

CP(2019)04

**Report submitted by the authorities of the Netherlands
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)26 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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Ministry of Justice and Security

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Date 12 November 2019
Subject Further comments to the report concerning GRETA's second
evaluation on the Netherlands

Ons kenmerk
2741661

Dear Ms Nestorova,

The Netherlands would like to thank once more the Group of Experts on Action against Trafficking in Human Beings (GRETA) for its second evaluation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the Netherlands. The process to come to this report has been intensive and the Netherlands would like to thank GRETA once more for its very constructive cooperation during this process.

GRETA has identified three issues for immediate action in their report of the second evaluation round of the Netherlands:

1. Adopt a new National Action Plan against THB as a matter of priority and to support it with the necessary budgetary resources;
2. Ensure, in line with Article 12 (6) of the Convention, that assistance provided to foreign victims of THB is not linked to investigations or prosecutions being pursued;
3. Take additional steps to ensure that, in compliance with the obligations under Articles 10, 12 and 13 of the Convention, all possible foreign victims of trafficking, including EU/EEA nationals, are consistently offered a recovery and reflection period, regardless of the competent authorities dealing with the case.

With a reference to the comments from the Government on GRETA's report dated 16th October 2018, we further inform you in this letter about the latest state of affairs with regard to the follow-up of these recommendations.

1) In November 2018 an integrated programme called 'Together against Human Trafficking' was launched. This programme has been developed by the ministry of Justice and Security, the ministry of Health, Welfare and Sports, the ministry of Social Affairs and Employment, and the ministry of Foreign Affairs, together with a wide range of stakeholders in the field of combatting human trafficking (among others police, public prosecution, municipalities, NGO's, social workers). A lot of these partners are also responsible for the implementation of parts of the

programme. The programme aims to tackle various forms of human trafficking; sexual exploitation, labour exploitation and criminal exploitation. With this programme we pursue an integrated approach to the problem: prevention, identification, detection, shelter and tackling it on an international level are considered in conjunction. The programme is built up along 5 lines of action:

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1. Further development of the basic approach to tackling human trafficking:
Central to this Action Line is the further improvement of the detection of victims, the detection of perpetrators and the improvement of the care services for victims of human trafficking.
2. Further development of the approach to tackling labour exploitation:
The Netherlands has committed itself to the recently ratified ILO protocol on forced labour. This Action Line looks at the way in which we, in consultation with the social partners, aim to strengthen the approach to tackling labour exploitation.
3. Victim and perpetrator prevention:
Preventing people from becoming victims in the Netherlands and in countries of origin and transit, is one of the central objectives of this programme. We also consider how we can prevent crimes from being perpetrated, for example by making agreements with the business community.
4. Strengthening the municipal approach to tackling human trafficking:
An integrated approach to human trafficking requires made-to-measure solutions and therefore good cooperation between all chain partners at the local level. Municipalities have an important role to play. They are responsible for the administrative aspect of tackling the problem and for organising adequate support and shelter for victims. Municipalities are also indispensable as catalysts of the local approach to fighting human trafficking. As such, concrete agreements have already been made about this in the Inter-governmental Programme. With this Action Line we want to give a further impulse to the local approach to tackling human trafficking.
5. Sharing knowledge and information:
In order to be able to tackle human trafficking adequately, it is necessary to know the nature and scope of the problem. In this Action Line we also consider the need for effective sharing of knowledge and information between the professionals involved, both within the Netherlands and across the border.

This autumn a progress report has been sent to Parliament. This report not only contains the first results, but several new measures have also been announced.

2) The Netherlands agrees with the fact that victims of THB need to have access to the right facilities. However, for foreign victims of THB the Council of Europe Convention gives parties the option of granting a residence permit because of the victim's cooperation in the prosecution of a perpetrator or because of the individual's personal situation. The Netherlands offers both options. The Convention therefore offers the possibility to maintain the link between the residence permit and prosecution. We therefore did not take any additional steps with regard to the follow up of this recommendation. The Netherlands aims to maintain a balance between the prosecution of perpetrators and the assistance and care for victims. Practically this balance is maintained as follows: even the slightest indication of THB gives foreign victims access to specialized shelter and assistance. During the three-month reflection period, as part of the regulation for victims of trafficking in human beings,

possible victims get assistance without having to cooperate with the investigation. After this period, or sooner, possible victims of THB can get a residence permit for trafficking in human beings. On the 1st of October 2018 several changes of the Aliens Circular 2000 (B) have entered into force. A change has been made that entails that victims of human trafficking will receive a permanent residence permit when the Public Prosecution Service proceeds with the prosecution of a suspect. This gives victims more certainty. When prosecution is not pursued, the possible victim can apply for a residence permit on humanitarian grounds. This procedure also examines whether assistance and care is available in the country of origin. In practice, this process takes a couple of months. During this time assistance is still provided.

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3) GRETA reported that the 'slightest indication' for offering the reflection period was applied differently by the various law enforcement agencies. This has been clarified in the Aliens Circular 2000 (B) on the 1st of October 2018. One of the other changes of the Aliens Circular 2000 (B) on the 1st of October 2018 included the clarification and harmonisation of the authorities who offer the recovery and reflection period, including the addition of the Inspectorate SZW in the Aliens Circular 2000.

The need for a reflection period and related shelter in the Accommodation and Assistance for Victims of Trafficking in Human Beings (COSM) for EU nationals also derives from the fact that municipalities were not aware enough of their responsibilities in providing shelter for these victims. Under the Social Support Act, victims who reside lawfully in the Netherlands are entitled to the same shelter as Dutch victims, regardless of whether they decide to cooperate in the investigation. Therefore, in addition to the changes in the Aliens Circular 2000, a project leader has been appointed at the Association of Netherlands Municipalities to support municipalities in developing and implementing policies to tackle human trafficking, including providing shelter for all Dutch victims and victims with legal residence.

Another issue was the lack of suitable places to shelter victims of human trafficking with multiple problems. Therefore EU victims were also placed in the COSM, the shelter that was intended for victims in the reflection period, instead of in shelters from the municipalities. In the meantime additional shelters have been set up in five Dutch municipalities for victims of human trafficking, who are faced with complex care issues, such as psychological problems, an addiction, or an intellectual disability. In total 36 additional places have been achieved.

Should you have any inquiries concerning this reply, please do not hesitate to contact Ms Anouk Rooijers via a.rooijers@minjenv.nl or +31 6 5009 4089.

Yours sincerely,



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