



Government of the Netherlands

# Response of the Netherlands to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties

First evaluation round  
May 2012



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## Introduction

The fight against trafficking in human beings (THB) is a priority for the government of the Netherlands and has been for many years. The government views trafficking in human beings as a modern form of slavery, which deprives the victims of basic human rights. Women and young girls are vulnerable to trafficking for the purpose of sexual exploitation, but are also trafficked for labour exploitation. Men and boys are being trafficked as well, mainly as cheap labour, but also for sexual exploitation. All forms of trafficking in human beings – be it for the purpose of sexual or labour exploitation or otherwise – must be tackled forcefully, both at the national and the international level. The foremost consideration must be to protect victims and prevent more people from falling prey to traffickers. This calls for a victim-centred approach, in which the human rights of the victims are fully protected. This applies equally to Dutch victims and foreign victims. The improvements that are currently being made to the shelter arrangements for victims, for example through the introduction of psycho-social diagnostics in the specialised shelters, are an example of this victim-centred approach (see question 38).

Next to trafficking for sexual exploitation, in recent years more and more attention has been paid to fighting trafficking for labour exploitation. Trafficking for non-sexual exploitation became punishable in 2005. Since then, the Labour Inspectorate and the Social Security Intelligence and Investigation Service, now merged into the Inspectorate SZW, have invested in building up expertise on THB and training their officials in recognizing and investigating labour exploitation. The Ministry of Social Affairs and Employment has also been active in raising awareness of the issue. As a result of these efforts, the number of victims of labour exploitation identified has risen to 135 in 2010, 14% of the total number of victims. Also, the number of male victims of trafficking has gone up from 0% of the total in 2005 to 11% (113) of the total number of victims in 2010. This prompted the creation of shelter for male victims of trafficking (see question 38). The most frequent form of non-sexual exploitation seems to be exploitation in agriculture (56 victims in 2009). Domestic work, construction, the food industry and restaurants are other sectors where exploitation is found.

In order to cover all aspects of the fight against THB (prevention, protection and prosecution), the Netherlands very much believes in the power of multidisciplinary cooperation. Experience shows that a traditional law enforcement response to THB is not enough. In order to effectively tackle the problem, other government officials such as border guards, immigration officials, tax officials and local government officials need to play their part in the fight against THB. Cooperation with NGOs is also essential. This comprehensive or integrated approach combines the deployment of criminal law, preventative, protective, administrative and international measures. The barrier model is a method which has been used in the Netherlands for several years and which has been quite helpful in establishing such a comprehensive approach. The barrier model looks at trafficking as a business enterprise, albeit a criminal one, that has to overcome a series of barriers before the traffickers can start making money from the exploitation of others. The aim is to increase the “height” of the barriers traffickers face, so that trafficking in human beings becomes more difficult, less lucrative and thus less attractive. The barriers are: recruitment, entry, identity, psychological attachment, housing, work and financial aspects.

The barrier model helps to identify the government service that is best placed to raise a certain barrier in order to prevent or suppress criminal activity. It also signals moments at which public (or private) officials might be able to identify signs of trafficking. So, for example, in order to make it more difficult for pimps to recruit young girls over the internet, the police can go undercover on social networking sites to monitor the actions of suspected traffickers. When one of the girls agrees to meet a suspected trafficker, the police can intervene and prevent the trafficker making a victim. The police can also intervene when the trafficker “recruits” the undercover policeman posing as a girl. This way the barrier of recruitment is raised. Similarly, municipalities can detect THB through their housing or fire safety inspectors. When they notice many more people living at a certain address than are

registered there, they should recognize this as a possible sign of THB and know where to report it. Increasing the number and frequency of these inspections raises the barrier of housing and thus makes it more difficult for traffickers to do business.

The administrative approach forms an important part of the comprehensive approach. As the example of the housing and fire safety inspectors illustrates, the eyes and ears of municipal employees form an important tool to identify trafficking. Furthermore, The Public Administration (Probity Screening) Act (known as BIBOB, see question 6) allows municipalities to refuse or revoke business permits when the applicants have criminal connections. Here it is the barrier of work that is raised to prevent or stop THB: without a legal business, it is more difficult for the trafficker to make money through exploiting the labour of others.

The composition of the Task Force on Human Trafficking reflects the importance given to the comprehensive approach: it consists of representatives of the national government, local governments and an NGO, and from the areas of law enforcement, the judiciary, immigration, labour, shelter and care for victims and foreign affairs. It also includes the National Rapporteur on Trafficking in Human Beings. The main task of the Task Force is to identify problem areas, determine which organisations are best placed to tackle those problems and let them develop and implement solutions.

Another important aspect of the Dutch approach to THB is innovation. For example, from 2008 onwards, several pilot projects have been set up by the Public Prosecution Service (OM), the police and other partners in order to try out working in a multidisciplinary way and experiment with new investigative methods to tackle THB. The development of methods to prevent online recruitment of victims mentioned above forms part of such a pilot project. Another example of a new method is the “text-bomb”: text messages which were sent to customers of an escort service to tell them the escort service was suspected of trafficking and to ask them for information. Pilot projects were also created to try out new, more specialised ways of providing shelter and care to victims. Many of these projects were either accompanied by academic research or concluded by a report from the project partners with suggestions on new measures or methods to strengthen the fight against THB.

Finally, good cooperation with the main source countries of trafficking victims is of the utmost importance. The answers to questions 16 and 29 set out some of the activities, both operational and non-operational, that have been undertaken in this field.

## Preliminary questions

**Question 1: Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the contact person appointed by your country to liaise with GRETA or a different person.**

The response to the questionnaire was co-ordinated by the Ministries for Security and Justice in cooperation with the Ministry of Foreign Affairs. They are headed by Minister Ivo Opstelten and Minister Uri Rosenthal respectively. The GRETA contact person is Ms Evelien Pennings, who works at the Ministry of Security and Justice. Contact person at the Ministry of Foreign Affairs is Mr Guido Vigeveno.

**Question 2: Which State bodies/agencies contributed to responding to this questionnaire?  
Please indicate the main responsibilities and/or fields of competence of each of these bodies/  
agencies.**

#### **Ministry of Security and Justice (VenJ)**

The Ministry of Security and Justice is responsible for coordinating anti-trafficking policy in the Netherlands. This includes the responsibility for the legislation criminalising THB, for the organisation of the registration of the victims, for developing new policy initiatives, such as the comprehensive action plan on the issue of “loverboys” or pimp boyfriends (see the answer to question 7), for stimulating the multidisciplinary approach to fighting THB and so on. The Ministry also represents the Netherlands in various international meetings on the topic, such as EU meetings in the field of Justice and Home Affairs. Within the Ministry, the main responsibility for anti-trafficking policy lies with the Department for Law Enforcement. Other departments involved include the Departments for Legislation, Judicial Youth Policy, Sanctions and Prevention Policy and Security and Administration.

#### **Ministry of Foreign Affairs (MFA or BZ)**

The Ministry of Foreign Affairs (MFA) has overall responsibility for foreign policy and facilitates international contacts through its global network of bilateral embassies and permanent representatives at international organisations. Within the MFA, the Department for Security Policy deals, among other tasks, with multilateral and bilateral cooperation in combating transnational organised crime, including human trafficking, and functions as the focal point on this issue within the MFA. The Department of Security Policy coordinates policy on the issue with other relevant departments within the MFA such as those that deal with visa policy, human rights and international organizations. Often the country desks would also be involved. The Department for Security Policy funds projects for training of and technical assistance to source countries of human trafficking to the Netherlands. In addition embassies have the possibility to fund local projects with funds of their own.

#### **Ministry of the Interior and Kingdom Relations (BZK)**

Within this Ministry, there is, in addition to the Minister of Interior and Kingdom Affairs, a Minister specifically for Immigration, Integration and Asylum Policy, also with cabinet rank. His remit includes setting policy and making regulations on the granting of permits for temporary and for continued residence to victims of human trafficking. In this task, the Minister is supported at the policy level by the Department for Migration of the Ministry of the Interior and at the implementation level by the Immigration and Naturalisation Service. The Ministry of the Interior and Kingdom Relations is also responsible for border control and repatriating aliens to their country of origin. For this purpose they cooperate with the International Organisation for Migration (IOM).

#### **Ministry of Health, Welfare and Sport (VWS)**

The Ministry of Health, Welfare and Sport is responsible for the systems of women’s shelters and youth care. Victims of trafficking in human beings who are staying in the Netherlands legitimately can also be provided with shelter within this system. Special shelters for victims of “loverboys” also exist within the system of women’s shelters.

Shelters for aliens who are victims of trafficking in human beings are funded by three departments: Immigration and Asylum, Security and Justice and the Ministry of Health, Welfare and Sport.

#### **Ministry of Social Affairs and Employment (SZW)**

Within the Ministry of Social Affairs and Employment the department for Labour Relations (LR) has the task of developing policies to deal with the issue of labour exploitation. This involves increasing awareness and improving the effectiveness of detecting labour exploitation related to employment.

### **The Public Prosecution Service (PPS)**

The Public Prosecution Service directs criminal investigations and is solely authorised for the (decisions about the) prosecution of criminal offences. The Public Prosecution Service is responsible for drawing up instructions that describe how the Public Prosecution Service and the investigation services should deal with the investigation and prosecution of various types of crime, which manifestations of these crimes have priority, how to handle victims and witnesses etc. One of the priorities of the Public Prosecution Service is the combating of trafficking in human beings. In this connection, Instructions on Human Trafficking (2008A022) have also been developed (see [www.om.nl/organisatie/beleidsregels/overzicht/georganiseerde/@155218/aanwijzing/](http://www.om.nl/organisatie/beleidsregels/overzicht/georganiseerde/@155218/aanwijzing/)). The chairman of the Board of Procurators-General chairs the Task Force on Human Trafficking (see question 9).

### **Police**

The 25 regional police forces in the Netherlands and the Netherlands Police Agency are responsible for combating trafficking in human beings. Almost all regional police forces have Prostitution Supervision Teams (PST), responsible for the supervision of prostitution and trafficking in human beings. In 2010, this concerned a total of 252 PST employees. Many police forces use an integrated approach with regard to their investigations: the larger part of the implementation falls under the responsibility of the aliens police, but other disciplines are also often included in the aliens police in order to create a multidisciplinary team. Seventeen police forces have a permanent investigation team on human trafficking at their disposal. The Dutch National Crime Squad/Expertise Centre on Human Trafficking and People Smuggling and the Department of International Police Information (IPOL) are responsible for recording and coordinating national data.

The Department of International Police Information (IPOL) of the Netherlands Police Agency (KLPD) is primarily concerned with the exchange and connection of police information between the Dutch police and international partners. With regard to THB, IPOL contributes in terms of international policy advising, strategic research on THB and supporting international operational cooperation.

A legislative proposal to merge together the 25 regional police forces and the Netherlands Police Agency to form one national police force with 10 regional units has been accepted by the House of Representatives and has now been brought before the Senate.

### **The Expertise Centre on Human Trafficking and People Smuggling (EMM)**

The Expertise Centre on Human Trafficking and People Smuggling is a collaborative venture between the Dutch National Crime Squad (part of the Netherlands Police Agency), the Royal Netherlands Marechaussee, the Immigration and Naturalisation Service, the Inspectorate SZW and the Aliens Police. All of these organisations send members of staff on secondment to the EMM. The EMM enables them to share information and to work together. In addition to this, the EMM receives information from organisations such as the Chamber of Commerce, the Financial Intelligence Unit (FIU) and the employment agency sector. The aim is to further extend the number of organisations that supply information. The tasks and responsibilities of the Expertise Centre on Human Trafficking and People Smuggling include:

- Creating an understanding and overview of trafficking in human beings and people smuggling for investigations into and prevention of these and related offences.
- The coordination and connection of all signs of trafficking in human beings and people smuggling that the centre is supplied with from the investigative authorities in the Netherlands.
- The creation of new proposals for criminal investigations from the signs that it has been supplied with.
- The accumulation of expertise in the field of trafficking in human beings and people smuggling and making this expertise available to investigative partners and third parties.

### **Inspectorate SZW**

On 1 January 2012, the Labour Inspectorate, the Work and Income Inspectorate and the Social Security Intelligence and Investigation Service of the Ministry of Social Affairs and Employment were brought together to form the Inspectorate SZW. The department for Analysis, Programming and Detection, which is part of the Inspectorate SZW, is responsible for inspectorate policy and international contacts. The Investigation department, part of the Inspectorate SZW, is a Special Investigation Service. The main tasks and responsibilities of the Investigation department include criminal investigation into fraud, exploitation and organised crime within the field of labour and income, including labour exploitation and social security fraud. In addition to this, the Inspectorate SZW has developed a risk model for the purpose of the analysis of crime. The Inspectorate SZW has also made recommendations in a number of publications for problems in the chain, including in the field of the identification of victims, improved cross-border collaboration and the European approach towards tackling trafficking in human beings.

### **Royal Netherlands Marechaussee (KMar)**

The Royal Netherlands Marechaussee performs the functions of both military and border police in the Netherlands. The Royal Netherlands Marechaussee has a general policing duty at airports, is responsible for border control at the Schengen borders and carries out mobile supervision operations at the internal borders between the Netherlands and Germany and Belgium. The Royal Netherlands Marechaussee often identifies types of trafficking in human beings during border control and mobile supervision operations. Where this is possible, these signs are followed up immediately (the suspects are arrested and the victims are taken care of) and the information is shared with the Expertise Centre on Human Trafficking and People Smuggling. The Royal Netherlands Marechaussee is also authorised to combat people smuggling and fraud in relation to travel and identity documents.

### **Immigration and Naturalisation Service (IND)**

The Immigration and Naturalisation Service implements the policy concerning the right of residence of victims of trafficking in human beings. As an implementing body, the IND has acquired a great deal of expertise with regard to detecting victims of trafficking in human beings in the various procedures (including the asylum procedure) and with regard to combating the misuse of standard residency procedures.

### **National Rapporteur on Trafficking in Human Beings (NRM)**

The National Rapporteur on Trafficking in Human Beings is an independent monitoring body that reports to the Dutch government on the nature and extent of trafficking in human beings in the Netherlands and about the effects of the policy in this field. The reports are public and contain information about relevant legislation and regulations, the prevention, investigation and prosecution of human traffickers and the provision of assistance to victims. In addition to this, the reports contain recommendations on how to improve the approach towards tackling trafficking in human beings. Because of its independent position the National Rapporteur can, when deemed necessary, voice criticism about government policy and the performance of government agencies and prod them into action. The National Rapporteur is not a complaints body and has no investigative powers. Due to the cross-border aspects related to the issue, the National Rapporteur maintains contact with a large, international network of organisations.

**Question 3: Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.**

### **CoMensha**

CoMensha, also known as La Strada Netherlands, is a non-governmental organization that facilitates other organizations with specialized information and knowledge on human trafficking. One of the main tasks of CoMensha is to register all identified (presumed) trafficked persons in the Netherlands.



CoMensha records facts about the nature and extent of the identified victim population in the Netherlands. Based on the information recorded and a needs assessment, CoMensha refers all trafficked persons to the most suitable shelter. When a suitable shelter is found, the regional care coordinator then ensures the necessary assistance. In districts without a coordinator CoMensha functions as the regional case manager, making sure the basic needs are covered. Finally, CoMensha provides information and education on THB to professionals. CoMensha is largely funded by the government.

## Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

**Question 4: Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).**

**Question 5: Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).**

As highlighted in the introduction, trafficking in human beings constitutes a serious breach of human dignity and integrity and therefore amounts to a serious violation of human rights. The human rights-based approach towards tackling trafficking in human beings therefore also forms the focal point of Dutch policy with regard to trafficking in human beings. In addition to the Council of Europe Convention in question, the Netherlands is also a party to the European Convention on Human Rights, the human trafficking protocol to the UNTOC Convention, the Charter of Fundamental Rights of the EU and other conventions at Council of Europe, UN or ILO level, in which trafficking in human beings, slavery and/or forced labour are also expressly prohibited. On the basis of article 93 of the Dutch Constitution, all provisions of international conventions which may be binding on all persons (by virtue of their contents) are directly applicable in the Dutch legal order. As a result of this, citizens are able to invoke the rights that can be derived from these conventions before Dutch courts and Dutch courts will also include the provisions from these conventions in their considerations of their own accord.

Furthermore, article 94 of the Constitution establishes that the Dutch statutory regulations are not applicable in the event that these are not compatible with such treaty provisions. In the event that the court judges that legislation, regulations or governmental acts are contrary to any provision of an international human rights convention which is binding on all persons, it is able to convict the government of a wrongful act (article 6:162 of the Dutch Civil Code). In so far as it is known, there is no Dutch case law involving breaches of international conventions in the case of trafficking in human beings.

Trafficking in human beings is also contrary to the fundamental rights as included in the Dutch Constitution, including the right to inviolability of one's own body, as safeguarded in article 11. Victims, both Dutch as well as those from other countries, form the central element of Dutch policy with regard to trafficking in human beings.

## Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international cooperation

**Question 6: Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.**

### **Criminal legal standards**

- Article 273f of the Dutch Criminal Code criminalises trafficking in human beings. The article concerns both sexual exploitation and other forms of exploitation (including labour exploitation), as well as the trade in organs. The article is in line with the most recent international conventions and guidelines.
- The instructions on investigating and prosecuting the crime of human trafficking of the Board of Procurators General indicate how cases of THB should be investigated and prosecuted, which cases should be given priority and how investigators and prosecutors should treat victims.
- The instructions of the Board of Procurators General on sentencing recommendations with regard to trafficking in human beings in the sense of sexual exploitation indicate to prosecutors which sentences to ask for in court in these cases.
- The instructions of the Board of Procurators General on sentencing recommendations with regard to trafficking in human beings in the sense of other forms of exploitation (servitude or labour exploitation) indicate to prosecutors which sentences to ask for in court in these cases.

### **Administrative legal standards**

- Aliens Act 2000 and Aliens Decree 2000.
- Chapter B9 of the Aliens Circular 2000 (the B9 regulation) regulates the residence status which entails access to services for foreign nationals who are victims of trafficking.
- Article 151a of the Municipalities Act makes it possible for municipalities to lay down regulations on prostitution; a new Bill to Regulate Prostitution and to Combat Abuses in the Sex Industry has been passed by the House of Representatives and currently awaits approval by the Senate (see also question 24).
- The Public Administration (Probity Screening) Act (in Dutch “Wet bevordering integriteitsbeoordelingen door het openbaar bestuur” or BIBOB) allows municipalities to screen individuals and companies applying for business permits or subsidies, including their business partners and financiers, for criminal connections. They can also screen individuals and companies with existing business permits or subsidies. If they are found to have criminal records, criminal connections or are using criminal money, the application can be refused or the permit or subsidy can be revoked. This for example applies to brothels, restaurants and hotels.

### **Other relevant legal standards**

- The Social Support Act provides for shelter and care for mature victims of THB with legal residence; the Youth Care Act provides for shelter and care for underage victims.
- The Working Hours Act, the Working Conditions Act and the Minimum Wage and Minimum Holiday Allowance Act provide regulations with regard to permissible labour, respectable fees, respectable terms and conditions of employment and respectable working conditions.
- The Placement of Personnel by Intermediaries Act contains regulations and obligations with regard to employment agencies. A new bill to amend this Act, which will make it easier to act against malafide employment agencies, has been passed by the House of Representatives and currently awaits approval by the Senate.
- The Foreign Nationals Employment Act contains regulations and obligations with regard to permitting foreign nationals to work in the Netherlands. One of the aims of this Act is to combat abuse, such as illegal employment and other types of employer fraud.

- The Housing Act and the Housing Allocation Act create conditions for acceptable residence and housing allocation. On the basis of this legislation and on the foundation of article 197a, paragraph 2 of the Criminal Code (offering assistance for the residency of illegal immigrants in pursuit of financial gain) action can be taken against so-called rack-renters.

**Question 7: Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.**

In December 2004, the Dutch government adopted a National Action Plan against Human Trafficking. The action plan followed a comprehensive multidisciplinary approach. It contained a total of 65 concrete action points dealing with a wide range of aspects. In February 2006, Supplementary Measures to the National Human Trafficking Action Plan were adopted, in which additional aspects were covered, notably with regard to underage victims of human trafficking and the countering of youth prostitution. The National Action Plan and the Supplementary Measures have been put into practice with good effect.

To further invigorate action being taken, a Task Force was established at the beginning of 2008, which is currently chaired by the chairman of the Board of Procurators-General (see also the answer to question 9). The Task Force drew up an action plan containing a multidisciplinary approach to human trafficking. This first action plan focused on strengthening law enforcement activities concerning legal and illegal prostitution, improving the exchange of information between the organisations involved, creating innovative methods to combat human trafficking, improving support for victims of human trafficking, increasing cooperation with other countries, raising awareness and improving the expertise of judges and prosecutors.

Early 2011 the mandate of the Task Force was renewed for another three years. In July 2011 the Task Force on Human Trafficking (see the answer to question 9) approved its action plan for the period 2011-2014. Its full title is "Action Plan 2011- 2014 - Strengthening the integrated approach to tackling trafficking in human beings". The main fields of action and the organisations responsible for their implementation are:

- the integrated approach (Public Prosecution Service (OM), Police, Ministry of Security and Justice, Municipalities)
- the administrative approach (VenJ, Municipalities)
- labour exploitation (Ministry of Social Affairs and Employment (SZW))
- exchange of information (Police, VenJ, Municipalities, Royal Netherlands Marechaussee (KMar))
- aspects of immigration law (Ministry of the Interior and Kingdom Relations (BZK), IND)
- victims: shelter, care and situation (Ministry of Health, Welfare and Sports (VWS), CoMensha, Municipalities, VenJ)
- international cooperation (Ministry of Foreign Affairs (BZ), VenJ)
- expertise of the judiciary (Judiciary, OM)
- pimps (the so-called "loverboys") (VenJ, Municipalities, VWS)
- tackling organised crime groups and confiscation of criminal funds (OM, Police)
- internet (VenJ, Police, SZW, KMar).

While this action plan covers a wide range of activities involving many different organisations, it does not contain a complete overview of the actions taken against trafficking in human beings. For example, in December 2011 a comprehensive action plan was launched, addressing the issue of "loverboys" or pimp boyfriends. Loverboys are young men who utilize persuasive techniques ("grooming") to force vulnerable girls into the prostitution sector. The action plan focuses on raising awareness, empowering girls, improving the comprehensive fight against loverboys and improving the system of care and shelter for victims of loverboys.

The action plan on loverboys was drawn up by and will be implemented by the Ministries of VenJ, VWS and Education, Culture and Science (OC&W).

Other activities not mentioned in the action plan of the Task Force include a bulletin published in October 2011 to inform airline personnel about the signs of THB, which is given to them when they receive training from the KMar (see also the answer to question 26) and the bill which was sent to Parliament in February 2012 to further increase the sentences for THB (see question 50).

Both the Action Plan 2011-2014 of the Task Force and the Comprehensive Action Plan on the issue of "Loverboys" have been attached to this report as annexes.

**Question 8: In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.**

#### **The Public Prosecution Service**

In each Public Prosecution Service region, a public prosecutor with a specialism in human trafficking (a portfolio holder) is appointed. In addition to this, a national public prosecutor on human trafficking has been appointed, who has a coordinating role both internally as well as in relation to external partners. A portfolio holder consultation on trafficking in human beings/people smuggling is organised on a regular basis. The national portfolio holder, the portfolio holders from the various regions and relevant partners are present at this consultation. All district prosecutors follow a basic course in trafficking in human beings as a compulsory part of their training. Prosecutors who will be specifically involved in the field of expertise with regard to trafficking in human beings then undertake a compulsory training curriculum, which includes an extension course in trafficking in human beings, in addition to for example courses in cross-boundary investigations, directing major investigations and serious organised crime. The training sessions are mainly financed by the Public Prosecution Service region in which the prosecutor is employed.

#### **Judiciary**

The legislative proposal for reorganisation of the Dutch judiciary (Wetsvoorstel herziening gerechtelijke kaart) proposes a reduction of the number of districts from 19 to 10. Each district will be able to have multiple hearing locations. After this legislative proposal enters into force, cases involving trafficking in human beings will be dealt with by 10 (instead of the current 19) courts. Specialisation will be encouraged by concentrating these cases into a single location per district. The Public Prosecution Service and the bench are working out the way in which specialisation will be achieved in more detail. The House of Representatives has accepted this legislative proposal; it is now under consideration by the Senate. Judges are able to participate in the same basic and extension courses as public prosecutors. In addition to this, a special course for judges is currently being developed.

#### **Police and Expertise Centre on Human Trafficking and People Smuggling**

Trafficking in human beings is a high priority for the Dutch police. Given the complexity of the phenomenon, all current 26 police forces (i.e. the 25 regional forces and the KLPD) have an expert on THB. His expertise includes judicial, social and psychological skills as well as operational know-how. The task of these experts is to identify opportunities for combating THB within their region, to improve the knowledge of their colleagues and to advise the police chief of their force on THB related matters. Together, these experts form the National Expert Group on THB (Landelijke Expertgroep Mensenhandel or LEM), which meets every month.

All Dutch police forces are periodically evaluated on specific criteria that have to be met by each individual police force, e.g. having a senior officer with the THB portfolio within their force, a code

of conduct, a good level of quality of information regarding the subject, policies with respect to approaching victims, etc. There are many more police officers trained in the field of THB. According to the Instructions on investigating and prosecuting the crime of human trafficking of the Board of Procurators General, it is compulsory for each police officer to be certified (through a training course) in order to be allowed to question presumed victims of THB. Below you will find a short list of training courses:

- Between 2004 and 2012, the Politieacademie (Police College) trained over 1200 specialists in trafficking in human beings for the certification mentioned in order to be allowed to take evidence from presumed victims of trafficking in human beings (certificate in prostitution supervision and trafficking in human beings (PCM)). The Politieacademie will also be providing this course in the coming years.
- The training course for Aliens Police consists of three modules (TOM/AMO/AMS). The AMO is made up of approximately ten days of lessons and the AMS constitutes about six days of lessons.  
*The main topics of the AMO are: Administrative inspection, Investigation, Intelligence-Led Policing, Knowledge, Initial assessments and reports and the Care of victims.*  
*The main topics of the AMS are: Administrative inspection of businesses in the sex industry, Investigation, Digital, Knowledge and Partners in the Chain. In addition to this, for trafficking in human beings: Communication skills, Prostitution explanation, Types of victims, Initial assessments and reports and Provision of assistance.*
- In addition to this specialist training, the Politieacademie also arranges the two-day course "Insight into trafficking in human beings". It also offers a number of virtual training sessions (i.e. via the internet), such as the professional check and the train the trainer courses.
- Research is underway into the way in which executives could be better trained to deal with the issue of trafficking in human beings.
- On a regional level, projects to raise awareness have been taking place for a number of years. This training/tuition is aimed at all operational employees and is intended to enable them to identify potential victims of trafficking in human beings. The National Expert Group on THB (Landelijke Expertgroep Mensenhandel, LEM) has developed a training programme for this, which it has made available to the police forces.
- In the North Holland North region, a training module in trafficking in human beings has been developed and tested for the police's Integrated Professional Skills Training (IBT). In 2010, good experiences were gained with this module. The National Expert Group on THB intends to introduce this Integrated Professional Skills Training module on a national basis.
- If requested, the Expertise Centre on Human Trafficking and People Smuggling arranges for a number of training/information sessions for police officers. During these training sessions, specific attention is devoted to recognising signs of victims. These training sessions are based on the most recent developments that are known to the Expertise Centre on Human Trafficking and People Smuggling. The Expertise Centre does not provide training with associated certification.

### **Immigration and Naturalisation Service (IND)**

The Immigration and Naturalisation Service is responsible for implementing the so-called B9 regulation for victims of trafficking in human beings. The IND has appointed special contact persons for the implementation of this task and B9-applications for residence permits are only dealt with by or through these contact persons. These individuals possess many years of experience. Coordination meetings take place on a regular basis between policymakers, legal advisors and contact persons and professionalization meetings take place. Financial estimations cannot be made for the training sessions because these are internal training sessions that form part of the ongoing business of the IND.

The IND also plays an important role in recognising and passing on signs to relevant investigative authorities (including the police). Within the IND, special organisational units have been established, including the People Smuggling and Human Trafficking Information Group (Mensensmokkel en handel Informatiegroep (MIG)) and the Information and Analysis Centre (Informatie- en Analysecentrum (INDIAC)), which record information centrally with regard to migration crime.

Furthermore, MIG employees regularly deliver lectures for the IND, partners in the chain and international actors. These sessions contribute to raising awareness and have had a positive effect on the number of recorded signs. Employees in the asylum department of the IND are trained to detect potential signs of human trafficking during the asylum procedure and to respond to them. Signs are passed on to INDIAC/MIG and potential victims are referred to the police or the Royal Netherlands Marechaussee to report the offence. Where necessary, consultations are also carried out with organisations offering legal assistance, the Central Agency for the Reception of Asylum Seekers and aid workers. Special contact partners are appointed for this at each asylum seekers' centre.

### **Custodial Institutions Agency**

Custodial Institutions Agency personnel are trained to recognise signs of trafficking in human beings in the detention of aliens. In cases that occur, the personnel refer the cases to the police. Employees of the Custodial Institutions Agency are also trained by the NGO Fairwork, which stands up for the rights of victims of human trafficking.

### **Royal Netherlands Marechaussee**

Within the Royal Netherlands Marechaussee, victims are also only heard by certified detectives. For the training of colleagues, the Royal Netherlands Marechaussee often makes use of a fast-track training programme for certification at the Politieacademie (Police College). This fast-track training programme does not devote any attention to prostitution supervision, because the Royal Netherlands Marechaussee does not have anything (or much) to do with this in its responsibilities. The fast-track training programme takes six days.

Internally, the Royal Netherlands Marechaussee also devotes attention to the combating of trafficking in human beings in its tuition and training sessions. In this way, the initial training programme that every executive employee of the Royal Netherlands Marechaussee undertakes devotes attention to trafficking in human beings and people smuggling and attention is also devoted to these topics during training days at the brigades. Furthermore, each KMar employee possesses the booklet of signs of THB, and all procedures concerning dealing with trafficking in human beings and people smuggling are laid down in the Royal Netherlands Marechaussee Operational Shopfloor Activities, which every employee is able to consult (see also question 26).

### **Inspectorate SZW**

- In 2010, 18 detectives followed a four-week full-time training programme on how to identify and deal with (potential) victims of trafficking in human beings. This was developed in cooperation with, and provided by, the International Centre for Migration Policy Development (ICMPD). (This training programme forms the basis for the large-scale training of government officials in 14 Eastern European Member States, financed by the Dutch Ministry of Foreign Affairs).
- In 2011, eight investigating officers of the Inspectorate SZW followed the "Migration Crime" training programme at the Politieacademie (Police College) to obtain certification in the field of the Instructions on investigating and prosecuting the crime of human trafficking. A budget of €60,000 was estimated for this training programme.
- In 2011, all inspectors involved in labour market fraud were trained in the recognition of signs of labour exploitation.
- In 2012, it is expected that eleven investigating officers from the Investigation Department will follow the new key assignment "Approach towards tackling THB for other forms of exploitation" at the Politieacademie (Police College). This training programme is a substitute for the "Migration Crime" training programme, which no longer runs, and the purpose of following this programme is to obtain the certification. A budget of €75,000 is estimated for this training programme.



### Chamber of Commerce

Counter clerks from the Chamber of Commerce will be trained to recognise signs of trafficking in human beings during the registration of self-employed persons without employees. This already takes place at the North Netherlands Chamber of Commerce.

### Shelters

Numerous institutions possess expertise in or are entirely devoted to the field of shelters for victims of trafficking in human beings. (For an overview of the various types of shelters, see the answer to question 37). Various training sessions are available for people who work at these institutions. Whenever a tender is issued for the creation of additional shelters, the quality of the personnel is one of the selection criteria.

In order to extend the knowledge and skills of the youth care centres on the issue of “loverboys” or pimp boyfriends, as of 2012, the knowledge institute Movisie will offer training sessions, advice and consultations and discussions of case studies by order of the Ministry of Security and Justice, starting with the regions where the issue of loverboys is most prevalent. The aim of this is to enable the youth care centres to tackle the issue of loverboys more effectively and therefore also to be able to deal with the victims more effectively. Depending on the result, these activities will also be offered in 2013 and subsequent years.

### Municipal authorities

Training modules on THB for municipal officers will be developed by the Ministry of Security and Justice.

**Question 9: Is there, within your governmental structure, a national body responsible for coordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.**

The Minister of Security and Justice (VenJ) is responsible for coordinating national policy against trafficking.

Next to the Ministry of VenJ, the Task Force on Human Trafficking also has a coordinating role. The Task Force identifies problem areas, initiates policy measures and creates and disseminates best practices. When the mandate of the Task Force was renewed until 2014, through a decision of the Minister of VenJ, its membership was expanded (Decision of the Minister of Security and Justice of 10 March 2011, no. 5687744/11 providing for establishment of the Task Force on Human Trafficking (Decree establishing the Task Force on Human Trafficking), Government Gazette No. 5052, 24 March 2011). It now consists of representatives of the five ministries involved (VenJ, BZK, SZW, VWS and BZ), the Public Prosecution Service, the police, the Immigration and Naturalization Service (IND), the Royal Netherlands Marechaussee (KMar), four mayors (Alkmaar, Amsterdam, Utrecht, Den Haag), one deputy mayor (Rotterdam), the judiciary, the National Rapporteur on Trafficking in Human Beings and the NGO CoMensha. Members participate in the Task Force while maintaining their own responsibilities. Members also use their own budgets to implement the measures agreed upon within the Task Force. The Task Force does not have its own budget.

The Task Force drew up a first Action Plan in 2008 and has approved a new Action Plan for the period 2011 – 2014 (see also the answer to question 7). For every problem identified, the Task Force discusses which organisations are best placed to tackle it. One of the aims of the Action Plan of the Task Force is to increase the number of organisations involved in the fight against THB even further.

Next to the Task Force, there are regular interdepartmental meetings in different compositions to coordinate policy.

**Question 10: Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.**

No. Data on THB is collected by the NGO CoMensha and the National Rapporteur on Trafficking in Human Beings.

#### **CoMensha**

One of the main tasks of CoMensha is to register the total amount of presumed trafficked persons in the Netherlands. For this, it receives a subsidy from the central government. CoMensha records facts about the nature and extent of the identified victim population in the Netherlands. The police, the KMar and the Inspectorate SZW are obligated to report to CoMensha. This obligation is defined in chapter B9 of the Alien Act 2000 and in the Instructions on investigating and prosecuting the crime of human trafficking of the Board of Procurators General. Other organizations, such as NGOs, shelters, lawyers, IOM, social workers and so on also report presumed victims to CoMensha, but they are not obliged to do so.

CoMensha publishes monthly reports of the data on victims on its website: [www.comensha.nl/](http://www.comensha.nl/).

#### **Bureau of the National Rapporteur on Trafficking in Human Beings**

The National Rapporteur on Trafficking in Human Beings, supported by its Bureau, maintains contact with and collects information from persons, organisations and institutions that are active in the prevention and combating of trafficking in human beings and shelter for victims. This includes CoMensha (for information about background characteristics of the victims reported to CoMensha), the Public Prosecution Service (for information about the prosecution and trial of human traffickers), the Immigration and Naturalisation Service (for information about the background characteristics of victims who have received a B9 residency permit) and the Central Fine Collection Agency (for information about compensation orders imposed for the purpose of victims). The National Rapporteur and its employees are authorised to examine police files and those held by the Public Prosecution Service.

The reports by BNRM, including the trafficking data, are published on its website: [www.bnrm.nl/](http://www.bnrm.nl/).

**Question 11: Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.**

The NGO CoMensha, which is the focal point in the Netherlands for the initial assistance to and registration of presumed victims of trafficking and their referral to shelters and health care organisations, is a full member of the Task Force. The Task Force was established to coordinate government action against THB. Since the agenda often includes discussion on sensitive policy areas or operational activities by the PPS and the investigation services, the number of NGOs in the Task Force has been kept at a minimum. CoMensha is such an essential part of the everyday chain of assistance and support to victims, that it was deemed necessary to include it in the Task Force in order to be able to coordinate policy and activities in the areas of registration and shelter. Discussion with the other NGOs active in the field of THB takes place twice a year during the Interdepartmental Meeting on THB with NGOs, which is hosted by the Ministry of Security and Justice. These other NGOs are sometimes commissioned to carry out specific projects in their areas of expertise, such as research, training in the Netherlands or in EU or third countries, cultural mediation between investigators and victims, creation of information materials and so on.



**Question 12: Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.**

No, there are no other national or international bodies represented in the Task Force on Human Trafficking.

**Question 13: Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:**

- national legislation;
- international instruments/agreements (bilateral and/or multilateral).

**Please indicate the title of the legal instruments.**

The international, European and bilateral legal instruments under which cross-border cooperation in the area of trafficking in human beings (in the form of exchange of information, mutual legal assistance, arrest and subsequent extradition or surrender of suspects, confiscation and so on) can take place include, but are not limited to:

**UN instruments:**

- United Nations Convention against Transnational Organized Crime (UNTOC)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

**CoE instruments:**

- Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)
- European Convention on Extradition (ETS No.24),
- the European Convention on Mutual Assistance in Criminal Matters (ETS No.30), the protocols to these (ETS Nos. 86, 98, 99 and 182)
- the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No.141)

**EU instruments:**

- Europol Council Decision, 2009/371/JHA, OJ L 121, 15.5.2009
- Eurojust Council Decision, 2009/426/JHA, OJ L 138, 4.6.2009
- Prüm Council Decisions, 2008/615/JHA and 2008/616/JHA, OJ L 210, 6.8.2008
- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (see Council Act of 29 May 2000, OJ C 197, 12.07.2000)
- Council Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ("Swedish Initiative"), 2006/960/JHA, OJ L 386, 29.12.2006
- Council Framework Decision on the European arrest warrant and the surrender procedures between Member States, 2002/584/JHA, OJ L 190, 18.7.2002
- Convention implementing the Schengen Agreement of 14 June 1985, OJ L 239, 22.09.2000
- (Council Regulation 1987/2006 of the EP and COUNCIL on the establishment, operation and use of the second generation SIS (SIS II), OJ L 381, 28.12.2006 – not in force yet)
- (Council Decision 2007/533/JHA on establishment, operation and use of the second generation SIS (SIS II), OJ L 205, 7.8.2007 – not in force yet)
- Financial Intelligence Unit cooperation (FIU.net), Council Decision 2000/642/JHA, OJ L 271, 24.10.2000
- Asset Recovery Offices' (ARO) cooperation, Council Decision 2007/845/JHA, OJ L 332, 18.12.2007

#### **Bilateral instruments:**

- Benelux Treaty concerning Cross-Border Police Intervention (Senningen Treaty), Trb. 2005, 35, 8.6.2004
- Treaty between the Netherlands and Germany concerning cross-border cooperation by police and in criminal law matters (Treaty of Enschede), Trb. 2005, 86 and 241, 2.3.2005

The national legislation in which these treaties and EU legislative acts are implemented includes, but is not limited to:

- Article 17 of the Police Data Act and paragraph 5 of the Police Data Decree contains the provisions that make it possible to exchange data on THB under the mentioned treaties and EU legislative acts;
- Title X of the Fourth Book of the Code of Criminal Procedure contains provisions regarding mutual legal assistance, including for example:
  - Article 552ob which makes it possible to tap phones on behalf of another country based on a request for mutual legal assistance.
  - Article 552qa which makes it possible to set up joint investigation teams (JITs) based on a treaty; articles 552qc and 552qd make it possible to exchange documents and other data within JITs.
  - Articles 552t through 552iie, which make it possible to take over and transfer criminal proceedings.
- Title XI of the Fourth Book of the Code of Criminal Procedure contains provisions which make mutual recognition and execution of foreign confiscation orders possible.
- The Act of 29 April 2004 to implement the Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (the Surrender Act) makes it possible to surrender suspects of THB between EU Member States and the Netherlands.
- The Act of 9 March 1967, containing new regulations concerning extradition and other types of international and mutual assistance in criminal matters (the Extradition Act) makes it possible to extradite suspects of THB to third states, based on a treaty and subject to certain conditions.
- The Instructions for the exchange of information in the field of mutual assistance in criminal matters (552i of the Code of Criminal Procedure) (2008A024) of the Public Prosecution Service describes the division of powers between the police and the Public Prosecution Service for dealing with incoming international requests for assistance, which also includes police cooperation.
- The Instructions for international joint investigation teams (2008A007) of the Public Prosecution Service.

**Question 14: What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international cooperation on action against THB, as provided for in Article 34 of the Convention.**

As standard, the working procedure that is followed for the implementation of requests for assistance in criminal matters provides for informing the requesting party as quickly as possible with regard to the result of the request, or as to the fact that it is not possible to implement the request for assistance in legal matters.

**Question 15: Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.**

Yes, this is possible. The Treaty of Schengen provides for the possibility to submit information to a police official in another EU-Member State without a request (article 46).

Moreover, at national level the transfer of police data to another State is foreseen by Law. Article 17 of the Police Data Act just states that the provision of data has to be necessary for the proper execution of the police task in the State in question. An adequate level of data protection is required. In the Police Data Decree, a distinction is made between the transfer of data to another EU-Member State or to a third State. In general, article 5:1 sub 1 of paragraph 5 of the Police Data Decree stipulates that the provision of data to a third State has to be necessary for the investigation of a serious crime or the prevention of serious danger to the public order. On behalf of the other EU-Member States, article 5:2 of that Decree foresees in an obligation to submit information to the police authorities in another MS, when needed for a proper execution of their task. Article 5:3 of the Decree foresees in the transfer of special categories of police data (non-identifying data on DNA-profiles and fingerprints) to the other MS, based on the automated comparison of data by a system of hit/no hit.

In general, the provision of data should take place via the Netherlands Police Agency (KLPD) (see article 5:1 sub 3 of paragraph 5 of the Police Data Decree). The KLPD hosts the different channels for communication of police data: the Europol National Unit, the Sirene Bureau and the National Central Bureau for Interpol; and it is also the channel through which Dutch liaison officers abroad and foreign liaison officers in the Netherlands communicate with the Dutch investigation services.

**Question 16: Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.**

International, operational co-operation takes place in a large number of the investigations into trafficking in human beings and involves many different countries. This often involves our neighbouring countries. The emphasis is placed on co-operation with the most important source countries of victims of trafficking in human beings, such as Nigeria, Bulgaria, Romania and Hungary. This collaboration is both operational and non-operational. Cooperation also takes place with other countries in Africa, Asia and North and South America.

The conduct of investigations involving trafficking in human beings and the establishment of joint investigation teams (JIT) within the EU is meanwhile being coordinated through the EU European Multidisciplinary Platform Against Crime Threats (EMPACT) project on trafficking in human beings, in which the United Kingdom is the driver and the Netherlands is the co-driver (the police commissioner on EU matters together with the national prosecutor on human trafficking of the Public Prosecution Service). The EMPACT projects were set up to implement the eight priorities in the field of serious and organised crime, which the Ministers of Justice and of the Interior established in June 2011. 14 Member States take part in the human trafficking project, as well as Frontex, Europol, Eurojust, Cefpol and Interpol. In connection with this, coordination with the relevant investigation services and the national programme manager in trafficking in human beings takes place within the Netherlands.

Within the framework of EMPACT, Hungary has in the meantime requested to strengthen the operational cooperation with the Netherlands. The collaboration with Bulgaria and Romania, which has already been underway for quite some time, is now also being coordinated by EMPACT. At the moment, three Joint Investigation Teams (JIT) are underway with Bulgaria and a fourth JIT is being prepared. In addition to this, a parallel investigation with Romania is taking place. The Inspectorate SZW has also proposed the establishment of a JIT with Bulgaria concerning labour exploitation. This is being coordinated by EMPACT. The same applies to coordination with the Royal Netherlands Marechaussee with regard to the approach towards tackling trafficking in human beings.

EMPACT is improving the availability of information on an international level, with support from Europol. This provides insights into the networks that operate across borders, which could lead to JITs between multiple countries.

A countries programme exists for non-operational collaboration with Bulgaria, aimed at combating trafficking in human beings, for which among other things, an EU subsidy has been requested for training of the legal partners in the chain in Bulgaria, aimed at financial investigations and asset recovery in the framework of tackling trafficking in human beings. This is a continuation of a previous countries programme with Bulgaria, which was implemented in 2009 and 2010. The focus of the project was on technical assistance to and training of Bulgarian law enforcement authorities, notably the anti-trafficking unit of the Ministry of Interior.

In the period 2008-2010, the Netherlands also funded an NGO project to help Bulgaria develop a National Referral Mechanism, which was adopted by the Bulgarian National Commission in November 2010.

Further non-operational activities will also be launched with Romania, following a previous project which focused on capacity building, multi-stakeholder cooperation and improved referral procedures at both the national and the district level in Romania. A (new) countries programme for Hungary aimed at trafficking in human beings is being set up by the IPOL department of the police. Other organisations will also be involved in this programme.

In addition to projects such as those in Bulgaria and Romania, where training and technical assistance was provided directly by Dutch law enforcement agencies, the Netherlands is also funding capacity building and training projects through international organisations. Thus the Netherlands is currently funding an ICMPD project for the training of 14 countries of Central and South Eastern Europe (from Poland to Albania) on preventing, investigating and prosecuting labour trafficking with a special emphasis on the role of labour inspectors (ICMPD stands for the International Centre for Migration Policy Development). This project builds on an earlier ICMPD project in Croatia, which included training of police, labour inspectors and others, also funded by the Netherlands.

In the beginning of February 2010 a three-day conference was held in the Netherlands (Kerkrade) gathering over 100 experts from 23 European countries to exchange ideas on how to combat human trafficking for the purpose of labour exploitation more effectively. The conference included practitioners (investigators, prosecutors and labour inspectors) as well as policy makers and representatives from NGOs and academia. The conference was organised by the Social Security Intelligence and Investigation Service (SIOD), a forerunner of the current Inspectorate SZW, in cooperation with the Romanian National Agency against Trafficking in Persons (ANITP). The event was funded by the Ministry of Social Affairs and Employment. A conference report has been published under the title "Labour Exploitation in Europe."

A second Dutch programme of assistance and training in relation to Nigeria for the combating of trafficking in human beings started in the middle of 2011. This programme will run for three years. The training sessions will be given by experts from the Public Prosecution Service, the Expertise Centre on Human Trafficking and People Smuggling and the police's IPOL service; Italy will also be involved in certain components. The aim of the project will be to stem the flow of (young) Nigerian women that are being trafficked to Europe for the purpose of sexual exploitation. It will also aim at instilling a victim-centred and victim-sensitive approach. A first project with Nigeria took place in 2009 and 2010 and built on the close relationship that was forged with NAPTIP during the joint investigation in 2007, code named "Operation Koolvis", concerning the trafficking of young Nigerian women to the Netherlands and other European countries. The project consisted of a series of trainings given by a variety of experts from Dutch law enforcement agencies to personnel from NAPTIP and other Nigerian agencies such as the Nigeria Immigration Service. In the Koolvis case, eight members of a Nigerian

human trafficking gang were convicted by the court of appeal on 12 March 2012. The investigation services are currently also cooperating with the Philippines and the Ukraine.

The Ministry of Foreign Affairs draws up a list of ongoing international projects for capacity building, victims support, awareness raising etc at the beginning of each year. This list can be provided.

For projects with other countries regarding prevention and shelter for victims, please see the answer to question 29.

### Section 1.3. Definition of “THB” and of “victim” in the internal law of the parties

**Question 17: Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.**

Article 273f of the Dutch Criminal Code criminalises trafficking in human beings. The three components of the crime, “action, means and purpose”, as prescribed in the Convention, form part of the criminal provision. As a result, article 273f is in line with the international conventions. The way in which the three components are included can be seen in the criminal provision, which is attached to this report as an annex.

In the event that the victim is not yet eighteen years of age, it is already a matter of trafficking in human beings if the offender recruits, transports, transfers, accommodates or shelters another individual with the intention of exploiting the other individual or removing their organs. As a result, the means (coercion in a broad sense), as included in article 273f, paragraph 1, subparagraph 1, are not relevant in the case of victims who are minors (see article 273f, paragraph 1, subparagraph 2).

**Question 18: Please indicate which of the following forms of THB are recognised under your internal law:**

- national;
- transnational;
- linked to organised crime;
- not linked to organised crime.

National as well as transnational trafficking in human beings falls within the scope of article 273f of the Dutch Criminal Code. Crossing borders is not a compulsory component of the crime of trafficking in human beings. However, paragraph 1, subparagraph 3 criminalises the recruiting, taking away or abducting of another individual with the intention of inducing that person to make him- or herself available for sexual acts with or for a third party in another country in return for payment as trafficking in human beings.

In the event that trafficking in human beings is committed by two or more associated persons, a higher maximum sentence is involved.

Participating in a criminal partnership is criminalised in article 140 of the Dutch Criminal Code. A criminal organisation is involved if this organisation has the intention of committing offences. The crime of trafficking in human beings can therefore also be committed as part of a criminal partnership. As a result of this, trafficking in human beings linked to organised crime as well as trafficking in human beings not linked to organised crime both constitute criminal offences.

**Question 19: Under your internal law, is a “victim of THB” any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a “victim of THB” under your internal law. Please provide (a translation of) the legal text(s) in English or in French.**

Victims of THB are not defined separately in the law. The Code of Criminal Procedure defines a victim as anyone who, as a direct consequence of a criminal offence (including trafficking in human beings), has suffered a financial loss or other disadvantage. A legal entity which has suffered a financial loss or other disadvantage as a direct consequence of a criminal offence is equated with a victim. In most instances, surviving relatives have the same rights as victims. With this, a victim of trafficking in human beings is a person who has suffered a loss as a direct consequence of the crime of THB. The definition of a “victim” is set out in article 51a of the Code of Criminal Procedure. A copy of this article is attached to this report as an annex.

(NB In order to be eligible for shelter and assistance, the “slightest indication” that someone is a victim of THB is enough; see also the answers to questions 32, 33 and 34).

**Question 20: Does your internal law recognise as victims of THB:**

- women;
- men;
- children?

Dutch legislation recognises women, men and children as victims of THB. In accordance with the Convention, the use of means (of coercion) with a victim under eighteen years of age is of no relevance to the question as to whether trafficking in human beings has taken place (see the answer to question 17).

**Question 21: To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.**

The consent of the victim to intended or actual exploitation is not relevant to the question as to whether a person can be considered a victim of THB. If the use of unlawful means of coercion is involved, as required in the description of the offence of the crime of trafficking in human beings (article 273f of the Dutch Criminal Code), free consent is after all out of the question. In the Chinese restaurant case (HR 27 October 2009, LJN: BL7097) the Supreme Court (Hoge Raad) of the Netherlands confirmed that the consent of a victim of THB to the intended exploitation is irrelevant. In this case, some illegal Chinese nationals worked in a Chinese restaurant. All of them had come to the Netherlands on their own initiative in order to earn money. They approached the people present at the restaurant and asked for food, shelter and in some cases work. The Court held that for “abuse” of factual circumstances or a vulnerable position to be established, the perpetrator does not need to have taken further initiative or action than is expressed by the terms “recruits, transports, transfers, accommodates or shelters”, which are used in the law. It is not required for the perpetrator to have taken the initiative or to have brought the victim into an exploitative situation. The circumstance that several victims had worked in one or more other locations previously does not need to be an indication of voluntariness and of the absence of an exploitative situation.

As previously stated, the presence of means (of coercion) is not relevant when children are involved (see answers to questions 17 and 20).



## Section II.1. Implementation of measures to prevent THB

**Question 22: Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.**

A number of programmes to alert potential victims to the risk of THB are contained in the comprehensive action plan on the issue of “loverboys” or pimp boyfriends launched in December 2011 (see the answer to question 7). They include:

- Information material directed at potential victims, parents and schools. Amongst other places, this material is made available via websites such as [www.sense.info](http://www.sense.info), as well as through the Centre for School and Safety (Centrum School en Veiligheid) ([www.schoolenveiligheid.nl](http://www.schoolenveiligheid.nl)), on behalf of the Ministry of Education, Culture and Science. In addition to this, a number of projects is underway, including the “healthy schools approach” ([www.gezondeschool.nl](http://www.gezondeschool.nl)), operated by the Centre for Healthy Living (Centrum Gezond Leven) of the National Institute for Public Health and the Environment (Rijksinstituut voor Volksgezondheid en Milieu), which enables schools to work towards increasing the (sexual) resilience of their pupils.
- A film will be developed that is intended to increase awareness amongst parents and children of the risks associated with loverboys; the film will be made available for showing in schools.

One of the measures that has been included in the Action Plan of the Task Force (see question 7) relates to a project regarding loverboys and their victims that was set up in 2010 by the police force of Rotterdam-Rijnmond. A regional campaign to raise awareness was set up, which was directed towards potential victims and individuals involved in trafficking in human beings. Part of this campaign is a rap song about trafficking in human beings that was specially written for the campaign and is performed in schools. Organisations that work with these girls are also being made aware of the risks that such girls will become victims.

The Ministry of Social Affairs and Employment has developed an information card entitled “Work and Exploitation” (“arbeid en uitbuiting”) to provide labour migrants with information about how they can recognise signs of exploitation and where they can go for help or to report any signs of exploitation that they observe. The card was made available in 14 languages in January 2010 and could be ordered and can be downloaded via Postbus 51 (see <http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2011/07/08/exploitation-at-the-workplace-arbeid-en-uitbuiting-engels.html>). An information card entitled “Prostitution and Exploitation” (“prostitutie en uitbuiting”) has also been developed and made available in 14 languages via Postbus 51 (see <http://www.rijksoverheid.nl/documenten-en-publicaties/brochures/2011/07/08/prostitutie-en-uitbuiting-engels.html>).

In 2010 the Social Security Intelligence and Investigation Service (merged into the Inspectorate SZW since 2012) edited the leaflet “Labour exploitation”, describing the criminal phenomenon of human trafficking for the purpose of labour exploitation and giving contact information for organisations involved. Since late 2011, the information card “Work and Exploitation” has also been used within three pilot projects operated by the Chamber of Commerce focusing on reporting signs of bogus self-employed workers and labour exploitation to the Inspectorate SZW (see the answer to question 29).

In early 2012, a new brochure entitled “New in the Netherlands” (“Nieuw in Nederland”) became available in a variety of languages. This brochure also contains information about the possibility of exploitation and where to report it.

**Question 23: Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.**

An example of a project aimed at a vulnerable group is the “Exit Programmes for Prostitutes Scheme” (“Regeling Uitstapprogramma’s Prostituees”, RUPS), which was drawn up in 2008 by the (then) Ministry of Justice. Exit programmes are intended for prostitutes who want to stop working as a prostitute. The (ex-) prostitutes taking part in an exit programme are assisted in finding other daytime activities, in order to support a clean break with prostitution.

Other daytime activities may be paid employment, but also a study or training course, daily activities in a sheltered workshop or volunteer work. The participants will in that case receive a benefit to enable them to pay for their daily necessities.

The exit programme focuses on problems in various areas of life. These problems include debts, the lack of a suitable home (and, as a consequence, the inability to apply for a benefit), psychosocial problems, failing to master the Dutch language, duress and exploitation, addictions, etc. The participants are in many cases confronted with a combination of these factors. A counsellor will provide assistance and help them tackle their problems. This counsellor will render support by determining the bottlenecks in various areas of life, deciding which problems need to be tackled first, and supporting the participant’s contacts with welfare agencies.

Subsidies totalling ten million euros were paid by the Ministry as an incentive for municipalities and agencies to set up exit programmes for prostitutes who wanted to be coached into a different job / life. The scheme expired in 2011. As from that date, municipalities are responsible for the financing of the programmes.

Unaccompanied minor aliens (AMVs) who may (potentially) fall victim to trafficking in human beings are cared for in a protected environment. In this setting, they are given support and a special methodology has been drawn up, one of the purposes of which is to strengthen the resilience of unaccompanied minor aliens. Furthermore, unaccompanied minor aliens receive education in order to increase their skills and they are also entitled to receive psychological support. Unaccompanied minor aliens are also able to follow courses, for example in dance or theatre. All of these activities are intended to ensure that the young people in question do not fall victim to trafficking in human beings.

For other social empowerment measures aimed at potential victims of trafficking, please see the answer to question 29.

**Question 24: What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?**

In January 2006 a national campaign was launched under the name “Schijn Bedriegt” (“Appearances Deceive”) with the aim of raising awareness with regard to victims of trafficking in human beings, both among the general public and more specifically among persons who visit prostitutes. The campaign accompanied the launching of the hotline “Report Crime Anonymously”, which enables callers to report indications of trafficking in human beings without divulging their name. The campaign led to quite a number of useful anonymous tips, some of which led to formal investigations. The campaign was repeated nationally in January 2008. In December 2010 the campaign was repeated again under the authority of the City of Amsterdam, focussing on the areas in the city where window prostitution takes place.



In 2012 and 2013, a new national campaign by the hotline “Report Crime Anonymously” will be launched. This campaign will take place online entirely. Banners will be placed on national and local erotic websites, calling attention to the problems that exist in relation to trafficking in human beings and the issue of “loverboys” in particular. By clicking on the banner, internet users will be taken to the campaign website [www.totaleovergave.nl](http://www.totaleovergave.nl), which draws attention to the issue of loverboys.

The government has submitted a bill to parliament that will tighten the regulation of prostitution (the Bill to Regulate Prostitution and to Combat Abuses in the Sex Industry). Under the new law running any type of sex establishment, whether a traditional brothel or a modern style escort service, will be subject to the licensing system. Employers who do not comply with licensing requirements can be prosecuted. A person wishing to work as a prostitute, be it in a brothel or independently, will have to register as such beforehand and will be punishable if he/she has not done so. The bill increases the required minimum age for legal prostitution from 18 to 21. Clients who circumvent the new system can also be prosecuted. The stricter regulations are expected to have a strong deterrent effect on traffickers and help prevent exploitative practices. This approach is also likely to reduce demand. The bill has been passed by the House of Representatives and currently awaits approval by the Senate.

**Question 25: Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily forged.**

The Ministry of the Interior and Kingdom Relations is responsible for the quality, security and integrity of identity documents. The Netherlands has embedded expertise in the recognition of counterfeit documents within various organisations and procedures (such as border controls and asylum procedures). Since 2005, the Expertise Centre for Identity Fraud and Documents (ECID) of the Royal Netherlands Marechaussee has been located at Amsterdam Airport Schiphol. The ECID carries out national support and coordination in the area of identity fraud and the examination of documents. Details regarding (falsifications of) passports, travel documents and other valuable documents (such as means of payment) that come to light during border controls, are processed there. The ECID works in close collaboration with the Department of International Police Information (IPOL) of the Netherlands Police Agency (KLPD). The ECID regularly organises training courses for (inter)national government bodies in the recognition of potentially counterfeit documents, completely counterfeit documents and documents in which there is no resemblance between the passport photograph and the holder of the document. Within the Royal Netherlands Marechaussee, all operational staff receive training in the recognition of false and counterfeit documents as part of their initial training programme. In addition, specialist courses are also available for those who are required to possess a higher level of expertise.

In addition, the Documents Bureau has been set up within the Immigration and Naturalisation Service. Within the Ministry of the Interior, programme directorates have been set up for the specific purpose of preventing and combating document fraud and achieving the highest level of document security. One of the ways in which this is achieved is through the incorporation of biometric details. In accordance with European obligations, travel documents issued by the Netherlands now incorporate biometric data. In accordance with Regulation (EG) no. 380/2008, the residence documents issued to foreign nationals include a microchip containing a facial scan. The Immigration and Naturalisation Service is now making preparations for the next stage in implementation: the inclusion of two fingerprints in the microchip incorporated into the document for foreign nationals.

Finally, the Netherlands has developed a variety of tools to enable false or counterfeit documents to be recognised. These include the EDISON system and DISC (Document Information System Civil Status). These systems contain a record of the authenticity characteristics of various documents. The Netherlands also makes use of the European system FADO (False and Authentic Documents Online).

**Question 26: Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures.**

By virtue of its duties in the area of border controls and Mobile Security Supervision (MTV), the Royal Netherlands Marechaussee plays an important role in the recognition of potential cases involving trafficking in human beings. Vigilance in order to detect trafficking in human beings forms an ongoing part of the border control process and Mobile Security Supervision. It is therefore extremely important for border guards to possess knowledge of the signs that indicate trafficking in human beings. The Royal Netherlands Marechaussee has drawn up a booklet of indicators, which includes specific indicators to detect potential victims of trafficking in human beings during the normal border control process and Mobile Security Supervision. Substantial investments have been made in providing information to staff, including by means of presentations and briefings. Attention is also being devoted to reports generated within the system of operational processes. As a result of this, a considerably larger number of signs pointing to trafficking in human beings are now being recognised and followed up. All signs of trafficking in human beings are reported to the Expertise Centre on Human Trafficking and People Smuggling (EMM).

In addition, the Royal Netherlands Marechaussee has its own specialist team, known as the Filter Team ("Sluisteam") at Amsterdam Airport Schiphol. Members of this specialist team are deployed in order to identify and take action against trafficking in human beings and people smuggling at an early stage. This is achieved by carrying out observations at the airport, as well as by analysing and upgrading information.

From 1 December 2010 to 1 May 2011, the Royal Netherlands Marechaussee collaborated with the Public Prosecution Service and the EMM in a pilot project targeting cross-border human-trafficking, implemented within Mobile Security Supervision. The purpose of this was to enable the Royal Netherlands Marechaussee and the Public Prosecution Service to take action in an unequivocal way in cases that contravened article 273f, paragraph 1, subparagraph 3 of the Dutch Criminal Code. This states that taking a person into another country with the intention of causing that person to work in prostitution forms a punishable offence. Due to the success of the pilot, the approach is now being implemented on a national level.

The WODAN II project is also underway at Eindhoven airport. This is a phenomenon-based investigation into organised crime with specific attention being paid to trafficking in human beings. By carrying out observations of passenger flows and analysing criminal investigations and other sources of information, modus operandi and (criminal) associations have been mapped out. This has already led to criminal investigations into trafficking in human beings.

The Royal Netherlands Marechaussee also makes use of profiles of victims and suspects involved in trafficking in human beings and people smuggling. These profiles have been drawn up by making use of previously-recorded incidents in which suspects and victims of trafficking in human beings and/or people smuggling have been identified. The profiles are revised on a continual basis, in order to reflect the very latest developments. Checks can then be carried out based upon travel route, mode of transport and/or the composition of the travel party and this increases the likelihood that any perpetrators will be apprehended. In this way, additional information is collected and shared with other investigating authorities.

In October 2011 a bulletin was published to inform airline personnel about the signs of THB. The bulletin was drawn up by the Royal Netherlands Marechaussee and the NGO Comensha. Airline personnel are given this bulletin when they receive training from the Royal Netherlands Marechaussee. They are requested to report any suspicions of trafficking to the Royal Netherlands Marechaussee.

**Question 27: Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.**

The websites of the Netherlands embassies provide information about the various legitimate ways that foreign nationals can visit the Netherlands as tourists or live in the Netherlands for the purpose of study or employment, etc. Those websites also include a link to the website of the IND, which provides more detailed information.

**Question 28:**

- **Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB.**
- **In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.**

All of the cooperating organisations involved in the issuing of a visa (from the embassies and consulates to the IND in The Hague, as well as upon entry to the Schengen area, for example if entry takes place via Amsterdam Airport Schiphol), are vigilant when it comes to recognising signs that might point to trafficking in human beings. In addition, the IND has temporarily deployed staff to various diplomatic outposts of the Netherlands, in order to assist embassy or consulate staff in recognising fraud. At the same time, the IND has stationed Immigration Liaison Officers (ILOs) at twelve diplomatic outposts. At those particular locations, the primary role of the ILOs is to prevent illegal immigration to the Netherlands and Europe. In order to achieve this, they advise and provide training to airline companies and immigration services in areas such as travel documents, visa regulations and traveller profiles. In addition, they also collect and share information regarding migration in the broadest sense of the word (including trafficking in human beings). The core tasks of the ILOs also include facilitating and investigating the possibilities that exist with regard to repatriation. Signs indicating trafficking in human beings are communicated to the People Smuggling and Human Trafficking Information Group (MIG) within the IND (see the answer to question 8).

**Question 29: Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.**

A number of measures to prevent THB in the Netherlands are contained in the comprehensive action plan on the issue of “loverboys” launched in December 2011 (see also the answer to questions 7 and 22), including:

- The Ministry of Education, Culture and Science is inviting 35 big municipalities to take part in the “We Can Youth Campaign” (“We Can Jongeren campagne”) during the period from 2012 to 2014. “We Can” is an international campaign that sets out to combat violence against women. Three municipalities have already become involved and are playing a pioneering role. As part of the campaign, young people are being trained to become active as “change makers”. This is being achieved, partly via social media, by seeking to bring about a shift in culture amongst young people that is intended to increase their sexual resilience and to uphold and respect individuals’ limits. Part of the campaign will focus specifically on the issue of “loverboys”.
- The Ministry of Education, Culture and Science will adapt the core objectives for primary, special and secondary education, probably by 1 August 2012, in order to devote attention to sexuality and sexual diversity. This is an important step in order to promote sexual resilience amongst pupils, as well as a safe climate in school.

- Help and care providers in the four major cities will be offered workshops on the possibilities of reporting crime anonymously by the organisation Report Crime Anonymously (Meld Misdaad Anoniem), in collaboration with the police. They possess a great deal of information about the victims of loverboys, but are still insufficiently familiar with the facilities that are available in order to report this in an anonymous way. By doing so, they could make a contribution to help detect trafficking in human beings, without harming the interests of the victim.

In addition to the measures that form part of the action plan on “loverboys”, the following are also available:

- Consultations provided free of charge and, if so desired, anonymously by the local Public Health Departments for young people in all parts of the country, in which the emphasis is placed upon sexual assertiveness and sexual violence.
- The outpatient clinic for sexually transmitted diseases, which is also vigilant when it comes to identifying the signs of youth prostitution.
- Training in the area of youth prostitution, delivered by NGOs to social workers and workers engaged in prevention, police officers, local and provincial governments and schools.
- Websites (such as [www.helpwanted.nl](http://www.helpwanted.nl)), where young people can chat with social workers or receive e-coaching on topics such as “loverboys”, online sexual abuse or relationships.
- Consultation is taking place with the Chamber of Commerce (KvK) with regard to the way in which when registering self-employed persons without employees, preventative measures can be deployed in order to combat bogus self-employment, exploitation or trafficking in human beings (see also the answer to question 8). For example, when including individuals who may (possibly) be prostitutes from outside the Netherlands in the commercial register, including those from Bulgaria or Romania, the Chamber of Commerce will provide them with information. This is already taking place at the Chamber of Commerce in the North of the Netherlands and the Chamber of Commerce intends to introduce this procedure in all parts of the Netherlands. Signs that possibly point to bogus self-employment will be made available to other cooperating organisations involved in combating trafficking in human beings.

Activities to increase awareness of THB are also seen as preventive measures:

- From June to December 2010, a campaign to raise awareness of labour exploitation was carried out directed at the general public, employers and employees in “at risk” sectors and municipalities. The purpose of the campaign was to create awareness and to ask people to pass on signs of possible exploitation. The campaign consisted of a banner on websites relating to a number of sectors (such as the construction industry), an advertisement distributed via Google and an article that appeared in a number of free local papers and their websites, in regions where a large number of migrants are active in the agriculture and horticulture sectors.
- In 2010 and 2011, the Inspectorate SZW held information sessions for municipal inspection services (building control, fire safety, public order etc.), in order to recognise and report cases and victims of labour exploitation.
- In the autumn of 2011, a television series entitled “De Slavernij” (Slavery) (about the history of slavery) was broadcast. With the assistance of the Inspectorate SZW, the series also devoted attention to the exploitation of workers.
- In 2012, the Ministry of Social Affairs and Employment and the Inspectorate SZW, in consultation with NGOs, are planning to direct an awareness raising campaign towards employers that are active in sectors in which there is a risk of labour exploitation.
- In January 2012, the Ministry of Social Affairs and Employment sent a letter to the embassies, containing information about how their nationals could report signs of labour exploitation, a list of signs that could indicate employment agencies indulging in illegal practices and list of signs that could be indicative of labour exploitation. In addition, in May 2012, the Ministries of Foreign Affairs and Security and Justice organised a meeting for the embassies and consulates of the 25 most important source countries of victims of trafficking in human beings, in order to explain how the Netherlands fights trafficking in human beings and takes care of victims, as well as to ask

the embassies and consulates to share any signs indicating trafficking in human beings with the investigation services in the Netherlands. Twenty-two source countries attended the meeting.

- The information sent to the embassies was also sent to the Dutch Centre for Crime Prevention and Safety (Centrum voor Criminaliteitspreventie en Veiligheid (CCV)), for distribution amongst the municipalities taking part in regional awareness raising meetings. At those meetings, the CCV also calls attention to labour exploitation, with the assistance of the Inspectorate SZW. In consultation with the CCV, the Inspectorate examines how these efforts can be continued on a national level in order to combat labour exploitation.
- In 2009 CoMensha started an awareness campaign called: “Do you ever wonder about (labour) exploitation? Don’t close your eyes for human trafficking!” In 2010, Dutch actor and comedian Viggo Waas supported this campaign. During European anti-trafficking day a picture of Viggo Waas and an e-card were distributed to politicians and stakeholders. Part of the awareness campaign was a special conference organized by CoMensha in December 2010. The goal of the conference was to draw attention to the new, large groups of victims of labour exploitation that are being found due to the increased efforts of the police and the Inspectorate SZW and to raise awareness of their needs. The existing system of shelters did not meet the requirements and needs of these victims. (A solution has since been found, see the answer to question 37). The campaign was repeated again in 2011. This time, comedian Viggo Waas was seen in the “Don’t close your eyes” video.

In order to supplement the preventative measures taken on a national level, we work together on a bilateral basis with the countries of origin whose nationals feature most frequently amongst the victims encountered in the Netherlands, such as described in the answer to question 16. The most prominent of these include Nigeria, Bulgaria, Romania and Hungary. Enhancing the capacity of source countries to identify victims and prosecute perpetrators should help reduce trafficking flows and contribute to prevention in the broader sense of the term. In addition to training in the field of law enforcement and victim assistance, some of the projects in these countries also comprise specific awareness raising elements. Thus the law enforcement project in Bulgaria mentioned under question 16 included an information campaign at secondary schools and a documentary about a former Bulgarian victim to raise awareness. The Netherlands has also funded projects in other countries, in Europe and other parts of the world, aimed at awareness raising, through NGOs or international organisations such as IOM.

**Question 30: What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.**

No earmarked budget has been allocated to finance the fight against trafficking in human beings, however various organisations are spending considerable amounts of money for that purpose, starting with the seventeen organisations represented within the Task Force on Human Trafficking.

For a number of the activities mentioned above an amount can be given:

Q22)

- The loverboy-project of the regional police force Rotterdam-Rijnmond will cost about € 1 million, of which half has been made available by the Ministry of VenJ.
- The film will cost about € 90.000,-.

Q23)

- As mentioned in the answer to question 23, VenJ spent ten million euros on subsidies under the “Exit Programmes for Prostitutes Scheme”.

Q24)

- The campaign “Report Crime Anonymously” will cost about € 150.000, for 2012 and 2013 together.

Q29)

- The We Can Young-campaign will cost about € 200.000,-.
- Information materials (see question 22), projects to increase the sexual empowerment of young

people, research into the impact of these measures (see question 31) and adjusting the core objectives in education will together cost about € 200.000,-.

- The costs of the awareness raising campaign carried out by the Ministry of Social Affairs and Employment were met from the Enforcement budget of the Ministry itself. Those costs came to € 100,000 in 2010, € 125,000 in 2011 (including the cost of the brochure “New in the Netherlands” (“Nieuw in Nederland”) and € 75,000 in 2012.

As mentioned in reply to question 16, a list of international projects including their costs can be provided, but a precise breakdown within project budgets between prevention and other aspects would be difficult to give.

**Question 31: Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.**

As far as preventative actions directed towards the issue of “loverboys” are concerned, an investigation to be carried out on behalf of the State Secretary for Health, Welfare and Sport will get underway in the near future. The investigation will examine the causes of and ways of preventing recurring victimhood (tertiary prevention). On a more general level, the database of Effective Youth Interventions of the Netherlands Youth Institute (Nji) contains details of interventions, which, in theory at least, are well founded. In order to be added to that database, interventions must be tested and recognised by an independent committee. Amongst other things, the database contains interventions in relation to the issue of loverboys and the sexual resilience of young people. The Centre for Healthy Living that forms part of the National Institute for Public Health and the Environment (RIVM) is also building up a collection of effective interventions in the form of an on-line database, and interventions have also been evaluated by means of the Sexual Health programme for young people. The effectiveness of interventions forms an area of focus within the standard policy on the provision of subsidies.

The results of both campaigns “Schijn Bedriegt” (“Appearances Deceive”) in 2006 and 2008 are known in terms of the number of reports of forced prostitution that followed. Between January and June 2006 78 reports of forced prostitution were received by “Report Crime Anonymously”, compared to 42 in the whole of 2005. The total number of reports in 2006 was 120. In 2007 this fell back to 93, which is still considerably more than in 2005. This is a phenomenon that can also be seen after other national campaigns by “Report Crime Anonymously”: the number of reports diminishes, but it stays higher than before the campaign. When the campaign was repeated in 2008, the number of reports rose again by 23% (compared to 2007) to a total of 129 for the period January – November 2008.

The pilot project to address cross-border trafficking in human beings in contravention of article 273f, paragraph 1, subparagraph 3 of the Dutch Criminal Code that is mentioned in the answer to question 26 was evaluated after completion. The pilot was found to be a success (more victims were identified) and it was therefore decided to implement the approach on a national level.

An evaluation has been carried out of the awareness raising campaign on the topic of labour exploitation referred to in the answer to question 29. It is difficult to determine how many people have now gained a greater awareness of labour exploitation. It is however the case that the number of reports of labour exploitation increased during the campaign. Whilst the campaign was underway, the SIOD (now the Inspectorate SZW) received 17 reports of labour exploitation (some of which via Report Crime Anonymously (Meld Misdaad Anoniem)). In 2008 and 2009, only 4 and 3 reports were received respectively and from January 2010 up to the time that the campaign got underway in June 2010, 4 reports were received.



## Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

**Question 32: At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?**

There is no formal moment at which the identification of a potential victim of trafficking starts. If there is even the slightest indication that a foreign person is a victim of human trafficking he or she is given the opportunity to use the three-month reflection period offered by the B9 regulation. This indication does not need to take the shape of a formal statement or declaration. The police is responsible for referring victims, so that they are given access to the reflection period.

Dutch nationals and other citizens of the EU derive their right of residence and access to facilities from their nationality and from Community law. They can be referred to a shelter by a law enforcement organisation, an NGO, a healthcare organisation and so on.

**Question 33: Have any common criteria been defined in your internal law for granting the Legal status of victim of THB? If so, please specify.**

**Question 34: Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?**

Apart from the B9-status for victims of trafficking residing in the Netherlands illegally, there is no such thing as a legal status of victim of THB. The B9 regulation regulates the residence status and entails access to services (social assistance, medical care and income) for unlawfully residing residents in the Netherlands. Access to the reflection period is given by the police at the "slightest indication" of trafficking. The police itself determines that such a "slightest indication" exists, based upon a (non-exhaustive) list of indicators of trafficking in human beings contained in the instructions on human trafficking of the Public Prosecution Service (see the answer to question 6). After a three-month reflection period, the foreign national can decide whether he/she wishes to cooperate with the criminal investigation. In the event that he/she is prepared to do so, he/she is then entitled to a residence permit.

In special cases, a residence permit can be granted to a foreign victim who is unable or unwilling to cooperate with an investigation. The residence permit can be granted if the police states that the person concerned is a victim and a serious threat and/or a medical or psychological limitation can be shown to exist, as a result of which the victim cannot be expected to cooperate.

All other victims already reside in the Netherlands legally and no specific legal status is necessary for them to gain access to shelter and services.

**Question 35: Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?**

No, as long as the reflection period is still ongoing or, in the event that the supposed victim has decided to cooperate with an investigation and prosecution, as long as the investigation and/or prosecution is still underway, a victim cannot be deported. If, on the other hand, a supposed victim indicates, either during or after the reflection period, that he/she does not wish to submit an official report or lend any other form of assistance to a criminal investigation, prosecution or trial of the suspect, or in the event that the reflection period expires without an official report being made or any other assistance provided, the suspension of the departure of the foreign national will be withdrawn.

**Question 36: Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?**

As the Netherlands does not have a legal status of victim of trafficking, there is also no need to recognise the status of victim of THB granted by another party. The B9-regulation does make it possible for foreigners who have become victims of trafficking in another country to apply for a B9-status, regardless of whether they have already been granted a status of victim of THB in that country.

As mentioned under questions 32 and 33, the criterion for this included in the B9-regulation is the “slightest indication” of trafficking.

**Question 37: Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.**

Victims of human trafficking can be housed in different kinds of shelter, including regular facilities – such as women’s shelters – and facilities specifically intended for victims of human trafficking. In February 2012 a letter was sent to Parliament (Kamerstukken II 2011/12, 28 638 nr. 72), detailing plans for the further development of shelter for victims:

- In the summer of 2010 a two-year “pilot for special shelters for victims of human trafficking” was started. The pilot – which was set up by the State Secretary for Justice and the State Secretary for Health, Welfare and Sports – provides shelter offered by aid workers with special knowledge of this group of victims. The victims are given rest, safety and assistance as needed. It has room for 40 female victims and 10 male victims, including their children, if any. It appears that a majority of the victims files a report of human trafficking (about 90%). This is an important positive discovery, as the pilot is primarily aimed at providing rest and safety for victims. This shelter will become permanent and the number of specialized places will be increased from 50 to 70. Psycho-social diagnostics will be introduced, to make certain that victims receive tailor-made care and assistance, also after they leave the shelter. The Research and Documentation Centre of the Ministry of Security and Justice (WODC) is evaluating the pilot. The evaluation will focus on the question to what extent the pilot has been sufficiently tailored to the nature of the victims’ problems and to what extent the shelter facilities must differentiate on the basis of age and nature of the exploitation.
- Since the beginning of the pilot, the situation regarding shelter capacity improved considerably, but it was still not quite sufficient. Some victims stayed in the shelter facility for a relatively long time, due to a lack of follow-up shelters and regular housing. In order to ensure that more independent housing is available when victims are ready to move on, municipalities now have an obligation to provide them with housing. This will free up places in the shelters that are now often occupied by victims who no longer need them.
- For the victims of labour exploitation who do not need urgent care, the NGO Comensha has been given a budget to organize temporary shelter, at least during the investigation period. Should any of these victims need care after all, they can go to the specialized shelters.
- Finally, for Dutch victims, who are often victims of “loverboys”, the general women’s shelters and youth care facilities will remain available. Based upon the recommendations from the report of a study carried out by the Verwey-Jonker Institute into the care and assistance given to the victims of loverboys, measures will be taken to further improve the care given to victims of trafficking in women’s shelters and youth care facilities (for example through the training to be given by Movisie to youth care workers mentioned under question 8).
- Regarding youth care, our country has several reporting centres and community care projects for victims of “loverboys” in place, providing specific care for these victims. If there is a reason to do so, the girls will be referred to the Youth Care Agency (Bureau Jeugdzorg). The Youth Care Agencies offer programmes intended to teach vulnerable girls to be more assertive and withstand lover-



boys. These programmes are included in the regular youth care. If secure shelter is needed to prevent the minor from backing out of the care or from being forced to back out of it, the juvenile will be eligible for closed youth care. Youth care does not offer special accommodations for girls who have been victimised by loverboys. The closed youth care institutions establish the issues and problems of each individual juvenile and give him/her the treatment that is most suitable for those problems. The same applies to girls who have been victimised by loverboys.

- Asja of Fier Fryslân does offer a special shelter for women (up to and including 23 years of age) who are victims of loverboys. Asja I is financed by Leeuwarden, in its capacity as the central municipality with responsibility for providing assistance to women, whilst Asja II is financed by the central government. Fier Fryslân has a total of 24 places available in Asja.

Other types of shelter not mentioned in the February 2012 letter to Parliament:

- Within the framework of the “pilot for men’s shelters” (which is a different project from the abovementioned “pilot for special shelters”) accommodations have been made available for 8 male victims of human trafficking in Amsterdam, The Hague, Rotterdam and Utrecht.
- In response to the disappearance of unaccompanied minor asylum seekers who possibly fell victim to trafficking in human beings, a pilot project known as “protected reception” was launched on 1 January 2008. Since 2010, the protected reception centres for minors have been standard practice. (Possible) victims are placed in various, small-scale locations, with additional security measures and extra staff. In addition, they are in principle only allowed to go outside under supervision, especially during the first few months. The minors receive special guidance and support and are informed of the risks posed by trafficking in human beings. This takes place in addition to the measures introduced previously, such as 24-hour supervision, cameras and key cards for the doors. The forms that must be sent to the police in the event of a disappearance are completed without delay following the arrival of the minor in the centre, in order to prevent delays in the event that a minor does in fact disappear. The guardianship over the minors is arranged within 24 hours of their arrival and the staff at the centres for refugees are trained to identify signs of trafficking in human beings. Greta was informed of these and other measures in a letter sent in August 2011.

In addition to shelter, the victims of trafficking in human beings are entitled to receive medical assistance, benefits etc. They also enjoy a number of rights in the context of criminal proceedings, such as the right to receive information about the progress of the case and the right to be treated in a correct manner. During the hearing, victims may be represented by legal counsel and may bring an interpreter. In certain cases, victims have the right to speak at the hearing, the right to inspect the file and the right to add documents to that file. As mentioned before, Dutch nationals and other citizens of the EU derive their right to such facilities from their nationality and from Community law. For foreign victims, the B9-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 B9-status 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 are not residing legally in the Netherlands are entitled to receive education.

Finally, CoMensha is producing a brochure on behalf of the Ministry of Security and Justice, outlining the rights to which victims are entitled. It is important that victims are well informed as to their rights (and duties) and know where they can receive assistance. For example, victims may try to seek redress for the damage they have suffered in a variety of ways, including by seeking compensation from the trafficker. Victims can also approach certain government organisations or NGOs for assistance or information. In order to ensure that the position of victims is as strong as possible – and thereby increasing their willingness to lodge an official report – it is desirable for them to be presented with that information in a clear and understandable manner. The brochure will be distributed via organisations such as police forces, as well as other organisations that come into contact with victims of trafficking in human beings.

**Question 38: Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.**

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 (see question 37). As soon as someone is legally resident in the Netherlands (for example, by virtue of a B9 residence permit), he/she will have the same entitlement to medical care, legal assistance and so on as a victim who is a Dutch citizen.

**Question 39:**

- **Does your state budget allocate specific funding for these assistance and protection measures?**
- **Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Amount (in euros). Criteria for receiving such funding and who receives it**
- **Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?**

From June 2012 onwards, the Ministries of the Interior and Kingdom Relations, Security and Justice and Health, Welfare and Sport will make available an annual amount of €2 million for the specialized shelter (for foreign nationals who are victims of trafficking in human beings). As far as shelter for Dutch victims within the system of women's shelters and youth care is concerned, no separate budget allocation has been made. This is funded from the overall budget for women's shelters and youth care.

To organise shelter for the victims of labour exploitation who do not need urgent care, the NGO Comensha has been given a budget of € 250.000. That amount will also be met by the three Ministries on a joint basis.

Alongside the costs of the shelter itself, money is also being spent on the other facilities that are available to victims of trafficking in human beings, such as medical and mental healthcare, the costs of interpreters and legal assistance, education, benefits etc. The precise scope of those costs is not known.

**Question 40: Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.**

Article 8, subparagraph k of the Aliens Act 2000 states that victims of trafficking in human beings who have been granted a period of reflection are legally resident in the Netherlands. The reflection period is specified in more detail in chapter B9 of the Aliens Circular. The reflection period is provided, as victims of trafficking in human beings are often unable to express what has happened to them until a later time. Individuals who are presumed victims of trafficking in human beings are granted a period of three months, during which time they must make a decision whether they wish to make an official report of the offence of trafficking in human beings or whether they wish to lend assistance to a criminal investigation or prosecution in some other way. The reflection period is granted to foreign nationals who are residing unlawfully in the Netherlands, if there is the slightest indication that they could be victims of trafficking in human beings. During the reflection period, the victim is entitled to the same facilities as Dutch victims of trafficking in human beings.

**Question 41: a. What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention?**

In the Netherlands, a residence permit can be granted both to victims who cooperate with a criminal investigation, as well as to victims who cannot be expected to cooperate, due to a serious threat against them and/or due to medical or psychological constraints.

**Question 41: b. Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.**

The Netherlands operates the following types of residence permit for victims of trafficking in human beings:

1. The B9 residence permit for victims who lend assistance  
Victims who cooperate by making an official report or in some other manner (e.g. by making a statement) are entitled to a residence permit (by virtue of article 3.48 of the Aliens Decree). The IND issues a residence permit to the victim within 24 hours after the police has informed the IND that the person concerned has lent his/her assistance. As a result of the issuing of a residence permit, the person concerned is entitled to shelter and care and is entitled to claim social assistance benefit.

The duration of the residence permit is one year and this will be extended on condition that the criminal investigation or criminal proceedings are still ongoing. The permit will be withdrawn once the criminal investigation or criminal proceedings are no longer underway.

Witnesses who report such offences, who are not a victim themselves, but lend assistance to a criminal investigation into trafficking in human beings are also able to avail themselves of the B9 regulation.

2. Continued residence once the B9 residence permit no longer applies (B16)  
A victim to whom a B9 residence permit had been granted and who is of the opinion that his/her stay must be extended to prevent unacceptable consequences in the event that he/she were to be returned to his/her country of origin, is entitled to request that his/her stay is continued (article 3.52 of the Aliens Decree, more details of which are outlined in Chapter B16 of the Aliens Circular). In the case of the following categories and on condition that there are no general grounds for refusal, the application can be approved in the event of:
  - a. victims who have made an official report or have lent assistance in a criminal case that has ultimately led to a conviction (for trafficking in human beings or another offence, if trafficking in human beings formed one of the charges)
  - b. victims who have been lawfully resident in the Netherlands for more than three years with a B9 residence permit, even if the criminal proceedings have not yet been completed or did not result in a conviction.

In addition, victims who do not satisfy the two conditions stated above will be entitled to continued residence in the event that the victim cannot be required to leave the country due to special, individual circumstances.

In the case of continued residence, it is not a requirement that the foreign national is still cooperating with the criminal proceedings. In general, continued residence results in the person concerned being granted a permanent residence permit.

3. Residence permits for victims who do not lend assistance  
A residence permit may be issued to a victim of human-trafficking who is not able or willing to lend assistance to a criminal investigation or criminal proceedings, for compelling humanitarian reasons (article 3.4, paragraph 3 of the Aliens Decree), if either of the following applies:
  - a. a serious threat has been made against him/her and/or
  - b. he/she is subject to medical or psychological constraints.

In that case, the victim is required to submit the following:

- a. a statement from the police confirming that he/she is a victim, and
- b. a statement from the police, stating that the victim cannot be expected to cooperate, due to the fact that a serious threat has been made by the trafficker or;
- c. medical information from which it is clear that the individual is prevented from lending assistance as a result of a physical or psychological condition.

The duration of the residence permit is one year. Once that period has elapsed, the victim may submit an application for continued residence. This request will be granted, on condition that no general ground for refusal applies and in the event that the acute situation that led to the granting of the original residence permit still applies.

**Question 42: Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.**

The Dutch Code of Criminal Procedure stipulates that a person who has suffered direct damage as a result of a punishable offence is able to join the criminal proceedings as the injured party for the purpose of his/her claim for damages. In the event that the court upholds the claim, the victim is able to instruct a bailiff in order to collect the damages from the perpetrator. According to the Dutch Criminal Code, the judge may also decide to impose a compensation order on the person convicted. In that case, the compensation will be collected by the State (Central Fine Collection Agency) and paid out to the victim without delay. This prevents the victim from having to collect the compensation himself/herself.

Since 2011, the Dutch Criminal Code also includes provision for a system of advance payment to victims of violent and/or sexual crimes, including to victims of trafficking in human beings. If the person convicted has not yet paid the full amount of compensation due under the compensation order eight months after the judgement has become final and conclusive, the government will pay the amount outstanding to the victim. The government will then recover that amount from the perpetrator.

Other than joining a claim for compensation as part of the criminal proceedings, victims can also launch civil proceedings in order to seek redress from the perpetrator in respect of damages suffered. In the event that the court upholds the claim, the victim is then able to instruct a bailiff in order to collect the damages from the perpetrator.

The victims of offences involving serious violence who have suffered severe psychological or physical injury as a result and who do not receive compensation in any other way are able to request a financial allowance from the Criminal Injuries Compensation Fund (Schadefonds Geweldsmisdrijven).

Recently, a number of courts have awarded significant sums in compensation to victims. The highest so far is included in a decision of 3 January 2012, when a man was sentenced for THB by the Court of Appeal in Leeuwarden. He was given a sentence of four years in prison and he has to pay € 105.000,- in compensation to the victim. (Case no. 24-003026-10).

**Question 43: Please describe the procedure established under your internal law for the repatriation and return of victims of THB.**

The victims of trafficking in human beings deserve every possible support, and provisions have been created in order to reflect this, including provisions in relation to the right to reside in the Netherlands. In the event, however, that it cannot be demonstrated that an individual has in fact been a victim, it may be necessary for certain individuals to return to their country of origin and that may involve them being taken into detention.

When evaluating an application for continued residence following the expiry of a B9 residence permit, the possible risk of reprisals related to trafficking in human beings when returning to the country of origin are taken into consideration. This will be handled by the gender contact persons of the IND. This means that when evaluating an application for continued residence, they will make use of all available sources of information, such as official reports and country-specific information provided by NGOs. When the risks are found to be unacceptably high, the individual will not be required to return to his/her country of origin.

It goes without saying that the role played by lawyers and social workers is extremely important. They can help the victim build up a file of initial evidence to demonstrate that the victim could face reprisals if he/she were to return to his/her country of origin. If reports are available that demonstrate that members of the victim's family are receiving threats or that the situation of the victim is unsafe, this will constitute relevant information for the safety dossier compiled by the IND and will be taken into account when evaluating the victim's application for continued residence. Reports made to the police, statements by neighbours, schools or employers that confirm the threat may also be included in the file.

Aside from the fact that the IOM is able to facilitate the return of victims whose application for residence has been rejected, agreements are in place with various countries of origin regarding the shelter that can be provided in those countries. In addition, it is possible to obtain information via the representation of the Netherlands in the country concerned and to form a picture of the shelter that will be available there.

As part of the departure procedure of the Repatriation and Departure Service, an assessment is always made whether there are any indications that the individual is a victim of trafficking in human beings. If such indications are present, the police will be informed so that a more detailed investigation can be carried out.

**Question 44: Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?**

As the Netherlands does not have a legal status of victim of trafficking, there is no need to continue this status when a Dutch victim returns to the Netherlands. A Dutch victim repatriated from another country will have the same rights as a Dutch victim identified in the Netherlands, i.e. to stay in a shelter and receive the services and care necessary in the specific case. Since it is quite rare for Dutch victims to be identified in other countries, no specific measures exist for these cases.

**Question 45: What are the grounds for the victim status to come to an end:**

- victim status claimed improperly;
- victim's refusal to co-operate with the authorities;
- return to the country of origin;
- request of the victim;
- other, please specify.

As the Netherlands does not have a legal status of victim of trafficking, it can also not come to an end. For victims of trafficking who receive shelter and care, the ways in which this can end differ according to whether they have a B9-status or have legal residence on another basis (including Dutch citizens):

Dutch citizens and victims with legal residence in the Netherlands can at all times decide they no longer want shelter and/or care. Another possibility is that their situation has improved to such an extent that they no longer need the type of (intensive) shelter and/or care that they are receiving. In this case, the assistance will be terminated by mutual consent and if necessary, arrangements will be made for the victim to go to the next phase in the recovery and (re)integration process, for example by moving into (semi-)independent housing, with a lighter form of assistance if this is deemed useful.

The B9 scheme for victims illegally residing in the Netherlands can be terminated in a variety of ways, namely:

- The grounds for residence by virtue of B9 cease to apply in the event that the Public Prosecution Services takes a decision not to prosecute in the criminal case.
- In the event the perpetrator(s) are not convicted of the crime and the victim is not entitled to a residence permit for continued residence on humanitarian grounds.
- With regards to the reflection period, the suspension of departure can be lifted after the reflection period when the (presumed) victim decides not to make an official report (or to cooperate with the authorities in another way). The (presumed) victim must then leave the Netherlands of his/her own accord.

In this regard, it is important to state that the regulations include the possibility for victims or reporting witnesses to request a residence permit for “continued residence” or for a different purpose, once the residence permit under the B9 scheme has expired (see also the answers to questions 33, 34 and 41).

### Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

**Question 46: Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.**

Yes. Trafficking in human beings is a criminal offence by virtue of article 273f of the Dutch Criminal Code. A version of that article in English is attached to this report.

Furthermore, the use of services provided by an underage prostitute also constitutes a criminal offence, by virtue of article 248b of the Dutch Criminal Code.

**Question 47: Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?**

In the event that a case involves sexual services, in which involuntary sexual contact takes place and in which the user of those services was, or ought to have been, aware of the involuntary nature of those activities, prosecution for sexual abuse can take place, in accordance with the Dutch Criminal Code. The use of services provided by an underage prostitute also constitutes a criminal offence, by virtue of article 248b of the Dutch Criminal Code, as mentioned previously.



In certain circumstances, the client and the exploiter can be one and the same person. This is the case, for example, if the trafficker imprisons someone in his house in order to force this person to do the housekeeping. A comparable situation can also arise in the agricultural sector. In that case, action may be taken against the “client” by virtue of article 273f, paragraph 1, subparagraph 4 of the Dutch Criminal Code.

**Question 48: Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?**

No. However, such behaviour is taken into consideration by the prosecutor and the Court in order to prove the element of force or coercion as part of the crime of THB. Damaging or destroying a travel or identity document can be prosecuted separately as destruction under article 350 of the Criminal Code.

**Question 49: Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?**

Yes, article 51 of the Dutch Criminal Code stipulates that both natural persons and legal persons can be held liable for committing punishable acts. Criminal prosecution can be instituted against a legal person, against those who gave the order for the punishable act to be committed and those who were actually in charge while the punishable act was taking place.

**Question 50: Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.**

The Dutch government is in favour of an integrated approach to the fight against organised crime, in which the criminal law and administrative law measures are taken in parallel.

Sanctions under criminal law are imposed by the courts. The maximum sentence for the predicate offence of trafficking in human beings is a term of imprisonment of no more than 8 years or a fine of the fifth category (up to a maximum of € 78,000). In the event that the acts are committed by two or more persons, or in the event that the actions are committed against a person who had not yet reached the age of sixteen years, the maximum term of imprisonment is determined by law to be 12 years. If the acts involve severe physical injury or result in death, a maximum term of imprisonment of 15 or 18 years shall be imposed. The sanctions under criminal law are laid down in article 273f of the Dutch Criminal Code.

A bill is currently being debated in the House of Representatives in order to increase the maximum sentence for people committing this particular predicate offence to 12 years. The maximum penalty will go from 12 to 15 years imprisonment if two or more persons are acting in concert; from 15 to 18 years if serious bodily injury has been caused; and from 18 years to 30 years or life imprisonment in case of death (Kamerstukken II 2011/12, 33185).

If someone is sentenced for trafficking in human beings and committed that trafficking in human beings as part of his profession, the court may prohibit that person from continuing to practise that profession as an additional sentence (article 273f, paragraph 7 in conjunction with article 251, paragraph 2 of the Dutch Criminal Code). Part of the criminal law approach to organised crime involves the confiscation of criminal assets. By virtue of article 36e of the Dutch Criminal Code, the Public Prosecution Service is entitled to demand the confiscation of illicitly obtained gains.

Victims of trafficking in human beings may join a claim for compensation to the main criminal case, or launch civil proceedings, in order to lay claim to damages for the material and non-material damage. Redress for the damage suffered will be recovered from the perpetrator.

Action brought under administrative law against organised crime, including trafficking in human beings, is encouraged. Municipalities, for example, are able to impose incremental penalty payments and have the power to grant and withdraw permits and subsidies. As explained in the answer to question 6, if individuals and companies who are applying for or are in possession of certain business permits or subsidies are found to have criminal records, criminal connections or are using criminal money, the municipality can refuse the application or revoke the permit or subsidy. This is possible through the Public Administration (Probity Screening) Act or “BIBOB”.

In addition, the Dutch Senate is currently debating the draft law entitled “Regulation of prostitution and fight against abuses in the sexual services sector” (Parliamentary Papers (Kamerstukken) I 2010/11, 32211). This Bill introduces a number of new sanctions. Employers who do not comply with the new licensing requirements included can be prosecuted. A person wishing to work as a prostitute, be it in a brothel or independently, will have to register as such beforehand and will be punishable if he/she has not done so. Clients who circumvent the new system can also be prosecuted.

**Question 51: Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?**

Yes. Previous convictions in other countries can be taken into account on the basis of article 68 of the Criminal Code. This is done on a regular basis, most recently in the “Koolvis” case of 12 March 2012. The European Criminal Records Information System (ECRIS) supports the exchange of such information.

**Question 52: Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.**

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, in order to determine where victimhood begins and being a perpetrator ends. The decision not to prosecute a victim who is also a perpetrator and committed his/her punishable offences as a result of a situation of exploitation can result from considerations such as those. In a number of cases, the decision by the Public Prosecution Service not to prosecute was explicitly based on the non-punishment principle. Case law in the Netherlands meanwhile encompasses a few cases in which attention was given to the application of the non-punishment principle. In the revised version of the instructions on human trafficking issued by the Board of Procurators General, it is intended to draw additional attention to the non-punishment principle, by including a provision that is partly derived from article 8 of the new EU directive on trafficking in human beings.

In the event that a victim is, in fact, prosecuted for punishable acts committed as a result of a situation of exploitation and the court regards him/her to be guilty, the court may decide, given the circumstances, not to impose a sentence (article 9a of the Dutch Criminal Code).



**Question 53: Does your internal law provide for the initiation of legal proceedings by the victim and/or ex officio (for example, by the public prosecutor)?**

By virtue of the opportunity principle, the Public Prosecution Service is the only body that is authorised to prosecute the perpetrators of trafficking in human beings when sufficient evidence is available to support a charge. An official report by a victim can give cause to proceed with a prosecution. Even in the absence of an official report, however, the Public Prosecution Service is able to initiate a prosecution. Those with a direct interest in the case can appeal against a decision by the Public Prosecution Service not to prosecute their case of trafficking, through a written complaint to the Court of Appeal (article 12 of the Code of Criminal Procedure).

**Question 54: Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.**

The position of victims is firmly anchored within the criminal proceedings in the Netherlands. Organisations have the freedom to support the victim during the criminal proceedings. They do, however, not play any formal part in criminal proceedings.

**Question 55: Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.**

During court proceedings, the victim can be hidden from the view of the suspect or rendered unrecognisable, or he/she may give evidence by means of video-conferencing. The victim can also be examined without the suspect being present. The suspect can also be examined outside of the courtroom by the examining magistrate, in the presence of the suspect's legal counsel, but without the suspect actually being present. This statement can be shown on video or taken into account in the courtroom in the form of a written transcript. In the event that the victim wishes to remain anonymous, there is also a possibility of designating the victim as a threatened witness. In that case, he or she will be examined anonymously by the examining magistrate. Shelters of course also provide victims with safety and anonymity. The most far-reaching measure is to allow the victim (or the witness) to take part in the witness protection programme. Since 2010, a special witness protection programme has been in place for victims of trafficking in human beings.

## Section III Statistics on THB

It should be noted that the Netherlands has what is sometimes described as a low-threshold system with regard to the identification and registration of victims. The statistics on the number of victims collected on this basis cannot therefore be compared with the figures of countries that have more formalized procedures and a higher threshold before a victim is recognized as such.

The complete figures for 2011 are not available yet. They will be provided as soon as they are available.

Apart from the answers to questions T9 and T10, the figures were compiled jointly by the National Rapporteur on Trafficking in Human Beings and CoMensha. The answers to questions T9 and T10 were provided by the IND.

**Table 1**

		2009				2010			
<b>Article 10</b>		<b>Women</b>	<b>Men</b>	<b>Children</b>	<b>Total</b>	<b>Women</b>	<b>Men</b>	<b>Children</b>	<b>Total</b>
<b>T1</b>	Number of victims identified during the year	660	131	118	909	735	106	152	993
<b>T2</b>	Types of exploitation <sup>1</sup>								
	sexual	424	28	49	501	642	44	118	804
	forced labour	69	90	4	163	82	47	7	136
	unknown	169	17	43	229	23	6	12	41
	not worked yet	63	7	22	92	45	11	18	74
<b>T3</b>	Number of persons whom the competent authorities had reasonable grounds to believe were victims of <sup>2</sup> :								
	national trafficking				240				315
	transnational trafficking				669				678
<b>Article 12</b>									
<b>T4</b>	Number of victims of THB who received assistance of any type	254	48	21	323	289	56	33	378
<b>T5</b>	Number of victims of THB who refused assistance which was offered to them								
<b>T6</b>	Number of shelters for victims of THB in your country <sup>3</sup>	50	10			50	10		
<b>T7</b>	Total number of places in shelters for victims of THB								
<b>T8</b>	Number of victims of THB accommodated in shelters <sup>4</sup>	168	28	11	207	183	41	9	233
<b>Article 13</b>									
<b>T9</b>	Number of victims of THB who were granted a recovery and reflection period <sup>5</sup>	180	30	30	240	210	40	40	280
<b>Article 14</b>									
<b>T10</b>	Number of victims of THB who were issued a residence permit <sup>6</sup>								
	owing to their personal situation <sup>7</sup>								

	for the purpose of their co-operation with the competent authorities	220	50	20	290	250	70	30	350
<b>Article 15</b>									
<b>T11</b>	Number of victims of THB who obtained compensation <sup>8</sup>				29				
<b>T12</b>	Compensation awarded to victims of THB:								
	minimum amount awarded to a victim (in euros) <sup>9</sup>								
	maximum amount awarded to a victim (in euros) <sup>9</sup>								
<b>Article 16</b>									
<b>T13</b>	Number of victims of THB who were repatriated to your country <sup>10</sup>								
<b>T14</b>	Number of victims of THB who were repatriated from your country to another country <sup>11</sup>	33	3	1	37	29	4	4	37

1. If the total number of victims from the various sectors is added up, this amounts to a greater figure than the total number of victims, as some victims are exploited in more than one sector.
2. The location where a victim is recruited is not registered, so the answer to this question is based on the assumption that Dutch victims are victims of national trafficking and foreign victims are victims of transnational trafficking.
3. As is mentioned in the answer to question 37, Asja II provides specialised shelter for victims of loverboys, who are often minors. Minor victims of trafficking can also be accommodated within the youth care facilities, which fall under the responsibility of the twelve provincial governments.
4. CoMensha is not authorised to place children in shelters. The fact that minors are included in the figures for victims accommodated in shelters is a result of the fact that children are registered as minors and when they turn 18, CoMensha must still find accommodation for them, which makes it seem in the registration as if CoMensha has referred a minor to shelter.
5. The IND only provides round figures for privacy reasons. As a consequence, the total figure may be lower than the (round) figures for men, women and children added together.
6. These figures concern the B9 residence permits
7. This possibility was only introduced for victims of trafficking in 2011. Before then, victims of trafficking could also apply for a residence permit on the basis of compelling reasons of a humanitarian nature under the general rules. No figures for this are available.
8. This concerns the number of victims of THB with regard to whom the court imposed a compensation order. Other types of compensation that fall outside the statutory compensation order are therefore not included in these figures. The figures for 2010 are not available yet.
9. BNRM has only received the minimum and maximum amount from the Central Fine Collection Agency in categories and per compensation order imposed as opposed to per victim (multiple victims can be included in a single compensation order, which is imposed for a single offender).
10. As is also explained in the answer to question 44, it is quite rare for Dutch victims to be identified in other countries. No figures are available.
11. In so far as repatriation to the country of origin is concerned: CoMensha is not always told whether or not clients return. It is therefore unclear whether or not these figures are correct.

Table 2

		2009	2010
Article 18		Total	Total
T15	Number of criminal proceedings initiated on grounds of THB	141	215
T16	Number of convictions for THB	69	80
Article 19			
T17	Number of convictions for the use of services of a victim of THB <sup>12</sup>	0	0
Article 23			
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty	58	74
T19	Duration of penalties on grounds of THB involving deprivation of liberty <sup>13</sup>	An average of 687 days (SD: 682.4)	An average of 617.1 days (SD: 562.5)
	minimum duration		
	maximum duration		
T20	Number of judgements resulting in the confiscation of assets		
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB		
Article 26			
T22	Number of victims of THB who benefitted from the non-punishment provision		

12. There were no convictions, as the use of the services of a victim of THB does not constitute an independent criminal offence in the Netherlands (see the answer to question 47).
13. Here, it is only the duration of the non-suspended component of the custodial sentence that is displayed for THB in each case. The suspended component has not been taken into consideration. It must be noted that in the judgments in which THB has been declared as proven, other proven offences alongside THB are often involved. These obviously also influence the sentence. The average duration displayed is therefore not solely imposed for THB.

Table 3

T23	2009		2010	
	Nationalities	Number	Nationalities	Number
	Afghanistan	2	Afghanistan	1
	Albania	4	Albania	2
	Angola	4	Angola	5
	Armenia	3	Armenia	6
	Azerbaijan	2	Azerbaijan	2
	Belarus	1	Belgium	1
	Benin	3	Benin	1
	Bosnia and Herzegovina	1	Brazil	12
	Brazil	14	Bulgaria	46
	Bulgaria	39	Burundi	3
	Burundi	1	China	23
	Canada	1	Colombia	1
	China	37	Cuba	1
	Colombia	1	The Dominican Republic	2
	The Dominican Republic	1	Germany	3
	Germany	3	Ecuador	2
	Egypt	1	Eritrea	1
	Ethiopia	1	Ethiopia	1
	The Philippines	1	The Philippines	2
	Gambia	2	Finland	1
	Georgia	1	France	1
	Ghana	23	Gabon	1
	Guinea	35	Gambia	5
	Hungary	47	Georgia	1
	India	6	Ghana	21
	Indonesia	17	Guatemala	2
	Iraq	3	Guinea	26
	Iran	2	Hungary	56
	Côte d'Ivoire	6	India	7
	Jamaica	1	Indonesia	4
	Former Republic of Yugoslavia	1	Iraq	3
	Cameroon	15	Iran	3
	Kuwait	1	Italy	1
	The Congo	5	Jamaica	1
	Kosovo	1	Former Republic of Yugoslavia	1
	Kyrgyzstan	1	Cameroon	11
	Latvia	9	Kenya	6
	Liberia	5	The Congo	8
	Lithuania	5	Croatia	1
	Macedonia	1	Latvia	5
	Malaysia	2	Liberia	3
	Morocco	15	Lithuania	9
	Mauritania	1	Madagascar	1
	Moldova	1	Malasia	2
	Mongolia	7	Morocco	18

	Montenegro	2	Mauritania	1
	The Netherlands	240	Mongolia	5
	Nepal	2	The Netherlands	315
	Niger	1	Nepal	3
	Nigeria	101	Nigeria	131
	Ukraine	5	North Korea	1
	Uzbekistan	2	Ukraine	3
	Unknown	17	Unknown	15
	Pakistan	3	Austria	1
	Poland	19	Pakistan	1
	Portugal	4	Peru	1
	Romania	89	Poland	16
	Russia	4	Portugal	2
	Rwanda	2	Romania	49
	Senegal	1	Russia	3
	Sierra Leone	35	Rwanda	1
	Slovakia	1	Senegal	1
	Sudan	3	Serbia	1
	Somalia	5	Sierra Leone	36
	Spain	1	Slovakia	39
	Suriname	8	Sudan	1
	Taiwan	1	Somalia	2
	Tanzania	1	Spain	1
	Thailand	5	Sri Lanka	2
	Togo	4	Suriname	6
	Czech Republic	3	Syria	1
	Tunisia	1	Tanzania	2
	Turkey	1	Thailand	3
	Uganda	10	Togo	2
	Venezuela	1	Czech Republic	6
	Vietnam	2	Turkey	4
	Zimbabwe	1	Uganda	15
	South Africa	1	Venezuela	2
	<b>Total</b>	<b>909</b>	United Kingdom	5
			Democratic Republic of the Congo	1
			Zambia	1
			Zimbabwe	1
			<b>Total</b>	<b>993</b>

## Overview of abbreviations:

	Full text in Dutch	Full text in English
amv's	alleenstaande minderjarige vreemdelingen	unaccompanied minor aliens
ANITP	n.a.	Romanian National Agency against Trafficking in Persons
B9	B9-regeling; Hoofdstuk B9 van de Vreemdelingencirculaire	B9 regulation; Chapter B9 of the Aliens Circular 2000
BIBOB	Wet bevordering integriteitsbeoordelingen door het openbaar bestuur	Public Administration (Probity Screening) Act
BNRM	Bureau Nationaal Rapporteur Mensenhandel	Bureau of the National Rapporteur on Trafficking in Human Beings (in the Netherlands)
BZ / MFA	Ministerie van Buitenlandse Zaken	Ministry of Foreign Affairs
BZK	Ministerie van Binnenlandse Zaken en Koninkrijksrelaties	Ministry of the Interior and Kingdom Relations
CCV	Centrum voor Criminaliteitspreventie en Veiligheid	Dutch Centre for Crime Prevention and Safety
CJIB	Centraal Justitieel Incassobureau	Central Fine Collection Agency
DT&V	Dienst Terugkeer en Vertrek	Repatriation and Departure Service
EMM	Expertisecentrum Mensenhandel Mensensmokkel	Expertise Centre on Human Trafficking and People Smuggling
ECID	Expertisecentrum Identiteitsfraude & Documenten	Expertise Centre for Identity Fraud and Documents
EMPACT	n.a.	European Multidisciplinary Platform Against Crime Threats
FIU	n.a.	Financial Intelligence Unit
GGD	Geneeskundige en Gezondheidsdienst	(local) Public Health Department
ICMPD	n.a.	International Centre for Migration Policy Development
IND	Immigratie en Naturalisatiedienst	Immigration and Naturalisation Service
Inspectie SZW	(former Labour Inspectorate and Social Security Intelligence and Investigation Service)	Inspectorate SZW
IOM	n.a.	International Organisation for Migration
IPOL	Dienst Internationale Politie-Informatie	Department of International Police Information
JIT	Gemeenschappelijk Onderzoeksteam	Joint Investigation Team
KLDP	Korps Landelijke Politiediensten	Netherlands Police Agency
KMar	Koninklijke Marechaussee	Royal Netherlands Marechaussee
KvK	Kamer van Koophandel	Chamber of Commerce
LEM	Landelijke Expertgroep Mensenhandel	National Expert Group on THB
MTV	Mobiel Toezicht Veiligheid	mobile supervision operations
NAPTIP	n.a.	National Agency for Prohibition of Traffic in Persons and Other Related Matters (Nigeria)
NR	Nationale Recherche	Dutch National Crime Squad
OCW	Ministerie van Onderwijs, Cultuur en Wetenschappen	Ministry of Education, Culture and Science
OM	Openbaar Ministerie	Public Prosecution Service
RIVM	Rijksinstituut voor Volksgezondheid en Milieu	National Institute for Public Health and the Environment
RUPS	Regeling Uitsstapprogramma's Prostituees	Exit Programmes for Prostitutes Scheme



SZW	Ministerie van Sociale Zaken en Werkgelegenheid	Ministry of Social Affairs and Employment
Vb	Vreemdelingenbesluit	Aliens Decree
VenJ	Ministerie van Veiligheid en Justitie	Ministry of Security and Justice
VWS	Ministerie van Volksgezondheid, Welzijn en Sport	Ministry of Health, Welfare and Sports

**Annexes:**

**Annex I:** Action Plan 2011- 2014 - Strengthening the integrated approach to tackling trafficking in human beings - Task Force on Human Trafficking

**Annex II:** Comprehensive Action Plan on (the Issue of) “Loveboys”, 2011-2014

**Annex III:** Article 273f of the Criminal Code

**Annex IV:** Article 51a of the Code of Criminal Procedure



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