties/NJi-Publicaties/Hun-verleden-is-niet-hun-toekomst>.

investigators work together under one roof. The purpose of the protected shelter is twofold: on the one hand protection against possible human trafficking, and on the other hand the supervision of unaccompanied minors so that they can be 'disconnected' from human traffickers.

After a report by the Inspectorate of Security and Justice and the Inspectorate for Youth Care the State Secretary of Security and Justice and Minister for Immigration asked the Central Agency for the Reception of Asylum Seekers (COA) to develop improvement measures. These measures have been implemented.

In April 2016, a new working method was developed which, in short, focuses on multidisciplinary risk assessment. The goal of this risk assessment is to determine if the minor can be expected to file a complaint, cooperate with an investigation, or is able to tell his or her story. This multidisciplinary risk analysis is executed by several organisations: Nidos Foundation, the Central Agency for the Reception of Asylum Seekers (COA), JADE Foundation, the Centre of Expertise of Aliens, Identification and Human Trafficking (EVIM), the Immigration and Naturalisation Service (IND) and the Expertise Centre for Human Trafficking and Human Smuggling (EMM). These organisations intensively work together to, for example, look at medical, physical, cultural, and religious factors. The multidisciplinary risk analysis is also an instrument to determine what kind of help, care, shelter, etcetera the minor needs. Furthermore, the results of the analysis can (potentially) function as evidence in the immigration and criminal procedures.

While children await a decision in their asylum procedure, the responsibility for their safety lies with the organisations that together form the chain of organisations of the immigration procedure, e.g. IND, COA, Nidos, etc.

Once a positive decision is taken in the asylum procedure and the children are given a residence permit, the responsibility for the children's safety and care lies with the municipality in which the child is living. The beginning of 2015 saw the transition of responsibility for social care, youth care and participation of vulnerable groups in the Netherlands to local authorities. Municipalities are therefore responsible for providing sufficient shelter and care for all minors and are responsible for guiding minors to the appropriate care. Municipalities are also responsible for the legal child protection measures, such as guardianship or supervision. These facilities and measures do not specifically apply to migrant children, but to all children in need. (For more information on local authorities, see the response to recommendation 12).

Despite all the measures mentioned above, the number of child victims is still rising. In 2014, 18% of all registered victims were minors, in 2015 this has risen to 25%. Although this increase may in part be caused by the increased focus on the identification and registration of child victims, it shows that it is necessary to continue to pay attention to the vulnerability of minors.

Training of relevant professionals

3. GRETA welcomes the efforts made in the Netherlands to train different professionals on issues related to human trafficking and invites the Dutch authorities to maintain their efforts, in particular concerning the training of judges, labour inspectors and local actors. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

The Dutch authorities continue to provide training on THB to a wide range of professionals. Some examples include:

- Inspectors of the Inspectorate SZW have been trained in 2015 and 2016 to better recognise signs of human trafficking for the purpose of labour exploitation. During the training study material was used from the project "Development of Common Guidelines and Procedures on Identification of Victims of Human Trafficking" (2011-2013).
- From next year on, the National Police and the Public Prosecution Service will receive additional funds to strengthen their fight against THB. € 1 million will be available in 2017 and € 2 million per year from 2018 onwards. These funds will be used for:

- an increase in the number of police detectives certified to investigate cases of THB by 5% a year and a comparable investment in the capacity and expertise of and management of investigations by the Public Prosecution Service;

- training for all frontline police officers in recognising the signs of THB.

The Expertise Centre on THB and Migrant Smuggling will also be able to hire more analysts, in order to improve the information position for the purpose of more large and international investigations.

- The project of FairWork (financed by the ministry of Social Affairs and Employment and supported by the Inspectorate SZW) has managed to reach 40% of the 390 municipalities with training about how to recognise THB, how to react and how to report it.
- As mentioned in the 2014 GRETA report on the Netherlands, SSR (the joint training institute of the Dutch judicial system and the Public Prosecution Service) still offers specialised courses and trainings on THB for judges and prosecutors. The content of these courses is of course continuously updated to reflect new developments regarding for example jurisprudence and statistics. In addition to the basic and advanced courses, SSR has also offered a one-day course on a specific theme for the past two years. In 2016 the theme was trafficking of minors.

The courts also continue to make sure that the judges and legal staff have enough substantive knowledge to be able to handle THB cases in an adequate manner. In addition, the subject of victims still forms part of the general education of (criminal law) judges, including the important issue of compensation. The manual concerning the victim in relation to criminal law practice is still available to the judiciary as a book of reference and provides practical assistance in granting specific rights to victims. This book of reference is also expected to benefit victims of human trafficking by facilitating the judiciary in granting compensation to victims. During the courses offered by SSR and other activities of the courts to further knowledge on THB, the subjects of victims and compensation are also dealt with.

Data collection and research

4. GRETA invites the Dutch authorities to continue exploring ways of encouraging all stakeholders to report presumed victims of THB to CoMensha in order to have comprehensive statistics on all victims in the country, including children, and to secure adequate funding for CoMensha to perform this task.

- CoMensha collects statistics on victims of THB based on the reports of several stakeholders. It does so at the request of the Ministry of Security and Justice and is adequately financed for this task.
- Continuous efforts are made to improve the reporting of all presumed victims, and thereby the statistics, by encouraging all stakeholders to report to CoMensha. Within in the project to set up a National Referral Mechanism, for example, an online guide was created. The Wegwijzer Mensenhandel (www.wegwijzermensenhandel.nl), is a website that offers an accessible overview of the support available for victims of THB. Professionals, victims and citizens will find organisations that provide help and support to victims of human trafficking and an overview of arrangements that may be relevant for victims of trafficking. The website was launched in June 2015. On the website special attention has been given to the identification and reporting of victims of THB. An updated list of indicators has also been published on this website. A new and improved version of the website was launched at the end of 2016, to make it more accessible, especially for professionals who come into contact with victims less often.
- The committee Azough has developed practical guidelines for youth care professionals on how to identify and properly report (in compliance with the privacy rules) minor victims. See the response to recommendation 2 for more information on the Committee Azough.

5. GRETA welcomes the research on THB carried out in the Netherlands and invites the Dutch authorities to continue conducting and supporting research on THB issues as an important source of information for future policy measures.

- The National Rapporteur reports to the government about the nature and extent of THB in the Netherlands. The National Rapporteur is financed by the Ministry of Security and Justice as well as several other ministries (Social Affairs and Employment, Health, Welfare and Sport and Foreign

Affairs). She annually reports on the number of victims and on the investigation and prosecution of perpetrators. Besides these annual statistical reports, the National Rapporteur also publishes research on specific topics.

- A report on criminal exploitation of minors in the Netherlands⁷ was published in December 2016. The researchers conclude that little is known about this phenomenon. Since the statistics available are limited, it is not possible to determine the scale of this problem in the Netherlands. The researchers therefore recommend raising broader awareness of the issue. Other recommendations focus on the provision of appropriate care, since the underage victims often run away from youth care facilities, and developing an approach that combines the youth care and law enforcement perspectives.
- Other studies have been commissioned by the Ministry of Security and Justice and the Ministry of Health, Welfare and Sport, as mentioned under recommendation 2.
- SZW and the Inspectorate SZW are in contact with The Hague Institute for Global Justice and the banking sector about a research project into the role that the banking sector can play in detecting THB.

International co-operation

6. GRETA commends the efforts made in the area of international co-operation and invites the Dutch authorities to continue developing international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

- Strengthening EU cooperation against THB for labour exploitation was a priority of the Netherlands presidency of the Council of the European Union. The TeamWork! Manual for experts on multidisciplinary cooperation against trafficking in human beings for labour exploitation⁸, published during the presidency, contains suggestions and advice based on contributions from all EU member states, and more than 80 examples of cases and working practices. They cover many different aspects of addressing THB for labour exploitation through multidisciplinary cooperation, both at the national level and across borders, including prevention, investigation and prosecution of THB for labour exploitation and support and assistance for victims. The manual contains advice for twelve types of organisations, both governmental and non-governmental. The workshops held during the TeamWork! conference on 18-19 January 2016 and the council conclusions subsequently adopted by the JHA Council⁹ cover a similar range of aspects of addressing THB for labour exploitation and of roles that different kinds of organisations can play. More information on the Netherlands presidency of the Council of the European Union can be found in the response to recommendation 1.
- Cooperation with the main source countries of victims of THB remains an important aspect of the law enforcement approach to THB. In early 2016, a bimonthly meeting was set up to discuss investigations on trafficking in human beings (THB) from Eastern Europe. These meetings are a continuation of earlier meetings focusing on Hungarian THB. During these meetings, all on-going investigations in the Netherlands, including Joint Investigation Teams (JITs), into THB from Bulgaria, Hungary and Romania are discussed. (At the time of writing, there are on-going JITs on THB with all three countries). The goal is to share information and look for possible connections between investigations, to discuss which direction to take in investigations, to share experiences and best practices and to use the lessons learnt of previous investigations, including by making a written record of them, in order improve the quality of future investigations. Investigators (from the National Police and Royal Netherlands Marechaussee) and prosecutors involved in the cases take part in the meetings, as do the Tax and Customs Administration and the City of The Hague. Other organisations can be invited too, depending on the agenda.
- The investigation 13Oceans concerns underage Roma children who were forced to steal and pick pockets in the Netherlands. A Joint Investigation Team was set up with Austria and Bosnia-Herzegovina to investigate this case and cooperation also took place with Spain and Croatia. In June

⁷ See <https://www.wodc.nl/onderzoeksdatabase/2672-handel-en-uitbuiting-kinderen-in-nl-uit-roemenie-bulgarije-en-voormalig-joegoslavie.aspx>.

⁸ The pdf-version of the manual can be found on www.government.nl/teamworkmanual.

⁹ See <http://data.consilium.europa.eu/doc/document/ST-9373-2016-INIT/en/pdf>.

2016, two suspects were arrested in Spain. At the same time, six underage victims were found: two boys and four girls between 0 and 15 years of age. The children have been brought to the Netherlands, since some of them had previously been placed in custody there.

- As part of EMPACT THB, the Netherlands leads the subproject to improve EU cooperation on Chinese THB and to explore ways of cooperating with China on THB. The Netherlands participates in the subproject on Nigerian THB, which includes cooperation with Nigeria. As the action leader on financial investigations and asset recovery, the Netherlands has so far organised three meetings on this subject within the framework of EMPACT THB. For more on EMPACT THB, see the response to recommendation 1. For more on financial investigations, see the response to recommendation 22.
- The Hungarian Ministry of the Interior, the Dutch Ministry of Security and Justice and the Belgian NGO Payoke have collaborated in the project: Referral of and assistance for victims of human trafficking in Europe (Ravot) (1 February 2014- 31 January 2016). The Ravot Project aimed at developing a transnational referral mechanism among Hungary, Belgium and the Netherlands, for referral, assistance and safe return of victims trafficked for the purpose of sexual and labour exploitation. The project also aimed at developing a better understanding and trust between non-governmental organisations and the relevant authorities in the field of human trafficking. As part of this project a manual has been developed that describes what kind of support exists for victims of THB in the three countries. A website has been built where the different national referral mechanisms of the three countries are shown in a flowchart. An interactive map can be found on the website on which the relevant organisations are represented in the three countries. See: <http://www.ravot-eu.nl/>. The website is designed as a resource manual for social workers, legal experts, law enforcement authorities, victim support services, civil servants and other service providers active in the fight against human trafficking.
- For a number of years, SSR (the joint training institute of the Dutch judicial system and the Public Prosecution Service) has been cooperating with the judicial training institutes in Bosnia-Herzegovina and Albania. As part of this project a variety of expert meetings and workshops are organised. Expert meetings have been held on THB for labour exploitation, financial investigations and asset recovery relating to THB. In the fall of 2016 an Albanian delegation from the School of Magistrates made a study visit to the Netherlands and SSR. In the early spring of 2017 e-learning modules on THB will become available in both countries.
- A final example of successful cooperation is the development of the Benelux brochure published in December 2015. The Benelux brochure is a brochure in which the referral mechanisms of Belgium, Luxembourg and the Netherlands are explained. The brochure also contains contact details of organisations that have a role in tackling human trafficking and in supporting victims.

Measures to raise awareness

7. GRETA welcomes the considerable efforts made in the Netherlands in the area of awareness raising as a form of prevention of THB and invites the Dutch authorities to plan future actions in the light of the assessment of the impact of previous awareness-raising measures.

- For the past years, the Ministry of Security and Justice has financed campaigns run by M. (Report Crime Anonymously) to make the general public, but also prostitutes, clients and social workers, aware of THB for sexual exploitation and to stimulate them to report cases of exploitation. The successful 'Appearances Deceive' campaign of 2012-2013 was continued by another campaign on forced prostitution from June 2014 to April 2015. This campaign resulted in 297 reports, of which 137 were about THB and 207 about illegal prostitution. The total number of reports rose by 34% compared to the previous campaign. Two-thirds of the reports substantially contributed to criminal investigations, meaning that they often concern information that is not known yet with the police. 23 suspects were arrested based on the anonymous tips. In 2016 a new campaign on forced prostitution, with a focus on minors, was introduced by M. From February until October 2016, 279 reports of coercion, exploitation and illegal prostitution were made¹⁰.
- At the end of 2015 a campaign was launched to raise awareness of THB for labour exploitation among the general public, financed by the Ministry of Social Affairs and Employment. A film showing three different circumstances in which signs of labour exploitation can be recognised, a special website that explains how to recognise and where to report suspicions of THB for labour exploitation

¹⁰ <https://www.meldmisdaadanoniem.nl/blog/2016/12/22/misstanden-binnen-prostitutie-dagelijks-anoniem-gemeld/>

and a radio commercial were part of the campaign. The campaign was repeated in 2016, including through social media.

Measures to discourage demand

8. GRETA considers that the Dutch authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with the private sector and civil society.

The Netherlands employs the following measures to discourage demand for the services of trafficked persons:

- The campaigns run by M. (Report Crime Anonymously) to make the general public, but also prostitutes, clients and social workers, aware of THB for sexual exploitation and to stimulate them to report cases of exploitation mentioned in the response to recommendation 7.
- Some recent prosecutions of clients for sexual abuse of minors on payment (under art. 248b CC) have led to a lot of publicity because of an active press policy by the Public Prosecution Service.

From 2000 - 2014, there were:

- 46 prosecutions under article 248b CC and
- 31 convictions under article 248b CC.

From January - September 2015, there were:

- 47 prosecutions under article 248b CC and
- 30 convictions under article 248b CC¹¹.

- A campaign carried out in 2013 by the Dutch Federation of Agriculture and Horticulture (LTO Netherlands), with the support of the Ministry of Social Affairs and Employment, called "Being a good employer". It involved flyers, posters, regional meetings and a film providing information on good working conditions, decent accommodation and decent pay.
- A tool that has been developed in 2016 by the Inspectorate for Social Affairs for employers to check if they offer their employees fair, safe and healthy work. The tool can be found on www.zelfinspectie.nl.
- Covenants with business sectors on promoting respect for human rights and the environment in their overseas supply chains. The Netherlands government commissioned a study (by KPMG) to identify business sectors in which international supply chains potentially pose heightened risks in terms of respect for human rights and labour rights as well as environmental protection. The study identified 13 such sectors. This list includes a variety of sectors including the textile / garment industry, construction, metals, oil and gas, agriculture and food processing. A broad range of risks were taken into account in the analysis including such different issues as child labour, excessive working hours, health hazards, land grabbing and local pollution. The government is in dialogue with these business sectors in the Netherlands with the aim to agree on how to reduce potential risks in their international supply chains, thereby giving concrete effect to their corporate responsibility, in line with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. The discussion on the agreements is facilitated by the Social and Economic Council, which advises the Dutch Government and Parliament on key points of social and economic policy and consists of independent Crown-appointed members, employers, and employees. The aim is to reach international corporate social responsibility (ICSR) covenants with at least 10 sectors. Two examples are:

- The covenant of the textile / garment sector with the government, labour unions and NGOs, which was finalised in March 2016¹². The covenant stipulates that when participating companies map the risks in their supply chains and draw up improvement plans with concrete goals for a period of 3 to 5 years, they should also pay attention to child labour and forced labour.

¹¹ See: National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2015), De klant erbij. De strafbaarstelling van seks met 16- en 17 jarigen tegen betaling.

<https://www.nationaalrapporteur.nl/Publicaties/Strafbaarheidsseksmetminderjarigentegenbetaling/index.aspx>

¹² See <https://www.ser.nl/en/publications/news/20160704-sustainable-garment-textile-sector.aspx>.

- The covenant of the Dutch Banking Association with the government, labour unions and NGOs, which was signed in October 2016¹³. The focus of the agreement is the role banks can play in preventing and addressing human rights related risks, which also includes risks related to labour rights such as forced and bonded labour.

- As mentioned in the response to recommendation 1, ways to improve cooperation with companies will be explored as a follow-up to the TeamWork!-project, starting with the banking sector, the hospitality sector and the transport sector.

In addition to these measures, new legislation to discourage demand for the services of trafficked persons is in the pipeline:

- In June 2016 the Second Chamber of the Dutch parliament adopted a private member's bill (see Kamerstukken (Parliamentary Documents) I 2015/16, 34 091, A) amending the Dutch Criminal Code (CC) which establishes criminal liability for a person who uses sexual services with the knowledge or severe suspicion that a victim of THB is involved. This criminal offence, which would become article 273g CC, is proposed to carry a sentence of a maximum of 4 years in prison or a fine of the 4th category. The draft bill was initiated by members of the Second Chamber. During the parliamentary debate in the Second Chamber, the Minister of Security and Justice supported the purpose of the bill, but also expressed a preference for a penal provision which limits the criminal liability to situations in which a person has knowledge that a victim of THB is involved. The bill is now pending before the First Chamber of the Dutch parliament (the Senate). The bill proposes that the law will be evaluated three years after taking effect.

Identification of victims of trafficking in human beings

9. GRETA urges the Dutch authorities to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- placing the protection of and assistance to possible victims at the heart of the identification system and not linking identification to the prospects of the investigation and prosecution;
- strengthening multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, by giving a formal role in the identification process to frontline actors such as NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers;
- improving the detection and identification of child victims of trafficking, including by setting up a specific identification mechanism 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.

Assistance to presumed victims of trafficking

The Netherlands offers several types of shelter for different categories of victims (including children and victims without legal residence) and many different types of services (including legal, medical and psychological assistance and appropriate accommodation) with a view to provide tailor-made assistance. A lot of parties (governmental and non-governmental) are involved in the identification and support of victims. If there is even the slightest indication that a person is a victim of THB he or she is offered assistance.

- Victims with Dutch nationality and victims who reside legally in the Netherlands have access to all forms of support and assistance, regardless of whether they cooperate with the investigation and prosecution.
- The indication that a person might be a victim of THB does not need to take the shape of a formal statement or declaration to the police. Dutch citizens or other EU residents can be referred to a shelter or other forms of support by a law enforcement organisation, an NGO, a healthcare organisation and so on.
- For victims without legal residence, a residence permit can be granted on the condition that human trafficking is reported to the police and a criminal investigation against the perpetrator has started. This is an important measure to ensure not only the provision of support to victims of

¹³ See <https://www.ser.nl/en/publications/news/20161028-dutch-banking-sector-agreement.aspx>.

human trafficking, but also that the perpetrators are brought to justice. Only by combining these two elements can human trafficking be combatted successfully.

- Victims do not have to report human trafficking to the police immediately. In case of even the slightest indication of human trafficking, the police or the Royal Netherlands Marechaussee at Schiphol Airport should offer a presumed victim of human trafficking time to consider if they want to press charges: the reflection period of maximum three months. In this period the victim is given time to recover and consider whether to report to the police about human trafficking or to cooperate in the investigation in another way. During this reflection period, victims are offered special shelter for victims without legal residence where they are given an income, and legal, medical and psychological assistance if needed.
- A presumed victim can also obtain a temporary residence permit on humanitarian grounds if there is an indication that they are a victim of human trafficking, but are unable to cooperate with the criminal investigation due to threats or a serious medical impairment. The Dutch National Rapporteur noted in one of her reports that in practice this possibility is invoked only a few times a year. In response to this conclusion, this policy rule has been explicitly drawn to the attention of the police, health and social care workers and the Immigration and Naturalisation Service (IND). In addition, an amendment was made to the Aliens Act Implementation Guidelines: the police is no longer required to draw up a statement that the person in question is a victim of trafficking. This was almost never done. The new policy rules determine that a statement on the existence of signs of human trafficking is enough.

National Referral Mechanism

In 2013, an interdepartmental project was started with the aim to develop a national referral mechanism for victims of human trafficking. This mechanism aims to improve the care for victims by improving cooperation between the different stakeholders in the fields of criminal prosecution, (health) care and migration and creating more coherence in certain areas, while putting the victims in a central position. The aim is to offer victims assistance adapted to their needs. Several initiatives have been taken within this project:

- As also mentioned in the response to recommendation 4, the Wegwijzer Mensenhandel (www.wegwijzermensenhandel.nl), is a website that offers an accessible overview of the support available for victims of THB. Professionals, victims and citizens will find organisations that provide help and support to victims of human trafficking and an overview of arrangements that may be relevant for victims of trafficking. A special section of the website is dedicated to the support of minors.
- A model to establish the likelihood that people are in fact victims of THB in a multidisciplinary way is being developed. The model has been tested in an exploratory pre-pilot project in 2016. This exploratory project looked at how this new procedure might relate to the existing procedures for victims of THB. An operational pilot is expected to start during which possible victims will actually be assessed by a multidisciplinary commission. The advice on the likelihood of victimisation, can be used by the victim when applying for a residence permit and for other forms of support.
- A pilot project for a 24/7 hotline started in June 2016. The first results show that there is a demand for such a hotline, especially in the evening hours between 5 and 11 pm.
- An updated list of indicators which can be used by all professionals who come into contact with possible victims has also been published on the website.

Child victims of trafficking

- The committee Azough has developed a risk assessment tool for youth care workers to improve the identification of child victims (girls). See the response to recommendation 2 for more information on the Committee Azough.
- The main measure to protect (unaccompanied foreign) minors against human trafficking is the protected shelter. For more information on the protected shelter, see the response to recommendation 2.

10. Further, GRETA invites the Dutch authorities to continue and further strengthen their efforts to identify victims of trafficking for the purpose of labour exploitation, especially among irregular migrant workers, and to detect victims of trafficking among asylum seekers, in particular unaccompanied foreign minors.

- The Inspectorate SZW focuses its attention on sectors and employers that are deemed to carry a high risk of not obeying the law. Its goal is to protect employees that are at risk of being underpaid, working under bad circumstances or even being exploited. It therefore has an active focus on vulnerable and invisible workers on the labour market. Refugees are such a risk group. In the new programme that the Inspectorate is developing (see the response to recommendation 1), asylum seekers and minors are among the identified priority groups. Following the refugee crisis, the Inspectorate SZW is especially monitoring the possible exploitation of these groups.
- Within the framework of an investigation into possible THB for labour exploitation of refugees, the Inspectorate SZW searched a laundry in Zaandam and made 4 arrests in November 2016.
- Despite the increased influx of asylum seekers there is continuous attention for signs of human trafficking within the immigration chain. Signs of (possible) exploitation (human trafficking) could be identified by various actors within the organisations that together form the immigration chain. Employees of all organisations within this chain are therefore trained to identify signs of human trafficking.
- In the asylum center of Ter Apel various organisations have also developed a protocol on how to act if one of them identifies a possible victim of human trafficking. Crucial within this protocol is the sharing of information with one another. In the protocol the Police (AVIM), Immigration and Naturalisation Office (IND), Nidos Foundation (Dutch guardianship institution for unaccompanied minor asylum seekers), the Central Agency for the Reception of Asylum Seekers (COA), Legal Aid Board, Dutch Council for Refugees, Repatriation and Departure Service (DT&V), and CoMensha (the coordination center for victims of human trafficking) have all joined forces.
- Unaccompanied foreign minors are, by definition, in a vulnerable position. This applies all the more for unaccompanied minors who are victims of human trafficking or are at risk of becoming one. Because of this, the Netherlands offers protected shelter for this specific group and arranges guardianship of the minors by the Nidos Foundation. For more information on the protected shelter and guardianship, see the response to recommendation 2.

Assistance to victims

11. GRETA urges the Dutch authorities to ensure that assistance provided to foreign victims of THB is not linked to investigations or prosecutions being pursued.

- All victims of human trafficking are offered protection, regardless of their willingness or ability to cooperate in legal proceedings. In the case of third country nationals without a residence permit, all victims are offered the reflection period of three months, during which they can stay in a specialised shelter. Those victims who are not able to cooperate with the authorities due to individual circumstances, such as serious threats or physical or mental complaints, may apply for a residence permit on humanitarian grounds. For more details on this see the response to recommendation 9.
- The Dutch government firmly believes in the necessity of a good balance between the protection of victims on the one hand and the prosecution of perpetrators on the other hand. This is why the link between cooperation with law enforcement and the residence permit has been implemented: in order to stimulate the fight against human traffickers. Without cooperation from the victims, the fight against THB would become much more difficult. The statements of the victim play an important role in the prosecution of the perpetrators. Conviction of the perpetrators helps to prevent more people from falling victim to them.
- The Council of Europe Convention gives parties the option of granting a residence permit because of the victim's cooperation or because of the individual's situation. The Netherlands offers both options.

12. Further, GRETA urges the Dutch authorities to ensure that victims receive adequate assistance uninterruptedly from the moment they are identified. For this purpose, the Dutch authorities should:

- avoid any bottleneck between specialised shelters for foreigners (COSM), accommodating victims during the reflection period, and follow-up shelters or facilities;
- ensure continuity in the psychological and medical support provided to victims after the reflection period, including by clarifying and reinforcing the role of regional care co-ordinators.

• As mentioned in the response to recommendation 2, the beginning of 2015 saw the transition of responsibility for social care, youth care and participation of vulnerable groups in the Netherlands to local authorities. This includes the responsibility for care and support for victims of THB. For this reason, in 2015 a committee chaired by Mayor Lenferink of Leiden drew up a report¹⁴ to describe the responsibilities that municipalities have regarding shelter and support for victims of THB. One of the main recommendations was the establishment of a national network of regional care coordinators. The committee also proposed that victims without a residence permit must be registered by the municipality in which they were found. The municipality of registration should be responsible for the costs of care. The implementation of these recommendations should improve the transition from the COSM to the follow-up shelters.

• One of the tasks of the regional care coordinators is to guide victims from the shelter to ambulatory care, in order to ensure continuity of care.

• The National Referral Mechanism clarifies what assistance is available and which parties are involved in providing care to victims. This also helps to avoid bottlenecks.

See the response to recommendations 4, 9 and 13 for more information on the National Referral Mechanism.

• As mentioned in the information provided to GRETA in 2014, victims with a residence permit for trafficking in human beings are included in the "goal on accommodation for holders of (residence) permits" based on article 60a (and further) of the Housing Act (Huisvestingswet). This means that a victim with a residence permit for trafficking in human beings who has been provided with housing counts towards the goal set for municipalities to house a certain number of people who have been granted a permit to stay each year. This also helps to prevent bottlenecks from forming in the COSM.

13. GRETA also considers that the Dutch authorities should:

- review the entry requirements to COSM shelters, in particular the conditions excluding victims with an on-going or past asylum application;
- ensure that all victims, including EU and Dutch nationals, are provided with assistance adapted to their individual needs.

• There is no difference between the measures that are in place to provide assistance and protection to foreign victims and Dutch victims of trafficking in human beings. The only exception to this is the form of the shelter provided. As soon as someone is legally resident in the Netherlands (for example, by virtue of a B8.3 residence permit for victims of THB), he/she will have the same entitlement to medical care, legal assistance and so on as a victim who is a Dutch citizen.

• For Dutch victims, the general women's shelters and youth care facilities are available.

• Victims who have applied for asylum are able to stay in the COSM shelters provided there is room available and they need a specific type of assistance. This has happened a number of times. If this is not the case, regular shelters for asylum seekers or victims are available, depending on their needs. In these shelters, victims can also be (and are) provided with the assistance they need, including for example treatment for possible traumas.

• Dutch nationals and other citizens of the EU derive their right to such facilities from their nationality and from Community Law. For victims without legal residence, the B8.3 regulation not only entails the right to shelter, but also to (medical) assistance, legal advice and other provisions necessary for the suspected victim to actually remain in the Netherlands. Victims with a B8.3 status

¹⁴ See <https://vng.nl/onderwerpenindex/maatschappelijke-ondersteuning/maatschappelijke-opvang/nieuws/advies-cie-lenferink-over-opvang-slachtoffers-mensenhandel>.

are given financial assistance (equivalent to social security payments) to be able to support themselves. By virtue of the relevant education legislation, victims of trafficking in human beings who do not legally reside in the Netherlands are entitled to receive education.

- The various initiatives taken in the context of the development of the national referral mechanism, help to provide customised support for all victims of trafficking. The online guide www.wegwijzermensenhandel for instance helps professionals to find the most appropriate support in each individual case and to refer victims to the right organisations. The pilot for a 24/7 hotline contributes to getting the appropriate assistance for victims faster. Professionals don't have to wait until the next day to be referred to the appropriate care organisation or to arrange emergency shelter. From the end of 2014 until the summer of 2016 a pilot with interrogation studios in shelters for victims of human trafficking was carried out. Victims who used the interrogation studios have expressed that they felt more at ease during the interrogation.
- The regional care coordinators are responsible for guiding each victim to assistance that is adapted to their individual needs.

14. Moreover, GRETA considers that the Dutch authorities should ensure that placing child victims of "loverboys" in closed shelters should be a measure of last resort and for the shortest appropriate period of time, and should take into account the best interests of the child.

- Little is known about the effectiveness of interventions and methodologies in youth care for girl-victims of human trafficking. Therefore in November 2014, a multi-year study was started at ZonMw (the Netherlands Organisation for Health Research and Development) into the effectiveness of the treatment of girls who became victims. Six institutions have started to describe and theoretically substantiate their interventions. There are substantial differences between the existing care programmes when it comes to vision, treatment, the choice of an open or closed shelter and a heterogeneous or homogeneous group composition. The aim is to achieve well-documented and well-substantiated interventions which can be included in the database of the Dutch Youth Institute. So far, one intervention has been included and it is expected that more interventions will be added in the course of 2017.
- Every individual victim has specific needs and in every case a decision needs to be taken on the best treatment. In some cases a closed shelter is the best option to protect the victims against themselves and against the loverboy.

15. Further, GRETA invites the Dutch authorities to keep under review the capacity of the different types of shelters available for male victims of trafficking, to strengthen links between them and secure an adequate allocation of resources for that purpose.

- There are no indications that the existing capacity for male victims is insufficient. As mentioned in our information to GRETA in 2014, the contract for the COSM shelters contains a provision that the structural capacity can be extended upon request of the government. The occupancy rate at Jade, the COSM shelter for male victims, is so low at times that the beds (in one part of the building) are used for female victims instead.
- Dedicated places for male victims, including male victims of THB, are also available in the system of shelters for victims of domestic violence at municipal level. When ad-hoc shelter is required - in case the Inspectorate SZW identifies a large number of victims of THB - CoMensha has funding to arrange temporary shelter.
- The shelters for male victims cooperate in different ways. For example, Jade Zorggroep and PMW Humanitas, which both provide shelter to male victims, cooperated with FairWork and Fier on a project to analyse the issues that affect male victims of THB for sexual exploitation¹⁵. The reason for the project was that there is relatively little experience with support for male victims. The project showed that many male victims suffer from severe psycho-social problems, but social workers seem to underestimate the consequences of the exploitation. The men are reluctant to ask for help with this, because of the shame they feel. One of the recommendations is therefore that social workers could try to bring up the subject of sexuality in individual conversations.

¹⁵ See http://www.fairwork.nu/actueel/nieuws_van_fairwork/mannen-na-seksuele-uitbuiting.html.

Recovery and reflection period

16. GRETA urges the Dutch authorities to ensure, in compliance with the obligations under Article 13 of the Convention, that possible victims of trafficking 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.

- As mentioned in response to recommendation 11, all victims of human trafficking are offered protection, regardless of their willingness or ability to cooperate in legal proceedings. In the case of third-country nationals without a residence permit, the police or the Royal Netherlands Marechaussee at Schiphol Airport should offer all presumed victims the reflection period of three months in case of even the slightest indication of human trafficking. During the reflection period, they can stay in a specialised shelter, have time to recover and to consider whether to press charges on human trafficking or to cooperate with the investigation in another way.
- When the victim has pressed charges and the prosecution results in a conviction of the perpetrator, the victim can obtain a non-temporary residence permit. If the prosecution continues for at least 3 years the victim can apply for continued stay, even if the criminal case is still pending or the charges are eventually dropped.
- Those victims who are not able to cooperate with the authorities due to individual circumstances, such as serious threats or physical or mental complaints, may apply for a residence permit on humanitarian grounds. For more details on this see the response to recommendation 9.

Residence permits

17. GRETA considers that the Dutch authorities should ensure that victims of trafficking can fully benefit in practice from the right provided under Dutch law to obtain a renewable residence permit when they are unable to co-operate with the authorities and to raise awareness of this possibility among relevant professionals and victims.

As mentioned in the response to recommendation 9, a presumed victim can obtain a temporary residence permit on humanitarian grounds if there is an indication that they are a victim of human trafficking, but are unable to cooperate with the criminal investigation due to threats or a serious medical impairment. The Dutch National Rapporteur noted in one of her reports that in practice this possibility is invoked only a few times a year. In response to this conclusion, this policy rule has been explicitly drawn to the attention of the police, health and social care workers and the Immigration and Naturalisation Service (IND). In addition, an amendment was made to the Aliens Act Implementation Guidelines: the police is no longer required to draw up a statement that the person in question is a victim of trafficking. This was almost never done. The new policy rules determine that a statement on the existence of signs of human trafficking is enough.

Substantive criminal law

18. GRETA invites the Dutch authorities to consider making clearer the criminalisation of the use of services of a victim of THB with the knowledge that the person is a victim of THB.

- Clients of underage prostitutes can already be prosecuted. Since 2015 the Public Prosecution more actively investigates these clients. For more information on recent prosecutions of clients for sexual abuse of minors on payment, see the response to recommendation 8.
- Clients of prostitutes below the age of 21 will also be liable to prosecution when the Regulation of prostitution and fight against abuses in the sexual service sector bill (including the amendment bill) becomes law. The Senate of the States General postponed its vote on the bill in 2013 pending a proposed amendment. The amendment removed the provisions on compulsory registration for prostitutes and the obligation of the client to verify this registration. On 21 June 2016 the proposed amendment was adopted by the House of Representatives. It is to be expected that the Senate will debate the amended Regulation of Prostitution and Combating Abuses in the Sex Industry Bill in the near future.
- As also mentioned in response to recommendation 8, in June 2016 the Second Chamber of the Dutch parliament adopted a private member's bill (see Kamerstukken (Parliamentary Documents) I 2015/16, 34 091, A) amending the Dutch Criminal Code (CC) which establishes criminal liability for

a person who uses sexual services with the knowledge or severe suspicion that a victim of THB is involved. This criminal offence, which would become article 273g CC, is proposed to carry a sentence of a maximum of 4 years in prison or a fine of the 4th category. The draft bill was initiated by members of the Second Chamber. During the parliamentary debate in the Second Chamber, the Minister of Security and Justice supported the purpose of the bill, but also expressed a preference for a penal provision which limits the criminal liability to situations in which a person has knowledge that a victim of THB is involved. The bill is now pending before the First Chamber of the Dutch parliament (the Senate). The bill proposes that the law will be evaluated three years after taking effect.

Non-punishment of victims of trafficking in human beings

19. Therefore, GRETA invites the Dutch authorities to make sure that no victims found in possession of false travel documents are punished on this ground.

- The non-punishment principle is mentioned in the guidelines (“instruction”) on human trafficking for the Prosecution Service issued by the Board of Procurators-General on 21 June 2013, which state that victims should not be prosecuted or punished for offences which they have been compelled to commit as a direct consequence of their situation as a victim. In the Dutch system, the prosecutor has discretionary power to decide whether or not to prosecute a case. This discretionary power is referred to as the “opportunity principle” and forms an important feature of criminal procedure in the Netherlands.
- In cases that involve trafficking in human beings, the Public Prosecutor carries out a complex consideration on a case-by-case basis. Such weighing of the merits of the individual case can lead to a decision not to prosecute a victim who committed a punishable offence, thus giving effect to the non-punishment principle.
- The non-punishment principle can also be given effect through the court verdict. In the event that a victim is, in fact, prosecuted for a punishable offence and the court regards him/her to be guilty, the court may as yet decide, given the circumstances, not to impose a sentence (article 9a of the Dutch Criminal Code).
- Clearly there can be grey area cases, for instance when a former victim gradually evolves into an accomplice of the main perpetrator and profits from the exploitation of other victims. In such cases the guidelines to the Prosecution Service give prosecutors the leeway to prosecute the former victim if they consider this to be warranted.
- During the basic training on human trafficking for prosecutors, attention is paid to the non-punishment of victims of trafficking in human beings for all types of crime they may have committed as a consequence of the trafficking (including the use of false documents). A residence permit for victims of trafficking human beings can be granted even if they used false documents. This is mentioned in de Aliens Circular 2000 (B8/3).
- As far as this is possible to ascertain, no victim of THB has ever been convicted for using false travel documents. In order to make sure that those involved in quickly dealing with high frequency offences (such as theft) in their region are aware of the non-punishment principle, the regional specialised prosecutors have been asked to give them a presentation on the issue.

20. GRETA urges the Dutch authorities to ensure that victims having committed an offence under the influence of traffickers are not precluded from obtaining continued residence after the conviction of the perpetrators.

The Residence Regulation for THB of possible victims of human trafficking foresees that the application for a temporary residence permit will not be rejected if the victims have committed an offence under the influence of traffickers. An example of this is the investigation 13Oceans. This case concerns underage Roma children who were forced to steal and pick pockets in the Netherlands. The children have been given residence permits in the Netherlands.

The response to recommendation 19 describes how the non-punishment principle is applied to victims that have committed an offence under the influence of traffickers.

Investigation, prosecution and procedural law

21. GRETA considers that the Dutch authorities should ensure that, in trafficking cases where it has been decided not to prosecute, victims are duly informed of the possibility of applying for a residence permit on compelling humanitarian reasons and that deportation will be suspended while their application is examined.

- All victims with a residence permit for victims of human trafficking can apply for a residence permit on humanitarian grounds when the public prosecutor decides not to prosecute.
- If the prosecutor has decided not to prosecute, the temporary residence permit which was granted in relation to the criminal investigation and prosecution will be withdrawn. In that case the victims are duly informed by the Immigration and Naturalisation Service (IND) by letter about the withdrawal of the temporary residence permit. In this letter the victim is informed of the possibilities of applying for a residence permit on compelling humanitarian grounds and the suspension of deportation. The residence permit for victims of human trafficking will not be revoked until the decision is made whether or not they will receive a residence permit on humanitarian grounds.

22. Furthermore, GRETA invites the Dutch authorities to:

- further support the specialisation of judges on human trafficking in order to continue securing high rates of convictions and sentences proportionate to the seriousness of the crime (see paragraph 67);
- make further use of the existing framework to seize and confiscate criminal assets in the framework of trafficking investigations at the earliest stages possible.

- As mentioned in the 2014 GRETA report on the Netherlands, the number of courts of first instance was reduced to eleven in 2013 as a consequence of the Revision of the Judicial Map Act. The subsequent decision by the National Meeting on the Substance of Criminal Law (Landelijk Overleg Vakinhoud Strafrecht or LOVS), an internal body of the judiciary, to let a limited number of judges and legal staff handle all THB cases from that date still stands. This allows the courts to make sure that judges and staff possess enough substantive knowledge to handle the often complicated THB cases. The agreement between the Board of Prosecutors General and the Council for the Judiciary that the THB cases of the National Public Prosecutors' Office (Landelijk Parket or LP) and of the National Public Prosecutor's Office for serious fraud and environmental crime (Functioneel Parket or FP) are handled by four designated courts (Amsterdam, Rotterdam, 's-Hertogenbosch and Zwolle) is also still in force. The total number of specialised judges is not known at this moment.
- All plans for larger THB investigations need to include a paragraph on how to investigate the criminal profits in the case. These paragraphs describe the tactics that will be used for the financial investigation, which serves three purposes: to find the truth, to compensate the victims involved and to recover the illicit gains.
- Within the framework of EMPACT THB, the Netherlands is the action leader on financial investigations and asset recovery (as mentioned in the response to recommendation 6). In order to stimulate EU cooperation on financial investigations and asset recovery within EMPACT THB, the Netherlands has so far organised three meetings on this subject. The results of the first of these meetings were used to inform council conclusions and an action plan on financial investigation, which were adopted by the JHA Council of the EU on 9 June 2016.

Protection of victims and witnesses

23. Whilst welcoming the protection programme for victims and witnesses of THB as best practice under Article 28 of the Convention, GRETA invites the Dutch authorities to examine why it has so far not been used and to ensure that full use is made of it wherever required.

As far as this is possible to ascertain, the witness protection programme for victims of THB has been used once. The reason it has not been used more, is because entering this programme has far-reaching consequences for the victims. The programme requires him/her to break all ties, all contact, with his/her past. In most cases, the safety provided by the regular shelters suffices to protect victims of THB. In cases where more protection is needed, prosecutors will try to keep the intrusive nature of the measures as small as possible. They will for example begin by not using the victim's name in the court papers, allowing the victim to use a police station as his/her address or using ways to screen the victim from being seen in the courtroom, in order to avoid a confrontation with the suspect. Only if such measures are still not enough, will application of the witness protection programme be considered, subject to the victim's consent.