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Reply from 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

Third evaluation round

Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

Answer:

First contact with CoMensha (Coordination Center against Human Trafficking)

CoMensha administers a centrally financed fund for translation services for victims of human trafficking, on top of general provisions with regards to translation service in the care system. Also before any contact with formal authorities information is available for victims: slachtofferwijzer.nl. Here victims of all crimes including human trafficking in the sex industry can find information to get the necessary help and information. This website is available in 6 languages: Arabic, Dutch, English, French, German, Spanish. Also recently wegwijzermensenhandel.nl is (re)published in order to guide victims to adequate help and also CoMensha offers a helpdesk for questions of victims. Furthermore, CoMensha launched together with NGO Terre des Hommes a hotline which is specifically developed for child victims.

CoMensha has – in cooperation with the ministry of Justice and Security and the police – developed a brochure, especially for victims of trafficking in humand beings (included under age victims). The brochure is called "From here on" and informs victims about care, assistance and guidance. The information is available in five languages: Dutch, English, Hungarian, Bulgarian and Polish.

The brochure is intended to support victims of trafficking in human beings who will have had an interview at the police or who are thinking about having that. (Possible) victims feel the need to obtain more information about the interview and a possible report at the police. Also they need extra information about care and assistance. With this brochure national and uniform information is available for victims of trafficking in human beings.

First contact with formal authorities (Police, Netherlands Labour Authority, Royal Netherlands Marechaussee or Public Prosecution Service)

Article 51 in the Criminal Code, the police officer, prosecutor or other investigating officers must ensure referral of the victim to a victim assistance institution (slactofferhulp for example) where they can access information, advice and support. The victim will be informed about their rights during the first contact with the formal authorities in a language that he or she will understand. The victim will be informed about relevant judicial and administrative proceedings like reporting a criminal offence and about what happens to the case after that. There is an animation available in multiple languages that explains the entire process in different languages, in an easily accessible way. This is now being used by the police. Although it is not externally visible yet, it will be on the Internet very soon. The police, the Netherlands Labour Authority, the Royal Netherlands Marechaussee, or the Public Prosecution Service will keep the victim informed about the case. The victim can ask the police, the Netherlands Labour Authority, the Royal Netherlands Marechaussee, or the Public Prosecution Service for an interpreter. In case an interpreter has been arranged for the victim, for example when filing a report with the police or during the interview, this will be free of charge. If the victim wants a written translation of the documents pertaining to the report or the criminal case, they should send a letter to the Public Prosecution Service or the judge. Victim Support the Netherlands or a lawyer can help the victim with this.

On the website www.workinnl.nl information can be found for migrants about working and living in The Netherlands. At the Netherlands Labour Authority one can (also anonymously) by phone and through the website make a report on labour exploitation or severe violations of the labour laws and regulations. At the English website of the Netherlands Labour Authority the files to report wrongdoing are also offered in Bulgarian, Romanian, Polish, Portuguese, Tsjech and Spanish.

Generally a victim of human trafficking without legal residence in the Netherlands will be screened by the Aliens Police, Identification and Human Trafficking Department(AVIM) and the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst - IND). The Repatriation and Departure Service (Dienst Terugkeer en Vertrek – DT&V) comes in action at the final stage of the migration process which is why most of the potential victims of human trafficking have already been informed about their rights, relevant judicial and administrative proceedings, and legal possibilities at an erlier stage in the procedure. DT&V employees are alert to subtle signs that someone might be a victim of trafficking in human beings. When these signs are detected, the relevant contact persons advise the presumed victim of the possibility to file a report at the AVIM and inform him or her of the residence permit procedure under the Residence Regulation for Trafficking in Human Beings, also additional information and help can be offered.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

Answer:

In general

The (presumed) victims can get translation and interpretation when they do not speak Dutch and need support in communicating in Dutch. The costs of an interpreteror translator are not paid by the victim; CoMensha receives funds for interpreters and translators. The shelters are in contact with the interpreters and can call them when needed. During the stage of investigation by the police and the Public Prosecution Office and the stage of the court trialthe victim can receive assistance from an interpreter.

There are also linguistic provisions when the victim reports a crime to the police or other public investigating officer. If the victim does not speak or understand Dutch he can report the crime in a language he/she understands or he/she will receive free linguistic support.
The victim receives information about his right to interpretation and translation at the moment of his first contact with the police or the Public ProsecutorOffice. These functionaries will contact a interpreter when needed. Interpretaton can by provide by telephone or by an interpreter who is physically present.

An appointed lawyer can aso make use of an interpreter. These costs are paid by the Legal Aid Council.

The Dutch legislation is in line with the EU Directive regarding minimum standards for victims of crime (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA).

Contact with the authorities ((Police, Netherlands Labour Authority, Royal Netherlands Marechaussee or Public Prosecution Service) in relation to the (criminal) investigation

According to Article 51aa, second paragraph, in the Criminal Procedure Code, the police officer, public prosecutor or other investigating officers must ensure referral of the victim to a victim assistance institution (slactofferhulp for example) where they can access information, advice and support. The victim will be informed about her/his rights during the first contact with the public authorities in a language that he or she will understand. The victim will be informed about relevant judicial and administrative provisions and rights,like his right to report a criminal offence. The victim is entitled to be informed about the continuation of the case concerning the investigation and persecution. The investigating authorities such as police, the Netherlands Labour Authority, the Royal Netherlands Marechaussee, or the Public Prosecuter's office will keep the victim informed about the case, if desired by the victim. When needed the victim can ask the police of other investigating authorities for an interpreter.
The victim also has the right to an interpreter during the court trial. In case an interpreter has been arranged for the victim, for example when filing a report with the police or during the interview, this will be free of charge. If the victim wants a written translation of the documents pertaining to the report or the criminal case, he/she should send a requestto the Public Prosecuter's Office or the judge. Victim Support of the Netherlands or a lawyer can help the victim with this. The right to translation of documents is enshrined in article 51ca of the Criminal Procedure Code and is in line with the provisions of Directive 2012/29/EU.

The departments of investigation of the Netherlands Labour Authority work with (sworn) interpreters which are affiliated with the organisation "Global Talk". These interpreters are physically orby phone present. At the intake – the first interview at the official authorities – mostly by phone, when someone offically files a report with the police, the interpreters are physically present as much as possible. The translated reports are being used in the criminal cases.

The Public Prosecutor's office has a specific Victim Counter which assigns registred interpreters to victims during the court case.

Contact with immigration authorities

In many cases, foreign nationals who wish to be admitted to the Netherlands do not have a command of the Dutch language or do not have sufficient command to be able to express themselves properly. For the Asylum & Protection Department (A&B) of the IND this means that an interpreter must be used for all asylum applications, unless the foreign national speaks Dutch. Generally speaking, if there is any doubt about the foreign national's Dutch language level, it is preferable to always use an interpreter. For the purpose of a proper course of the procedure this also applies when the foreign national is no longer formally entitled to an interpreter. The hearing shall take place in a language of which it can be reasonably assumed that the foreign national requesting asylum can understand and speak, as described in Article 38 of the Aliens Act 2000 (Vw 2000). Costs for an interpreter will not be calculated to the victims.

If the foreign national can reasonably be expected to have a sufficient command of the Dutch language, the IND is not obliged to deploy an interpreter (see instruction WI 2020/5). In the case of regular applications, it has been determined that this is in any case the case if the foreign national has a regular residence permit and has resided legally in the Netherlands for five years or longer.

At the Repatriation and Departure Service (Dienst Terugkeer en Vertrek – DT&V) departure (-related) interviews with presumed victims of human trafficking can be conducted with the help of an interpreter in person, by telephone or by conference call.

Contact with CoMensha and care providers

CoMensha administers a centrally financed fund for translation services for victims of human

trafficking, on top of general provisions with regards to translation service in the care system. CoMensha receives funds for this service.

At all forms of shelters with care a service of interpreters is available, which will be enabled (through CoMensha) if necessary. On top of that, the Categoral Accomodation and Assistance for Victims of trafficking in human beings (COSM) can make use of interpreters at any time. The ministry of Health, Welfare and Sport reimburses these costs.

CoMensha has set up – in cooperation with the ministry of Health, Welfare and Sport – point of administration for the help of necessary interpreters for acute support of victims. Here a compensation can be requested by the care providers for the costs in case they request the help of interpreters for victims who need acute care (see website: https://www.comensha.nl/onze-helpdesk/tolkenvergoeding/).

Also general information about services of interpreters for victims can be found on the website: wegwijzermensenhandel.nl.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Answer:

Contact with the authorities (Police, Netherlands Labour Authority, Royal Netherlands Marechaussee or* Public Prosecuter's office*) in relation to the (criminal) investigation

The victim may always be represented by a lawyer, for example during the report to the police or the criminal trial. This legal assistance is free of charge for victims of THB. This is laid down in article 51c in the Criminal Code. Victims can also get free legal assistance from Victim Support the Netherlands in all cases.

Contact with immigration authorities

As mentioned in 1.1. and 1.2. the website www.wegwijzermensenhandel.nl contains general information for victims about the several subjects that can be of use for them.
CoMensha and Fairwork (speciliased in labour exploitation) can support and advise the victims about the legal process. They can also refer the victim to other relevant organisations or towards a lawyer.

The Legal Aid Board can assign a lawyer to victims who want to receive legal assistance. A victim has a right to addition of a lawyer on the basis of the Law on Legal assistance. Victims of trafficking in human beings recieve all support as referred to in article 7 of Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

Contact with CoMensha and care providers

Shelters and NGOs like FairWork and CoMensha inform possible victims of their rights. Shelters like the COSM will encourage victims to press charges and cooperate with the investigation and prosecution. For women's shelters and youth care institutions, the assistance to victims of human trafficking is an integral part of their general activities Quality demands with regard to legal assistance are laid down in the laws and regulations governing these sectors. For example, the

quality of care that youth care organizations must provide is laid down in the Child and Youth Act. There is a bureau set up (Advies- en Klachtenbureau Jeugdzorg - AKJ) which specifically supports parents and children during their contact with the department of Youth Care and the institutions poriving the care, in case problems arise. Trustees which are appointed within the organisations also make sure that parents and children are aware of all rights and duties of all parties involved.

In addition to the legal and regulatory obligations with regards to the quality of care provided by the shelters, the network of care coordinators and CoMensha also play a central role in safeguarding the assistance provided to victims. This includes legal support and advice and translation services.

Contact with other organizations

In addition, the following organisations offer general support and/or information about legal assistance and the legal process:

- "Het Juridisch Loket"; this organisation for support provides free personal legal advice.
- "The Red Cross"; the Red Cross is committed to protecting and guaranteeing the humanitarian rights of foreign victims (including legal support for the victim).
- "Het Slachtofferloket"; victims of trafficking can contact the "Victims' Desk" with questions about the report and the subsequent investigation. When the investigation is completed, the case is often sent to the Public Prosecutor's office. From then on the victim can contact the Victims Information Point of the Public Prosecutor's office.
- "Slachtofferhulp Nederland" (Victim Support of the Netherlands); this organisation offers support to victims of human trafficking from the Netherlands and other EU countries. The support is focused on the personal situation of the victim. "Victim Support Netherlands" is also there for witnesses and others involved.

The Netherlands Red Cross and a few local NGOs provide (self-financed) free legal support to foreign victims during the B8/B9 residence permit procedures, in addition to the legal representation provided by the lawyer.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Answer:
All victims of human trafficking are entitled to legal assistance by a lawyer (article 51c of the Dutch code of criminal procedure). During the criminal trial, a victim who does not sufficiently speak the Dutch language is entitled to an interpreter at the hearing (articles 51c and 163 of the Dutch code of criminal procedure), at the cost of the state (art. 1.5 of the Law fees in criminal cases). Victims may ask the Public Prosecutor's office for an interpreter. Please also refer to the answers given in 2.1.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Answer:
The victim may always be represented by a lawyer, for example during the report to the police or the criminal trial. Free legal aid during the criminal proceedings is accessible for victims of human trafficking. Legal aid can be provided by a lawyer, and by Victim Support. Free legal assistance includes a.o.: claiming compensation, making a victim impact statement, and representation during, all during the criminal trial.

That legal aid is free is stated in the policy of the Legal Aid Board, which implements the relevant

legislation. Victims can also get free legal assistance from Victim Support the Netherlands in all cases.

To ensure that compensation orders are executed, the The Central Judicial Collection Agency (CJIB) collects due compensation from the offender. If an offender does not pay within 8 months, victims receive an advance, which will be paid by the Dutch government.

To promote effective compensation of victims of THB, the National Public Prosecutor's office for serious fraud and environmental crime and asset confiscation (Functioneel Parket or FP) gives presentations to prosecutors on financial investigations and how they may use the information thus gathered to claim compensation for the victims. The aim is to prevent traffickers from keeping the money they made by exploiting human beings. In the bigger cases, victims can turn to special coordinators (zaakscoördinatoren) to get help with asking for compensation.

Please see the answer to this question underneath question 42 of the Dutch response to the first and second GRETA questionnaire for further information and examples of claiming compensation from the perpetrator.

2.4 Are there lawyers specialized to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

Answer:

Victims of human trafficking could get involved with various legal aspects. In cases of human trafficking, it is recommended to contact a lawyer who is specialized in guiding victims of human trafficking. All victims of human trafficking are entitled to free legal assistance by a lawyer (see also the answer to question 2.3)

Article 51c of the Code of Criminal Procedure determines that victims may have someone assist them during the investigation and the trial. This could be a lawyer, a legal representative or a person of their choice. It also determines that victims may choose someone to represent them during the trial. This could for example be a lawyer or a staff member of Victim Support the Netherlands. The regulations for such legal aid/representation include that professionals at shelters have to be trained social workers.

The Legal Aid Board is also able to assign a lawyer to victims of human trafficking who want legal aid. The Legal Aid Board itself does not provide legal aid to victims. The Legal Counter (in Dutch: Juridisch Loket) also provides advice on this. The specialized lawyers focus specifically on victims of human trafficking and have network knowledge. They are registered with the Legal Aid Board and can, if necessary, provide subsidised legal aid. An additional lawyer may, if necessary, engage an interpreter or translator at the expense of the Legal Aid Board. To this end, the Council has concluded contracts with interpreting and translation services. Victims of human trafficking are provided with access free legal aid.

Also organisations such as CoMensha and FairWork (in case of labour exploitation) support and advise the victim during the legal process. These organisations may also refer the victim to the appropriate authorities or a lawyer. Furthermore CoMensha has published an overview of relevant juridical training specifically focussed on THB.

In addition, it is important that professionals working at shelters for victims of trafficking understand what THB is. For example, at the COSM in Amsterdam (also known as the Amsterdams Coördinatiepunt Mensenhandel (ACM) of HVO Querido), all the professionals working in the shelter have to follow a training about anti-trafficking legislation. This training is given by a lawyer who specialises in THB together with a police officer from the AVIM. The municipality of Amsterdam pays for the lawyer. If there are any questions about an individual case, workers from the shelter can always consult this specialised lawyer (or the lawyer of the victim involved).

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Answer:
See answers to previous questions under 2 with regard to how legal aid is provided for. There are no costs for victims applicable.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Answer:
The specific duties and powers of the Public Prosecutor's office in relation to victims are described in the regulation "Aanwijzing slachtofferrechten (Stcrt 2018, 36061)". A relevant part of this regulation describes the obligation of the Public Prosecutor's office to support the victim in getting a compensation for material and immaterial damage. The Public Prosecutor's office has the responsibility for victims in every phase of the process. Victims of trafficking in human beings are no exemption and these victims are often more vulnerable (see article 273f, part 6 of the Penal Code. Therefore, new legislation with regards to the extension of victim rights, forms an important role when it comes to formally strengthen the position of the victim.

To promote effective compensation of victims of THB, the National Public Prosecutor's Office for serious fraud and environmental crime and asset confiscation (Functioneel Parket or FP) gives presentations to prosecutors on financial investigations and how they may use the information thus gathered to claim compensation for the victims. The aim is to prevent traffickers from keeping the money they made by exploiting human beings. In the bigger cases, victims can turn to special coordinators (zaakscoördinatoren) to get help with asking for compensation.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Answer:
The guiding principle states that the perpetrator will be held accountable in compensating the obtained damage of the victim. In order to claim the damage restitution the victim has to join the criminal proceedings as an injured party to claim the obtained damage as result of the criminal act. The specific duties and powers of the Public Prosecutor's office in relation to victims are described in the regulation "Aanwijzing slachtofferrechten (Stcrt 2018, 36061)". A relevant part of this regulation describes the obligation of the Public Prosecutor's office to support the victim in getting a compensation for material and immaterial damage. To ensure that compensation orders are executed, the Central Judicial Collection Agency (CJIB) collects due compensation from the offender. If an offender does not pay within 8 months, victims receive an advance, which will be paid by the Dutch government. With this the Netherlands is an example for many other countries

Victims of deliberate violent crimes who are not able to claim the damage suffered from the perpetrator are allowed to appeal to the Violent Crime Compensation Fund (in Dutch: Schadefonds Geweldsmisdrijven). Depending on the injury the victim is eligible for several injury categories. The amount of the compensation varies from 1000 to 35000 euros, depending on the seriousness of the injury. The Violent Crime Compensation Fund pays undifferentiated amounts, meaning that the victim can spend the money on a self-appointed purpose.

Further information about the conditions for eligibility for compensation can be found on the website of the Violent Crime Compensation Fund. However, this is information about the generally applicable condations, no distinction has been made between victims of human trafficking and victims of other criminal offences. On the website people may choose the language in which they would like the information to be provided; Dutch, German of English.

Besides the compensation of material and immaterial damage, it is relevant to mention that the Court of Justice in The Hague considers the amount of 200 euros a day in case of forced prostitution the norma amount to be given to the victim[1]

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Answer:
Taking away unlawfully acquired benefits and reimbursement of victims are important components of the approach on tackling human trafficking in the Netherlands. There are several ways for victims to receive compensation, both material and immaterial, with regards to the occurrence of a human trafficking offence.

Firstly, a criminal court may impose a compensation measure on a convicted trafficker as part of the verdict, to be paid to the victim. Assets of a perpetrator can be seized after a conviction but also before a legal judgement has been made, in order to insure payment of a claim. According to the The Guideline for Criminal Procedure in Human Trafficking a financial investigation must always be conducted in a human trafficking case. To ensure that compensation orders are executed, the Central Judicial Collection Agency (CJIB) collects due compensation from the offender. If an offender does not pay within 8 months, victims receive an advance, which will be paid by the Dutch government. With this the Netherlands is an example for many other countries.

Secondly, victims have an opportunity for compensation outside civil and criminal judicial proceedings: the Violent Offences Compensation Fund. Please see the answer to question 42 of the Dutch response to the first GRETA questionnaire for more information.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Answer:
If the victim stays in touch with the person or organization that is claiming or arranging compensation on their behalf, be it their lawyer, the Public Prosecution's office or the Criminal Injuries Compensation Fund (Schadefonds Geweldsmisdrijven), or gets in touch with such a person or organization, then they are able to claim compensation after their return. For example, in order to join the criminal proceedings as the injured party for the purpose of claiming damages, it is enough to fill out a form. This can be done by proxy (e.g. by a lawyer). There is no need for the victim to have been involved as a witness or to have filed a report. The victim also does not need to be present at the court case. The victim does need to be mentioned in the indictment.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

[1]ECLI:NL:GHDHA:2020:2175

Answer:
The procedures for victims of labour exploitation are the same as the procedures for victims of THB. That is, a victim can claim compensation within a criminal procedure (material and not material damage) and/or start a civil procedure. In the first case the victim can be assisted and represented by a lawyer (free legal aid as mentioned in the answers in section 2).

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

Answer:
In 2018, CoMensha launched the Human Trafficking Academy, which is part of the CoMensha-website and is meant to offer complete training material on detecting human trafficking in a structured way. Many different professionals can find relevant material for their sector in the Academy.356 The Human Trafficking Academy also includes specific e-learning modules for aid workers of migrants. The Human Trafficking Academy helps professionals and other interested stakeholders to learn how to detect human trafficking and how to act accordingly, by providing important information on this topic.

For professionals who are in direct contact with (potential) victims, such as the Police, the KMar and employees at the Immigration- and Naturalisation Service (Immigratie- en Naturalisatiedienst - IND), training on how to detect victims of human trafficking is mandatory. For others, such as general practitioners and health-care professionals, this is optional. Several campaigns have been launched in the past years to raise awareness about human trafficking and to educate about the detection of (potential) victims of human trafficking

An overall list and links to more information regarding all types of exploitation can be found on the website wegwijzermensenhandel.nl. Manuals provide practical tools for first-line professionals who come into direct contact with (potential) victims of trafficking in human beings.

Please see the answer to this question underneath question 6 of the Dutch response to the second GRETA questionnaire (but also for further information and examples to answer this question correctly).
The following list describes the training provided to different actors involved in tackling THB:

<u>Police</u>
As mentioned in the response to recommendation 3 in the interim report, the Police will have received additional funds from 2020 starting this year to strengthen its fight against THB. Around 40 people already started till the end of 2021. Most of them are working as police detectives, specialized in THB, for the Aliens Police, Identification and Human Trafficking Department (AVIM). And some are working as digital specialists, specialized in THB.

New AVIM staff will first follow the AVIM Orientation within their own unit. AVIM Basis will be obligatory for all AVIM staff, unless there are reasons to exempt a member of staff. Completion of AVIM Basis will be necessary to follow AVIM Operational Field or AVIM specialism.

New AVIM staff will first follow the AVIM Orientationtraining within their own unit. For further specialism they follow additional training. AVIM Basis will be obligatory for all AVIM staff, unless there are reasons to exempt a member of staff. Completion of AVIM Basis will be necessary to follow AVIM Operational Field or AVIM specialism.

In the fight against THB it is very important that as many police officers as possible are able to recognise the signs of all manifestations of THB. For this reason, the Police has trained all frontline police officers in recognising the signs in the past few years. They will also be trained in the correct registration of signs in the business process systems and in passing on information about

signs of THB to the AVIMs. This training will be obligatory for new police officers and was paid from the additional funds received from the Ministry of Security and Justice.

Also the Prosecutors and support staff receive training/education. This is provided by the SSR (the training institute of the Judiciary and the Public Prosecutor's Office).

Immigration chain

All relevant actors in the migration and refugee domain are trained to detect signs of human trafficking:

Immigration and Naturalisation Service (IND)

The Immigration and Naturalisation Service is responsible for implementing the Human Trafficking Residence Scheme for victims of human trafficking and witnesses reporting human trafficking to the competent authorities. The IND has an important task in the early detection and in passing on signs of human trafficking to the investigative authorities. Case workers (including those taking decisions on asylum applications and gender contact persons) report information about signs of human trafficking to units which register and pass the information on to the Expertise Centre on Human Trafficking and People Smuggling. These units are so-called HIKs: handhavingsinformatie knooppunten or enforcement information centres.

Signs of (possible) THB may be detected by the IND but also by other actors within the chain of organisations that together make out the immigration chain. Professionals within this chain of organisations (including IND personnel) are therefore trained to detect signs of human trafficking. To facilitate early detection different instruments have been developed for example a so called quick reference card with indicators and a procedure how to report signals. Workshops and presentations are some of the instruments used to train staff.

The IND has also collaborated in the development of a EASO training course for caseworkers in Europe. The training is now operational and is offered to caseworkers in an online format by the IND.

Central Agency for the Reception of Asylum Seekers (COA)

COA is responsible for the reception of asylum seekers in the Netherlands. The COA staff are trained to recognise signs of human trafficking. Each reception center has two contact persons for questions regarding human trafficking and / or smuggling. These contact persons have had additional training. In addition, these contact persons are provided with a refreshment course twice a year. COA collaborates with the EMM, CoMensha and the RNLM in these trainings.

Repatriation and Departure Service (DT&V)

Generally a victim of human trafficking will be screened by other organisations such as the Aliens Police Department, Identification and Human Trafficking (AVIM) and the Immigration and Naturalisation Service. The Repatriation and Departure Service (Dienst Terugkeer en Vertrek – DT&V) is at the final stage of the migration process which is why most of the potential victims of human trafficking have already been informed about their rights, relevant judicial and administrative proceedings, and legal possibilities at an erlier stage in the procedure. DT&V employees are alert to subtle signs that someone might be a victim of trafficking in human beings. Also, the e-learning on human trafficking and recognising signs, developed by The Netherlands Red Cross, Vluchtelingenwerk and Central Agency for the Receptioin of Asylum Seekers (COA), is available for the DT&V employees.

Custodial Institutions Agency (DJI)

Custodial Institutions Agency personnel (staff on migration affairs, the medical service and the spiritual care service) are trained to recognise signs of trafficking in human beings in the detention of aliens. For the medical service, guidelines are available on recognising signs of trafficking in

human beings. 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.

CoMensha
CoMmensha uses the so-called barrier model (see the answer to question 59) to identify professionals and organisations that could come in contact with possible victims of human trafficking. Not only professionals and organisations in law enforcement (police officers, labour inspectors, border guards) and government (for example municipalities) but also the private sector is a target group that should be aware of human trafficking and how signs of THB could be detected.

Since 2017, CoMensha is exploring the field of aviation and is in consultation with several airline companies. In 2020 and 2021 CoMensha will also have a meeting with the Schiphol Group about the importance of awareness of human trafficking, especially at airports. CoMensha gave trainings to general practitioners, in cooperation with the Royal Dutch Medical Association (KNMG) and FairWork. is also looking into the medical sector (hospitals) as a group that should be trained. A pilot training was given at the VU University Medical Center (VUmc) in Amsterdam. Special attention was given to the discrepancy between the confidentiality of medical information and the need to pass on possible signs of human trafficking. CoMensha received positive feedback from the participants in the pilot training. CoMensha is therefore mapping other target groups in the medical field.

CoMensha also pays attention to schools and started giving low-key awareness sessions to children at primary school about the use of internet, social media and mobile devices and the potential dangers of sexting and grooming. For now this is optional for schools. Schools do have to pay attention to sexuality and sexual diversity. CoMensha will discuss this further with the Ministry of Education, Culture and Science to see if a collaboration could be set up.

CoMensha organised, together with the. Dutch Salvation Amry, a training to employees of the Dutch Probation Service. Special attention was given to that people who are seen as perpetrator also could be a victim and to criminal exploitation.

Training at youth care institutions is very important, as the young people in care are often very vulnerable and could be a target for THB. CoMensha is in contact with Youth Care the Netherlands and the 'Safe Home' organisations7 to see what kind of additional possibilities there are to better reach this target group in a effective way.

Shelters (ACM/COSM)
Professionals working in shelters have to be trained social workers. In addition, it is important that professionals working at shelters for victims of trafficking understand what THB is. At the COSM in Amsterdam (also known as the Amsterdams Coördinatiepunt Mensenhandel (ACM) of HVO Querido), all the professionals working in the shelter have to follow a training about anti-trafficking legislation. This training is given by a lawyer who specialises in THB together with a officer from the AVIM. The municipality of Amsterdam pays for the lawyer. If there are any questions about an individual case, workers from the shelter can always consult this specialised lawyer (or the lawyer of the victim involved). Every month the shelter holds a meeting about topics that are relevant to trafficking victims and their needs, such as (recent) changes in the law or traumas that the victims could suffer from. For every topic the shelter invites a specialist.

Recent topics discussed are:
- Dublin claims
- The victim's children
- The possible danger arising from internet and mobile phone use
- When a victim becomes a perpetrator.

- Mental disability

The shelter makes sure that its team is made up of professionals with different specialisations, such as drug abuse and its side effects, the development of children, sexting and grooming, PTSS, financial compensation etc. They keep their knowledge up to date, for example by attending an expert meeting or training, and share it with their colleagues.

Chamber of Commerce
All front office and back office staff of the Chamber of Commerce were trained in detecting signs of THB 2012 and 2013. This training was repeated in 2017.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

Answer:
Any person who has suffered direct damage as a result of a violent intentional crime may, in the Netherlands, join the criminal proceedings as a damaged party. The judge may impose compensation on the perpetrator. The amount of the imposed compensation will be collected by the State (Central Juridical Collection Agency; in Dutch: Centraal Justitieel Incassobureau), this ensures that the victim does not have to recover the damage himself from the perpetrator but only if compensation measure has been imposed.

In order to be eligible for a once-off compensation from the Violent Offences Compensation Fund, the victim has to be a victim of an intentional crime of violence that has been committed in the Netherlands. Victims will not be excluded for state compensation due to irregular residence status and nationality.

It may occur that the victim receives a compensation from the Violent Offences Compensation Fund and thereafter the payment of the compensation from the perpetrator (via the State; Central Juridical Collection Agency). In this case the amount of the compensation from the Violent Offences Compensation Fund will be offset against the compensation from the perpetrator. The amount of the compensation from the Violent Offence Compensation Fund will be replenished to the amount of the compensation that the perpetrator had been charged with. The remaining amount that has been collected by the Central Juridical Collection Agency will be returned into the state's finances. The victim does not receive double benefits.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

Answer:
The Violent Crime Compensation Fund uses criteria to determine the amount of the compensation.

The victim will receive a once-off financial compensation from the Violent Offences Compensation Fund. With the one-off financial compensation, the government recognizes on behalf of society the injustice that has been done to the victim. In this way, the Compensation Fund contributes to the restoration of trust and does justice to victims and their loved ones.

The once-off financiel compensation varies between 1.000 euro and 35.000 euro. The Compensation Fund uses six injury categories to which fixed (increasing) amounts for the once-off compensation are linked. The Compensation Fund determines into which category the sustained injury fits, the

corresponding amount is the once-off compensation that the victim receives for the suffering (immaterial damage) and any financial damage as a result (such as costs for medical assistance and reduction of income). The more serious the injury, the circumstances and the consequences, the higher the injury category.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Answer:

If the victim stays in touch with the person or organisation that is claiming or arranging compensation on their behalf, be it their lawyer, the Public Prosecution's office or the Criminal Injuries Compensation Fund (Schadefonds Geweldsmisdrijven), or gets in touch with such a person or organisation, then they are able to claim compensation after their return. For example, in order to join the criminal proceedings as the injured party for the purpose of claiming damages, it is enough to fill out a form. This can be done by proxy (e.g. by a lawyer). There is no need for the victim to have been involved as a witness or to have filed a report. The victim also does not need to be present at the court case The victim does need to be mentioned in the indictment.

According to the Violent Crime Compensation Fund (Schadefonds Geweldsmisdrijven) victims are entitled to submit an application for compensation when the crime occurred in the Netherlands. This also applies to victims who are still living in the Netherlands.

The violent crime must be commited in the Netherlands. Even if the violent crime took place on board of a Dutch ship or aircraft, the victim will be allowed to contact the Violent Offences Compensation Fund. In case the victim does not live in the Netherlands, but the crime did take place in the Netherlands, then the victim will be also be allowed to submit an application to the Compensation Fund. To submit the application, there does not have to be a lawsuit or a conviction to an offender. The perpetrator does not have to be known. The Compensation Fund never contacts the perpetrator.

An example of an often occurring case: the victim filed a police report because she was victim of human trafficking in the Netherlands. The police report did not lead to criminal proceedings because of lack of evidence. The victim went home to her country of origin. After that she filed an application at the Dutch Violent offenses Compensation Fund, with help from Victim Support Netherlands (Slachtofferhulp Nederland). The Compensation Fund came to the conclusion that the victim was entitled to compensation and compensation was given to the victim.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Answer:

The participation Act states that municipalities are not allowed to take into account the once-off payment from the Compensation Fund when determining the amount and the right to social assistance. This means that the once-off compensation from the Compensation Fund will not be deducted from social assistance benefits, or that the once-off compensation does not have consequences for the social assistance benefit (it wil not be withdrawn).

If victims claim compensation from the state, they must pay their own expenses and for hiring a lawyer. Damages received from the state are subject to tax and may affect social security or other benefits. Depending on income and assets, victims may be eligible for financed legal aid from a lawyer. In that case, part of the costs for legal assistance is reimbursed by the government. No tax has to be paid on the benefits provided by the Damage Fund for Victims of

Violence. Nor do these payments affect social security benefits and allowances. The amount awarded can affect the income limit, but victims can submit a one-off request to the Tax Administration to make an exception for these payments.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Answer:

I) Confiscating or depriving perpetrators of proceeds of criminal offences

Taking away unlawfully acquired benefits and reimbursement of victims are important components of the approach on tackling human trafficking in the Netherlands. Assets of a perpetrator can be seized after a conviction but also before a legal judgement has been made, in order to insure payment of a claim. According to the Directive on THB of the Public Prosecution Service a financial investigation must always be conducted in a human trafficking case.

Legislative framework for confiscation/deprivation of proceeds of criminal offences
The Netherlands can confiscate, upon conviction, proceeds and instrumentalities of crime held by the offender and third parties (Dutch Criminal Code (hereafter: WvSr), Art. 33a and 36e). A confiscation order may be issued upon conviction of any criminal offence (WvSr, Art. 33 and 36e).

Confiscation provisions are therefore applicable to a.o. HT, money laundering and predicate offences and enable the confiscation of i.a. the following:

a) Property laundered: The objects in relation to which the offence was committed are liable to confiscation (WvSr, Art. 33a);

b) Proceeds, including income or other benefits derived from proceeds, and instrumentalities used in or intended for use in money laundering or predicate offences such as HT: confiscation extends to objects used, or intended for use, or manufactured for the commission of any offence, including human trafficking. Confiscation extends to objects or benefits obtained from the proceeds of crime (WvSr, Art. 33, 33a and 36e);

c) Property of corresponding value: the Netherlands has a value confiscation regime that allows for the determination of the value of property laundered and proceeds from any criminal offense and the confiscation of the equivalent value. Confiscation also extends to proceeds from other criminal offences where there are sufficient indicators that the offender committed them or received profits from crimes, regardless of who committed them (WvSr, Art. 36e). In the Netherlands, objects are defined as property of any description, whether corporeal or incorporeal (WvSr, Art. 33a(4)). The definition refers to "all tangible property and all property rights", which covers property of any description, whether corporeal or incorporeal.

Proceeds held by third parties can be seized and confiscated if they knew or could have reasonably suspected that the property was derived from a criminal act (object confiscation, WvSr, Art. 33a (2)) as well as if they came in the possession of a third party with the apparent intention of impeding or preventing seizure, (Dutch Criminal Procedure Code (hereafter: WvSv), Art. 94a (4 and 5) and WvSr, Art. 36e).

II) Identify, trace, freeze or seize rapidly property which is liable to confiscation

Legislative framework for identification, tracing and seizure of property which is liable to confiscation

Dutch law enforcement authorities (LEAs) are able to:

a) Identify, trace and evaluate property that is subject to confiscation: financial investigations are initiated in all criminal investigations where suspicious flows of money or assets are identified (Confiscation instruction 2016A009, Chapter 4). In a general criminal investigation (including financial investigation), upon authorisation from the public prosecution office (hereafter: OM), investigative officers can obtain data held by any person, including financial institutions and other private sector designated businesses and professions (WvSv, Art. 126nc and 126nd). Furthermore, an investigation into the assets of a convicted person may be initiated, where necessary for value confiscation (WvSv, Art. 6:4:11(2)). For offences, punishable with a fifth category fine, an additional criminal financial investigation may be initiated independently of the investigation into the predicate offences (WvSv Art.126). In these cases, investigating officers can obtain data or documents held by any person except the suspect, without any further authorisation (WvSv, 126a).

b) Carry out provisional measures, such as seizure: Property subject to confiscation, and property that could demonstrate unlawfully obtained gains can be seized (WvSv, Art. 94).
For the investigation of offences punishable with a fifth or forth category fine, including the offence of HT, property can also be seized for victim compensation and for any value confiscation/payment that may be imposed upon conviction. This prejudgement seizure is not limited to proceeds of the offense (WvSv, Art. 94a). Seizing measures can be issued ex parte (WvSv, Art. 94(3) and 103).

c) Take steps that will prevent or void actions that prejudice the authorities' ability to seizure or recover property that is subject to confiscation: In addition to the prejudgement seizure, assets belonging to a third party can be seized if there are indications that the objects, or part of them, came into the possession of the third party with the apparent intention of impeding or preventing seizure (WvSv, Art. 94a.4-5). The Dutch prosecution service may declare null or fraudulent any legal act, which an accused or convicted person has entered into within one year prior to the commencement of the criminal investigation (WvSv, Art. 94d(2)).

d) Take any appropriate investigative measures: LEAs can use all the appropriate investigative measures provided in the WvSv in the course of a criminal investigation of HT and other offenses. Investigative powers for seizure of goods and assets are available during criminal investigations. These may be applied during a parallel criminal investigation into financial elements, for the purposes of confiscation.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Answer:
Assets of a perpetrator can be seized after a conviction but also before a legal judgement has been made, in order to insure payment of a claim. According to the Directive on THB of the Public Prosecution's office a financial investigation must always be conducted in a human trafficking case.

Dutch legislation provides for a special claim for value confiscation for unlawfully obtained profits or advantages, fines for misdemeanors and victim compensation (art. 94a lid 3 WvSv). Upon

request of the OM, the court may issue a separate order for special confiscation consisting of the obligation for the offender to pay a sum of money to the State [or victim] in restitution of the illicit earnings, imposed fines or victims (art. 36f WvSr).
Prosecutors pursue victim compensation (restitution) as a priority, even before confiscation. Both victim compensation and confiscation can go hand in hand, but in a case where victim compensation (by means of a civil law suit, compensation claim in the criminal proceeding and/or a compensation measure) is possible and all illegal benefits are taken away from the convict in this manner, it may be that there is no more need for confiscation measures. Similarly, in a case where victim compensation is difficult to reach, prosecutors may opt to seek a confiscation order after which the collected confiscated value can be used to compensate the victim, or may do so through conditions imposed in an out-of-court settlement.

To ensure that compensation orders are executed, the Central Judicial Collection Agency (CJIB) collects due compensation from the offender. Thus, compensation does not directly go to victims, but goes through the CJIB before it reaches the victim. If an offender does not pay within 8 months, victims receive an advance, which will be paid by the Dutch government. With this the Netherlands is an example for many other countries.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

Answer:
Plea bargaining does not exist in the Dutch legal system. However, it is possible to include compensation as a condition in a transaction or settlement. The Public Prosecution's office is not aware of any examples of the latter with respect to human trafficking.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Answer:
With regard to the 695 human trafficking cases in the period 2015-2019, one can conclude that files are on average almost seven months at the Public Prosecutor's office and over sixteen months at the court. On average, it takes almost two years between the time the case is registered with the Public Prosecutor's office and the date on which the judgment is handed down. No major differences in processing times could be observed between the years. However, the average processing time for the District Court increased slightly compared to the period 2013-2017, when it averaged fourteen months. The average processing time for the Public Prosecutor's office was unchanged compared to the period 2013-2017.

There are specialised chambers in a number of courts and courts of appeal, but in general the processing time of cases is considerable.

If the various forms of trafficking in human beings are taken into account, one can see that the processing time for cases of labour exploitation is the longest, at more than three years. This applied to both the Public Prosecutor's office and the courts. The processing times for criminal exploitation and domestic sexual exploitation were the shortest, at more than sixteen months. It is also noteworthy that the district court invariably takes considerably longer to handle a case than the Public Prosecutor's office.

It is important to note that the number of registered cases per district office is not exclusively

explained by the efforts of the district office. For instance, differences between district courts may be related to their geographical and/or demographic size. Also, in different regions there may be different types of victims, with more or less cases being eligible for prosecution. Related to this, the effort and processing time required may differ greatly from case to case. Consider, for example, differences in the number of contacts with foreign investigation services.

Last year, the Administrative Chain Board (BKB) established professional standards with a view to improving processing times within the criminal law chain and bringing stability to case flows. However, in view of the increasing number of dismissals in proportion to the number of cases registered with the Public Prosecutor's office and handled by it, it would appear that there is also a need to eliminate backlogs.

The Public Prosecutor's office and the judiciary play an important role in deciding which cases are heard and when. This planning and appointee process takes place in consultation and cooperation between the Public Prosecutor's office and the judiciary. If there is a need on the part of the Public Prosecutor's office to give priority to the hearing of a certain category of cases, agreements can be made locally, for example by turning ordinary sessions into thematic sessions. Where there is pre-trial detention, there is already faster treatment.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

Answer:

There is a continuous focus on effective, proportionate and dissuasive penalties to tackle human trafficking. In this context, it is relevant to report that the Guideline for Criminal Procedure in Human Trafficking, 273f Sr, has recently been amended (the updated version was published in the Government Gazette on 27 October 2021 and has formally entered into force on 1 November 2021). The Guideline for Criminal Procedure in Human Trafficking was last amended in 2016. In addition to the principles regarding sexual exploitation and the principles of servitude and labour exploitation, this guideline also includes the guidelines regarding forced begging and exploitation of criminal activities. In the new Directive, the penalties to be imposed for all forms of trafficking in human beings have been increased. The guiding principles of the Directive no longer corresponded to the seriousness of the crime, and the need arose to bring the Directive into line with practice. In establishing the basic principles, the Public Prosecutor's Office also took into account the basic principles that apply to other offences punishable by a maximum sentence of 12 years' imprisonment or more, such as rape (art. 242), theft with violence (art. 312) and manslaughter (art. 287 of the Penal Code) and the import and export of hard drugs (art. 2 under a of the Opium Act). According to the Public Prosecutor's office, the basic principles of sexual legislation, and rape in particular, provide guidance in this respect, since actual sexual exploitation often results in a similar situation for the victim.

Moreover, according to the Public Prosecutor's office, the public prosecutor determines the amount of the penalty for each victim and each offence separately, as prescribed in the Sentencing Directive.

Finally, in the context of proportionality, it is relevant to mention that in May 2021 Human trafficking (273f) was included in the orientation points for sentencing and agreements on a national level between judges (LOVS agreements) (21-5-2021). Orientation points are a starting point for thinking about the punishment to be imposed by the judiciary. They offer the judge a handle and the possibility to refer to a national practice in sentencing.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

Answer:
Shelters and NGOs like Fairwork and Comensha inform possible victims of their rights, including children. Shelters like the COSM will encourage victims to press charges and cooperate with the investigation and prosecution. Victims of THB are entitled to free legal assistance by a lawyer.

Article 51c of the Code of Criminal Procedure determines that victims may have someone assist them during the investigation and the trial. This could be a lawyer, a legal representative or a person of their choice.

It also determines that victims may choose someone to represent them during the trial. This could for example be a lawyer or a staff member of the NGO Victim Support the Netherlands. The police, Public Prosecutor's office or the judge may decide that this person is not allowed to represent the victim. They must have a good reason for doing so, for example if this is in the interest of the investigation.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Answer:
If investigation authorities see insufficient indications for investigation and a case is not taken up under criminal law, a possible victim (in case of a third-country national) has the possibility to apply for a residence permit on humanitarian grounds or for asylum. If a criminal case is terminated prematurely (dismissal), there is the possibility of an Article 12 of the Penal Code. This procedure is open for everyone.

Access to complaint mechanisms, such as the national human rights institutions, Ombudsman, etc. are open to all in the Netherlands in principle, including children. We have signaled however that language barriers and unawareness of these possibilities hamper the factual realization of the right to make use of these routes.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Answer:
As said in answering question 6.2, if investigation authorities see insufficient indications for investigation and a case is not taken up under criminal law, a possible victim (in case of a third-country national) has the possibility to apply for a residence permit on humanitarian grounds or for asylum. If a criminal case is terminated prematurely (dismissal), there is the possibility of an Article 12 of the Penal Code. This procedure can be started if the person in question does not agree with the decision of the Prosecutor, e.g. if the Prosecutor decides not to continue the case. This procedure is open for everyone, including those who are in the Netherlands irregularly or who are detained in the Netherlands and fall under the B8/3 visa.

Access to complaint mechanisms, such as the national human rights institutions, Ombudsman, etc. are open to all in the Netherlands in principle. We have signaled however that language barriers and unawareness of these possibilities hamper the factual realization of the right to make use of these routes. Furthermore, sometimes the person filing the complaint does not have access to financed judicial support (*rechtsbijstand*). For this to be provided, it has to be a factually outstanding or complicated case, and/or there have to be serious complications for the person filing the

complaint. However, it is possible to request the help of NGOs such as the Dutch Refugee Council or CoMensha in such cases.

Finally, persons in detention have access to procedures to be left out of detention. They can file a complaint against detention with the director of the detention center.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Answer:
Victims can on a national and an international level file a claim against the state in case they are of the opinion that either situation i) or ii) has taken place. No prosecutions agains diplomatic or consular staff for alleged involvement in THB have taken place.

One case has been declared inadmissible. At the moment another case is pending which has not been decided about.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

Answer:
Within the public prosecutor a network of prosecutors specialized in THB exists with the purpose of advising, informing and consulting: focused towards strengthening the prosecution of THB cases. Furhetmore, training is given to the judiciary and prosecutors (including legal staff and policy advisors of the Public Prosecution Service). Since 2017, the Public Prosecution Service receives additional funds to strengthen their fight against THB. 0,4 million for the Public Prosecution Service.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Answer:
In cases where it is evident that victims have been coerced into committing crimes, a dismissal can be considered, for example, claiming guilt without imposing punishment (art. 9a Sr), or applying grounds for exclusion and/or reduction of punishment. Consideration may also be given to the grounds for criminal exclusion, in particular the grounds for psychological force majeure to exclude guilt (art. 40 Sr).

Pursuant to art. 26 Sr., each party must, in accordance with the fundamental principles of its legal system, provide the possibility to exclude victims of THB from punishment when they have been involved in unlawful acts if they were forced to do so (the so-called 'non-punishment principle'). This also includes that victims should not be prosecuted for offences they committed if they were in a human trafficking situation. In the Netherlands, the Public Prosecution Service has two grounds for dismissal on the basis of which the prosecution of victims of human trafficking can be dropped (dismissal codes 06 and 42 from the Instructions on dismissal and use of grounds for dismissal dated 1 March 2021, Government Gazette 2020, 62570 (i.w.tr. on 1 March 2021)).

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Answer:
As stated in reply to question 7.1, the situation with regards tot the punishment of the victim will be taken into account.

In general, according to the CCP, any person who has suffered direct injury as a result of a punishable offence can join the criminal proceedings as injured party in order to claim damages. The CC provides that the judge can impose a compensation order on the person convicted, in which case the compensation is collected by the state (Central Fine Collection Agency) and transferred to the victims as soon as the person convicted has paid part of or the full amount.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

Answer:
Every victim of a criminal offence, in order to prevent repeat victimization, secondary victimization (victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim), intimidation and retaliation, is assessed by the police and the Public Prosecutor's Office for individual protection needs on the basis of criteria. An Individual Assessment (IB) is a legal task stemming from the EU Directive on Minimum Standards for Victims. The palette of protection measures is broad, for example blocking of address data, reporting anonymously or a ban on contact or area.

In exceptional cases, the victim may be regarded as a witness under threat and be heard anonymously by the examining magistrate (art. 226a et seq. Sv). In such a case the victim may also participate in the witness protection program. Furthermore, the provisions in art. 187-187d of the Criminal Code can offer protection to victim witnesses (limited anonymity).

The Victims' Rights Extension Act also brings some improvements to the legal regulation concerning the information rights of the victim in the phase of execution.

In order to prevent convicted human traffickers from coming into contact with their victims after their detention, the court can impose a contact and area ban. In a case that played out at the Court of Appeal of The Hague (Court of Appeal of The Hague 12 November 2020, ECLI:NL:GHDHA:2020:2175) the court imposed such a freedom restricting measure for the duration of 5 years.

In the reception facilities (COSM and women's shelter), there are physical and social security measures, such as security by means of doormen/cameras on location, and agreements regarding the use of the Internet and social media. Agreements are also made for incident procedures with, for example, the police in the regions. When there is a risk of repeated victimization in the victim's own environment, as is often the case with, for example, loverboy problems, the victim is taken care of outside the victim's own region, in order to limit the chance of possible contact with the perpetrators.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

Answer:
All victims are entitled to good and timely information. Victims of human trafficking are entitled to information on the execution of any imprisonment imposed (for example, on the first leave and release of the perpetrator). In addition, every victim is provided with timely information through conversations with professional victim support, which is offered also by the prosecuter.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Answer:
The need for appropriate protection of the victim's privacy, safety and health has been included in the Sentencing Directive on THB of the Public Prosecution Service (PPS; July 2013).

The Directive states that, as a rule, it is in the victim's interest that:
- Interviews take place without unnecessary delay
- The number of interviews is limited.
- Repeating of interviews is avoided.
- Visual contact between the victim and the suspect is avoided.
- He/she does not have to act as a witness during a public session (this decision is up to the judge) and is not asked unnecessary questions about their private life.
- In exceptional cases, the victim may be regarded as a witness under threat and be heard anonymously by the examining magistrate (art. 226a et seq. Sv). In such a case the victim may also participate in the witness protection program. Furthermore, the provisions in art. 187-187d of the Criminal Code can offer protection to victim witnesses (limited anonymity).

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Answer:
The use of witness protection (article 51aa in the Criminal Code) measures is a possibility in the Netherlands to ensure anonymity for the victim/witness or to provide witness protection if needed. Although it has been used in the past, recently there have been no relevant cases.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

Answer:

In the Netherlands NGO's do not have a task in the field of witness protection of the victim. However, in general, in case of offering support in shelters, the institutions should also be able to guarantee the safety of people living there. Several aspects of safety and security are taken into account:
- physical security measures, such as the extent to which the facility is/is not accessible to outsiders;
- social security measures, such as agreements on the use of the Internet and social media;
- incident procedures and agreements with, for example, the police in the region.

For the COSMs (national shelters for third country nationals without legal residence) this is part of the compensation they receive from the Ministry of Justice and Security and the Ministry of Health, Welfare and Sport. For other reception institutions, they must pay for this themselves from the reimbursement they receive from the local councils that have a contract with these reception institutions.

The reception centres generally have good contacts with the neighbourhood teams of the police where they are located and have regional working agreements in case of emergencies.

There are no working agreements between the reception institutions and the Public Prosecution

Service.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Answer:
The police has specifically trained detectives for hearing minors.

Additional protective measures for minor victims of human trafficking have also been included in the Directive of the Public-Private Cooperation (PPS):
- When possible, the minor victim is always questioned by the same persons.
- If possible, the interrogation takes place in a space designed or modified for the interrogation of minors. Specialised studio's for hearing children are in use.
- The victim may be accompanied by a representative or an adult of choice during the interrogation.
- If possible, video recordings are made of the interrogation of the minor victim or the minor witness, which can be used as evidence in the criminal proceedings.

It is in the victim's interest that interrogations take place without undue delay, to make sure that the number of interrogations is limited as much as possible so repetitions are avoided.

Furthermore, in the Decision victims of punishable offences, chapter 5 describes specific measures taken to ensure their protection. This has similar measures as in the PPS, but also for instance includes procedures for mediation in case of a conflict between the child and their parent or guardian. The aforementioned is also included in the Public Prosecutor's Indications for human trafficking.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

Answer:
The prosecutor's office is not funded by crime type. The prosecution's funding is partly based on the cost per criminal case and partly consists of a fixed amount. On an annual basis, the prosecutor's office receives approximately 650 million euros to carry out the work of prosecuting suspects. The prosecution in criminal cases against human trafficking is carried out by specialized prosecutors and its national coordination has been placed in the hands of a national coordinating prosecutor.

Since 2017, the Police and the Public Prosecution Service receive additional funds to strengthen their fight against THB , with a focus on improving quality. € 2 million is available per year from 2018 onwards.

Since 2020 the Police receives another 10 million Euro in order to strengthen their fight against THB. The funding is used for instance for recruitment of police detectives and other specialists. Due to the funding system of the Police it is not possible to discern the regular budget the Police spend on combating and investigating THB, apart from these additional funds.

Based on the 2019-2022 programme and current risk assessment, the NLA will deploy approximately 70 FTE for the Labor Exploitation and Serious Harm program by the end of 2022.

In addition, approximately 35% of the capacity of the Investigation Branch will be used for labor exploitation.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

Answer:
On the basis of the Money Laundering and Terrorist Financing (Prevention) Act, the Financial Intelligence Unit of the Netherlands (FIU) is the organization to which obliged entities must report unusual transactions. Through its analyses of reported unusual transactions, the FIU uncovers transactions and money flows that can be related to money laundering, the financing of terrorism or underlying criminal activities. Once transactions have been declared suspicious by the head of FIU, they are made available to various enforcement and investigation services.

The FIU devotes strategic and operational attention to the theme of human trafficking, with a focus on sexual and labor exploitation. The files on suspicious transactions related to sexual exploitation are being shared with the relevant regional investigation services of the Police (the Aliens Police, Identification and Human Trafficking Department (AVIMs)) and the suspicious transactions related to labor exploitation are being specifically passed on to the NLA. Each of the ten Regional Police Units in the Netherlands have their own AVIM, who accordingly all have one of more financial investigators.

The FIU and the investigation services seek cooperation across this theme with public and private parties in order to combat human trafficking and to identify new phenomena and trends. With a view to intensifying public-private partnerships, a number of banks cooperate, together with the FIU and the NLA, in a project focusing on labour exploitation. This will improve the reporting of unusual transactions on this topic and may lead to new financial indicators of human trafficking being identified.

Furthermore, the FIU is part of a Field lab concerning sexual exploitation, together with several public and private parties (like AVIM, the Royal Netherlands Marechaussee, Public Prosecutor's office, the national criminal investigations department, tax authorities and an institute specialized in education on socially relevant themes). The aim of this Fieldlab is to find innovative ways to combat sexual exploitation and gain more insight into the phenomenon.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

Answer:
When the victim returns to their country of origin the Violent Crime Comensation Fund will transfer the data of the victim to the Violent Crime Compensation Fund (or any similar organization) in that country, but only if the victim agrees with the data transfer.

When the victim returns to his country of origin, the State (Central Juridical Collection Agency) continues to collect the outstanding amount of the compensation from the offender so that the victim's compensation will be met.

For an elaboration on compensation see question 4.3.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

Answer:
The Netherlands frequently makes use of the instrument of the Joint Investigation Team to investigate cross-border THB. Since 2019 the Netherlands has participated in seven JITS which deal with human trafficking, human smuggling, drugs or a combination of those subjects.

The NLA also reports that in recent years there has been frequent exchange of information with foreign countries in criminal investigations into labour exploitation. There are currently two ongoing investigations in which the investigative branch of NLA has requested information.

Within the cooperation network of EMPACT a new project has been launched which focuses on international co-operation measures to protect and assist victims of THB for the purpose of sexual exploitation through online streaming. The online environment hosts several stages of THB operations, allowing criminals to remain at a distance. Similarly, technology allows traffickers to enforce countermeasures, to easily move criminal finances, to communicate with or to monitor victims.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

Answer:
From 2018-2021: 269 legal assistance requests (RHV'n) within Europe (EOB's) and 99 legal assistance requests outside Europe (third countries). Most results have been successful according to the Public Prosecution Office.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

Answer:
International cooperation to protect victims and prosecute perpetrators is important for various reasons. Through bilateral and regional dialogues, we are able to share information and expertise and shape tailor-made partnerships. The Netherlands is, for example, part of the Khartoum Process and the Niamey declaration, where best practices are shared and operational contacts are established. Dutch operational partners are frequently requested for training coming forth from these dialogues. Such regional initiatives also help in gathering data, which helps all involved states to better grasp to what extent, how and where human trafficking takes place. Our partnerships with international organizations such as IOM, UNODC and OHCHR are particularly helpful for direct assistance to victims of trafficking. We find it important to make space for (local) civil society and survivors to make sure our efforts are most efficient.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

Answer:
The police, in coordination with the Public Prosecution Service, can share a pending report through Europol with the affiliated member states and specifically with the country where the exploitation took place; in many cases this involves a Dublin country to which a victim is referred back.

In addition, it is the role of Liaison Officers (Prosecution Service and police) based in source countries from the Netherlands to ensure a good connection with the local authorities. One of the most important source countries is Italy: a large proportion of the reports of human trafficking involve statements about exploitation in Italy. Together, the police and Public Prosecution Service liaison

officers based in Italy bring the reports recorded in the Netherlands with relevant investigation indications for Italy to the attention of the Italian authorities. The liaison officers can also call on NGOs for assistance in this matter.

The Repatriation and Departure Service (Dienst Terugkeer en Vertrek – DT&V) can facilitate the voluntary return of (presumed) third-country national victims of human trafficking (i.e. in cooperation with the IOM) to their country of origin. The International Organisation for Migration (IOM) in the Netherlands pays special attention to migrants who are in a vulnerable situation, including victims of human trafficking. They can provide the necessary information for getting help in the Netherlands and in the destination country.

In addition, when no permit under the Residence Regulation for Trafficking in Human Beings is issued to a presumed victim that is a Dublin claimant because there are no detection indications in the Netherlands, a Dublin transfer will be made. When the Dublin transfer of a presumed victim, that did not file a police report but did express the wish to file such a report, is scheduled then the DT&V will ask the Dublin claimant for permission to share the wish to file a police report with the responsible Member State. When the Dublin claimant does not give their permission to share this information with the responsible Member State, the information will not be shared by the DT&V.

The IOM can also provide voluntary return assistance. IOM always assesses specific vulnerabilities and aims to provide specified care, including for victims of trafficking. *Voluntary return* and reintegration *assistance provided* by IOM is done in line with a set of measures that takes into account the needs of victims of trafficking, which for example can consist of safe accommodation, medical check-ups, reintegration assistance and support to reduce the risks of re-trafficking.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

Answer:
Within the cooperation net work of EMPACT a new project has been launched which is focused on this problem. The online environment hosts several stages of THB operations, allowing criminals to remain at a distance. Similarly, technology allows traffickers to enforce countermeasures, to easily move criminal finances, to communicate with or to monitor victims.

Traffickers have fully embraced new technologies and online services are expected to continue to exploit such opportunities. Human traffickers remotely identify and recruit their victims and reach out to clients online, allowing them to avoid physical contact with both victims and clients. Technology is also used as a countermeasure, such as the case of encrypted communication, to move criminal profits or to forge documents.

Data on child trafficking remains scattered; intelligence on minor victims trafficked and exploited across countries remains little, as well as intelligence on the recruitment and trafficking process of UAMs exploited in the EU in forced criminality by criminal networks.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

Answer:
See answer to question 2.2

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

Answer:
General anti-trafficking policy in the Netherlands is gender-neutral, since it is important to recognize that men and women, boys and girls can all fall victim to THB. However, parts of the anti-trafficking policy are gender specific and/or gender sensitive.

For example:

- Information on recognizing the signs of a specific type of trafficking may have a focus on either possible female or male victims, depending on which gender is most often encountered in this kind of trafficking.
- Preventive measures in the Netherlands have so far mainly focused on women and girls, because they form the majority of the Dutch victims encountered so far. However, there are also materials available aimed at boys.
- There are separate shelters for male and female victims, to make sure they are well protected and receive the specific care they need.
- Research has been commissioned into girls who fall victims to so-called "loverboys" or pimp boyfriends, since not much is known about this issue. For more information about this, please see the answer to the last section of question 12.

A gender sensitive approach helps to detecting different kinds of victims of different types of trafficking, since the type of trafficking people are vulnerable to can be gender specific. Gender can also be seen as an underlying cause of violence (and therefore human trafficking). We would like to pay more attention to this. Gender is not only about looking at whether men or women are more often victims, but also about the underlying patterns and power relations that underlie these forms of crime.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

Answer:
After a report has been made to the police, an informative interview is held with the parents of the underage victim, otherwise in the presence of the underage victim. Specially trained detectives conduct this informative interview. The investigators then decide whether the interview should take place in a child-friendly interview room. This is almost standard for children under 12 years of age. The parent or carer is present for part of the interview, but not when the substantive part begins.

Victims who are minors are usually not heard as witnesses by judges at public sessions, but by the examining magistrate in the closed room of the examining magistrate's office. If necessary, the hearings take place in child-friendly studios at the police by certified interrogators. Victims who are minors can make use of the general facilities for victims in the courts, and some courts have additional specific facilities for vulnerable victims, such as a waiting or consultation room which is specially designed for minors.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

Answer:
The Netherlands endorses the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) and the OECD Guidelines for Multinational Enterprises (OECD Guidelines). These documents lay down international norms on responsible business conduct (RBC). The key principle

underlying these norms is that businesses should identify risks in their international supply chains, take action to cease, prevent, or mitigate these risks, and communicate about their efforts in this regard. In addition, in line with the international RBC norms businesses are expected to provide remedy if they have caused negative impact or contribute to remedy if they have contributed to negative impact. This is referred to as 'due diligence' and it is concerned with the risk of human rights violations, such as forced labour and exploitation.

In spite of the many positive steps taken by many businesses, evaluations of the Dutch RBC policy show that current RBC policy is not effective enough. There are still too few Dutch companies that do business in accordance with RBC norms. Existing measures therefore need to be supplemented and tightened up. Insights drawn from studies and from stakeholder consultations on the options for new policy indicated that a mix of measures is required because this is the only way to engage effectively with a heterogeneous target group.

Partly in light of these advisory opinions, the Netherlands proposed a RBC policy in October 2020, consisting of a mix of mutually reinforcing measures which together should lead to an effective change in behaviour among the target group (i.e. businesses, which are divided according to their progress on RBC into the leading pack, the peloton and the laggards). This policy mix allows for a response tailored to the circumstances and for measures that impose obligations, setting the right conditions, incentivise, facilitate and inform (a so-called 'continuum' in which the various tactics the government can use with policy instruments are represented). The mix also combines new instruments with existing ones, which will be reinforced on the basis of the evaluations of RBC policy. The Netherlands believes that bringing the various actors together and exerting more influence on the supply chain are also crucial factors in devising an effective policy.

A key element of this new smart mix policy is a general due diligence obligation. The effect of this mandatory element will mainly be to spur laggards into action, by obliging them to observe the principles of responsible business conduct. The Netherlands expects that an obligation can help level the playing field within the Dutch business community because laggards will also be required to comply with the OECD Guidelines. A general obligation to carry out due diligence ties in with the OECD Guidelines and recognises that problems are not confined to one particular sector or theme.

Studies and consultations show that such an obligation is most effective if it is formulated at EU level; a European approach makes for a greater impact in the supply chain and safeguards a level playing field. The Netherlands' efforts therefore focus primarily on a European obligation for businesses to carry out due diligence in their supply chains (in line with the OECD Guidelines and the UN Guiding Principles). On November 5th 2020, the Netherlands presented building blocks for RBC legislation. The building blocks for future EU legislation provide answers to the question which companies should be subject to the legislation, what the requirements will be that companies must meet and how supervision and enforcement should be organised. The Netherlands wants all large companies, listed SMEs and medium-sized companies in high-risk sectors to be subject to a European RBC obligation. It is also important that future RBC legislation is as close as possible to existing international laws and regulations. At the EU level, the Netherlands will argue for administrative enforcement of the RBC obligation by appointing a supervisor. If an effective and feasible European proposal does not get off the ground in time, the building blocks can also be used for the implementation of national RBC legislation. On February 22nd, 2022 the European Commission published that it is currently working on a possible legislative initiative on corporate sustainability governance, including due diligence. Its proposal is expected by the end of 2021. The Dutch government actively engages with the European Commission, Member States and other European Institutions with the aim of a swift and ambitious proposal by the European Commission. To this end it has published several a non-papers.

Internationally, the Netherlands also actively supports Finance Against Slavery and Trafficking (FAST), which is a multi-stakeholder initiative that works to mobilize the financial sector against

modern slavery and human trafficking. In September 2018 the Liechtenstein Initiative for a Financial Sector Commission (FSC) on Modern Slavery and Human Trafficking was launched. The FSC released the Blueprint for Mobilizing Finance Against Slavery and Trafficking, along with its associated Toolkit, at the UN General Assembly in September 2019. FAST advises on the implementation of the Blueprint across the financial sector and undertakes research, training, special initiatives and campaigns to promote uptake of its recommendations. Concerning the rehabilitation and recovery of victims, FAST's Survivor Inclusion Initiative which was launched in September 2019 in Canada, UK and the US works with financial institutions and survivor support organizations to address victims' financial challenges and problems and promotes financial access.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Answer:
When it comes to corruption, articles 177 to 178a PC establish as a criminal offence the active bribery of public officials. These provisions also cover persons whose appointment as a public official is pending, as well as former public officials. Passive bribery of domestic public officials is covered by articles 362 to 364a PC.

The criminal provisions on active and passive bribery include the terms "gift", "promise" and "provide or offer a service". All gifts, including customary gifts of little value (for example representational gifts) potentially fall within the scope of the criminal provisions on bribery.

It is not necessary for the briber to hand the gift or service to the public official directly. Intermediaries fall within the scope of the bribery provisions. The gift or service may also be intended for a third-party beneficiary.

The provisions on passive bribery include the element of "request" or "acceptance" of a gift, promise or service. It is irrelevant whether the public official accepted the gift or promise in his capacity of "public official". Gifts accepted outside the public official's activities also classify as "objects of bribery".

It is not required that the public official is authorized to carry out an official act. It is only required that his/her functions enabled him/her to carry out the act. It is irrelevant whether the act or omission actually took place.

Part II – Country-specific follow-up questions

12. **Please provide information on new developments in your country since GRETA's second evaluation report concerning:**

12.1 Emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

Answer:
The most important changes the Netherlands has witnessed regarding THB include the following:

Emerging trends during COVID-19 / new forms of exploitation
On the basis of the latest Report of the National Rapporteur human Trafficking the following can be concluded. Some victims seem to have become more visible as a result of the pandemic, while others have become less visible. Reduced travel movements and limitations in detection and signaling due to corona measures seem to have accounted for this. Over a quarter fewer victims

were reported to CoMensha in 2020 compared to 2019: the total vicitms that reported themselves as THB victim went from 1,334 in 2019 to 984 in 2020.

Three vulnerable groups

Victims in migration flows

In contrast to previous years, there were more reports in the regulated labor or service sector. The often poor living and working conditions of migrant workers became especially visible due to the COVID-19 pandemic. Most of the victims reported themselves to aid agencies when they lost not only their jobs but also their housing and residence permits due to the corona measures. The number of victims of labour exploitation has increased by 70% compared to 2019 and is as high as 43% of all reports compared to 17% in 2019. It is still unclear whether some cases are really human trafficking or poor working conditions. For example, more cases of labor exploitation have become visible that otherwise would have remained hidden. However, less victims of domestic sexual exploitation have reported themselves to CoMensha. The number of reports is now only 11% of the total number of reports. Another change in numbers that CoMensha has witnessed are the number of victims in cross-border sexual exploitation and of criminal exploitation cases that have also decreased dramatically. From 668 reports in 2019, to 289 in 2020. This decrease can be explained by the restriction of travel movements due to the COVID-19 pandemic. In addition, the policy for victims with a Dublin indication has been adjusted, making them less likely to qualify for a (temporary) residence permit. This has probably contributed to this decrease as well.

Undocumented workers are also a vulnerable group to labor exploitation. As they are in the Netherlands illegally, they often cannot find work or housing through regular channels. As a result they often work in the informal labour market, where no work means no income. No income subsequently leads to loss of housing. This became painfully clear during the COVID-19 outbreak, when a large increase of requests for help by undocumented migrant workers was observed. Migrant workers who form a vulnerable group because of their multiple dependencies, workers can also fall prey to exploitation situations because of other vulnerabilities. Vulnerable persons include, for example, persons with mental disabilities or addictions.

Minor (or younger) victims

In 2020 68 victims were under the age of 18, and 943 victims were over 18. However, 45% of identified victims are under the age of 23. Victims of criminal exploitation are on average the youngest. Of them, more than half are minors or adolescents, the average age being only 24. The Netherlands is the most common country of birth of victims (40%), but a significant proportion of victims are also from Africa (33%). The percentage of African victims is particularly high in cases of sexual and criminal exploitation.

The number of reports of child victimimization in trafficking in 2020 has decreased significantly. This significant decrease is however quite concerning for us, as it is very implausible that the actual number of undrage victims has decreased. Instead we fear that the numbers are decreasing as a consequence of lacking willingness to report/inability to signal these cases. Minors are particularly vulnerable to exploitation given their age. They spend more time online with the associated risks of sexual exploitation and/or criminal exploitation. The National Raporteur states that the overly strict interpretation of the Dutch General Data Protection Regulation (Alegemene verordering gegevensbescherming, AVG) is currently still a problem when it comes to complete registration of victims.

Repeated victimization

In the last victim monitor, the National Rapporteur on human trafficking published for the first time data on repeated victimization thanks to the collaboration with CBS (Central Bureau of Statistics). These figures show that almost half of the victims reappear as victims of crime within five years.

Because of that it is important to treat 'former' victims of Human Trafficking as a vulnerable group.

(Gender) specific aspects of trafficking
While in previous years the proportion of female victims was much higher the reported female and male victims have also become almost equal in 2020. Last year, 420 male victims and 576 female victims were registered (17 unknown). Especially labor exploitation involves more male victims than sexual exploitation. In criminal exploitation, too, a significant proportion of victims (66%) are male.

Trends in estimated cases versus observed cases: (WODC-rapport)
The trend in estimated cases largely mirrors the observed THB cases but shows a much more pronounced change since 2017. This change seems to be caused by a sudden fall in the numbers of cases exclusively detected by the Police. In 2019 the total number of estimated presumed victims was back at the same level as in 2010 (at around 5.000). This change in numbers can be explained by the pressure and the capacity problems of the police and other partners from the large influx of refugees. In the meantime, hard work has been done to strengthen the foundation on the investigation and prosecution of perpetrators of human trafficking. In 2020, for the first time in several years, there was a tentative increase in the number of suspects registered at the Netherlands Prosecution Service. This increase appears to be continuing in 2022.

Closer analysis reveals that the fall in estimated cases since 2012 is mainly due to the smaller numbers of presumed victims of sexual exploitation. Over the ten-year period, estimated numbers of presumed victims of sexual exploitation have peaked around 2012 and 2013, with 6.580 and 5.730 cases respectively. Over the past four years these numbers have fallen to an average of 2.000. A possible cause of the sustained fall in cases of sexual exploitation is a decision of the High Court of 2016 ruling that convictions for cross-border trafficking for sexual exploitation of non-nationals require proof of coercion in line with the Palermo protocol.

To some extent this fall in cases of sexual exploitation has been offset by increases in the numbers of cases concerning forced labour, most notably in 2018 and 2019. As a result, the composition of the total of presumed victims has changed, with victims of sexual and non-sexual exploitation now making up similar parts of the total.

12.2 The legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);

Answer:
The Regulation of prostitution and fight against abuses in the sexual service sector bill. This bill regulates prostitution and other forms of sex work in order to prevent or reduce abuses in the sex industry. All women and men working in prostitution must meet certain conditions. For example, they must be at least 21 years old, self-reliant, not be a victim of forced prostitution, adequately informed about the risks of the work, know their rights to information and their obligations, and finally know where knowledge, care, and assistance is available to practice their profession as safely and healthily as possible or to quit. The legal, uniform obligation for a licence applies to all prostitutes, but also to sex business owners. Without a licence, they are in opposition of the lawviolation. Clients and facilitators of illegal prostitution are also punishable. The Sex Work Regulation Act applies to the European part of the Netherlands, thus not to Bonaire, Saint Eustatius, and Saba.

Another regulation is the private member's bill amending the Dutch Criminal Code (CC) which establishes criminal liability for a person who uses sexual services with the knowledge or severe suspicion that a victim of THB is involved. . On the 1st of January 2022, this new legislation came into force (law 273g CC). This legislation implies that customers who know or have a serious reason to suspect that the "sex worker" is not working voluntarily, is punishable. Because of this new bill a

sentence of up to four years imprisonment or a fine of the fourth category can be imposed. A sentence of up to six years imprisonment is imposed if the victim is a minor (<18). Signals that customers should look out for include, for example, observations that indicate (severe) mistreatment, extreme behavioral characteristics (such as expressions of fear, aversion, or sadness), if the prostitute shows signs that she is being coerced or violently treated, and using their sexual services in deserted (industrial) areas.

As of November 1, 2021, a new prosecutorial directive on human trafficking - the Sentencing Directive on Human Trafficking (Stcrt. 2021, 44194) - entered into force. This guideline indicates that the detection and prosecution of human trafficking is a high priority and includes various forms of exploitation. Namely, sexual exploitation, servitude and labor exploitation, criminal exploitation and forced begging, as well as the factors that influence the sentencing for offenders.

12.3 the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

Answer:

In 2018 the Programme "Together against human trafficking" has been published. Integrated cooperation is the key to this programme. Only by working together we can effectively prevent and combat human trafficking. The programme was therefore written in cooperation with a large number of organizations. In this case, 'together' means interdepartmentally, but especially together with partners such as municipalities, the Public Prosecution Service, the police, the NLA, the Royal Dutch Marechaussee, the IND, reception and care institutions, youth services, schools, NGO's, private parties, and international partners. The ministry of Justice and Security is coordinating this programme but all actions are executed in consultation and cooperation with the partners within the domain. As part of the programma several partnerships have been developed or continued, of which some are meniotned below. In December 2021 the new Dutch coalition has agreed upon the structural continuation of the programme and its funding of 2 million euros from 2023 onwards available. During 2022 preparations will be made for the start of the continued programma with regards to the fight against human trafficking. This process will be coordinated by the Ministry of Justice and Security but the other ministries, national and local governmental organisations and NGO's will be consulted.

The continuation of the Human Trafficking Task Force

The Taskforce Human Trafficking was established for a fifth term, after an evaluation, on the 8th of July 2020. Under the chairmanship of the Public Prosecutor's Office, the Taskforce will also devote the next three years to promoting and further developing the integrated approach to human trafficking. The fifth term is more focused on discussing concrete 'wicked problems'. In this process, (local) good practices are shared with each other and external partners are included so they can contribute with their specialisations to the fight against human trafficking. Last term, the criminal exploitation of young people, providing better protection of the seriously disadvantaged, and vulnerable young people in (care) institutions were among the issues examined.

The start of 2 Field Lab editions on human trafficking – an innovative collaboration

The Human Trafficking Field Lab (MFL) is a problem-oriented innovation program to gain more knowledge on how to fight human trafficking. In a Field Lab, professionals from different organizations are given the space to develop and implement new, more effective approaches in an action-oriented, learning and experimentation environment. These actions can focus on the prevention, detection and prosecution of offenders as well as the protection of victims. In the MFL 2019-2023, various, multidisciplinary teams work on a new approach to (international) human trafficking. The MFL is divided into two parts. The first part focuses on sexual exploitation and the second part focuses on labor and criminal exploitation. Both parts cover a period of two years each. The second part started in early 2021 and will continue until 2023. The teams completed a five-day workshop on October 7 and concluded with an Innovation Market where the "prototypes" of

innovative approaches were presented for discussion with partners and clients.

The CCV has for example developed a tool compass for municipalities that identifies the barriers to achieving a national integrated approach to complex families (Roma). The compass offers insight into breaking through intergenerational transmission of crime and victimization. These barriers and insights have been compiled and form the starting point for the Criminal Exploitation Field Lab that was launched this fall. The Human Trafficking Field Lab team is currently working on the problem of online sexual exploitation of minors on online platforms for the supply and demand of paid sex.

Expert Group on the loverboy problem:
Many complex problems require intensive collaboration between local and regional parties across domains. This is also the case when it comes to the efforts of parties aimed at victims and perpetrators of the loverboy problem (a form of human trafficking). Here, too, the problems involve many aspects (safety, care and other domains), there are underlying problems in which many parties play a role from different frameworks and visions, the opinion and role of the person involved is important, and it appears difficult to ensure that a victim regains control over his or her own life. The Ministry of Health, Welfare and Sport and JenV work together in the approach to human trafficking and loverboy problems. In addition to consulting field parties to identify bottlenecks and formulate measures to improve this cooperation, we from the Ministry of Health, Welfare and Sport and JenV have started another way to improve cooperation and solve bottlenecks.

In this new way of working, we ask parties to bring in a concrete (current) case that we take as a starting point. In a meeting with the parties involved and a number of experts, we discuss the case. The underlying idea is that a case study is the best way to gain insight into the real and underlying problems; why solutions are sometimes difficult to realize and which bottlenecks are real and which are experienced as bottlenecks.

This method provides insight into bottlenecks and solutions at three levels:
- Professionalism
- Cooperation in the chain
- Administrative role and regulations

Developments in the organizational structure of the NLA
Since January 2019, a permanent pool of certified human trafficking investigators at NLA is responsible for the intake and reporting process. In addition, since June 1, 2020, a criminal investigation team exists with its main focus on labor exploitation. The team consists of certified human trafficking detectives who are responsible for the intake process and the reporting of criminal cases, as well as detectives who conduct criminal investigations into labor exploitation. The capacity of this team will be gradually expanded in 2021 and 2022.

Developments in police cooperation as a result of DIGW
The Ministry of Justice and Security, together with the police, the Expertise Centre for Human Trafficking and Human Smuggling (EMM), the Centre for Crime Prevention and Security (CCV), the Association of Netherlands Municipalities (VNG), and CoMensha, have started an exploration to see whether (part of) the Domain- and Information-driven Working Method (DIGW), which was developed by the police, can also be applied to municipalities. This could help municipalities with identifying victims and signs of human trafficking.

Agreements on the approach to human trafficking have been made with the police, the Public Prosecutor's Office, and regional mayors in the Security Agenda 2019-2022. To realize these goals, police and prosecutors are working on the realization of numerous measures, including the strengthening and further development of the Expertise Center for Human Trafficking and Human Smuggling (EMM) and implementation of the new Cross-Domain Information Driven Working Method (DIGW) within the human trafficking teams. For the year 2021, the number of suspects

registered at the Netherlands Prosecution Service has been set at 205. At the end of 2021 - the agreements from the Security Agenda for 2022 will be reassessed.

12.4 The current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

Answer:
As mentioned before, the current national strategy and action plan for combatting THB is named 'Together against human trafficking'. This program puts a focus on integral cooperation. Only together can we effectively prevent and combat human trafficking. The programme 'Together against Human Trafficking' was therefore written in cooperation with a large number of organizations. In this case, 'together' means interdepartmentally, but especially together with partners such as municipalities, the Public Prosecution Service, the police, the NLA (Netherlands Labour Authority), the KMar, the IND, reception and care institutions, youth services, schools, NGOs, private parties, and international partners.

Main objectives

1. We want to prevent as much as possible that people become victims of human trafficking.
A result from this objective is the start of the Field labs, see question 12.3 for an elaboration of this development.

2. We want (potential) victims to be identified quickly and adequately, to be removed from the situation and to receive the necessary care and support.
A result of this objective is the improved cooperation and communication between the police and the minstery, see question 12.3 for an elaboration of this development.

3. We want to frustrate and tackle offenders in a variety of ways, both criminally and administratively, and by implementing barriers. At the same time, we are committed to prevent repeated offending of the law. A result of this objective is the new legislation on sexual exploitation, see question 12.2 for an elaboration on this legilation.

In realizing these objectives, we apply the following principles:
- We focus on all the forms of human trafficking identified as a threat in the 2017 National Threat Assessment, namely sexual exploitation, labor exploitation, criminal exploitation, and forced service provision, both among adults and youth.
- We pursue an integrated approach to the problem: prevention, detection, shelter and international response are considered in conjunction.
- We tackle human trafficking jointly: interdepartmentally, with municipalities, care providers, investigation services, NGOs, international organizations, and private parties.
- In addition to tackling human trafficking that occurs in the Netherlands or has a link to the Netherlands, we also focus on tackling human trafficking worldwide.
- We base our approach on international cooperation, a national framework, and regional/local customization.
- We make use of the knowledge and recommendations from recent reports by, among others, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (hereafter: the Rapporteur), the Group of Experts against Trafficking in Human Beings (GRETA3), CoMensha, the Centre against Child Trafficking and Human Trafficking (CKM), and various inspectorates.

Where possible, we will link up with broad, ongoing processes in adjacent policy areas, or make use of the knowledge, expertise and instruments already available there.

Budget

Since 2017 the Police and the Public Prosecution Service receive additional funds to strengthen their fight against THB and this programme (€ 1 million is available in 2017 and € 2 million will be available per year from 2018 onwards) for f.e. research, the training of frontline-line police officers on signals of human trafficking, etc. Since this year, the money has been used to expand the Expertise Centre for Human Trafficking and Human Smuggling (EMM), to further strengthen the Cross-Domain Information Driven Working Method (DIGW), to perpetuate the National Coordination Centre (LCC), and to further strengthen the national cross-unit approach. Additionally, since 2020 the Police receives yearly 10 million Euro to recruit additional police capacity for the Aliens Police, Identification and Human Trafficking Department (AVIM) in order to combat THB.

Monitoring and evaluation of results
In general the National Rapporteur Human Trafficking and Seksual Violence against Children has the legal task to research and advise on the execution of the policy on human trafficking and to advise the government on this subject.

Monitoring and evaluating the results is of high importance. The following actions have been included in the National Action plan or have been executed:

- The Netherlands is working closely with the Central Bureau of Statistics (CBS).
- A working group has been established under the leadership of CoMensha to monitor the effects of COVID-19 on human trafficking.
- In addition, various agencies are constantly conducting new evaluation studies e.g. Victim Monitor and Perpetrator Monitor.
- The House of Parliament is also involved in monitoring through yearly letters involving updates.

12.5 Recent case law concerning THB for different forms of exploitation.

For statistics, please refer to our contribution found in the stastics part of our contribution. We will now describe two landmark cases from 2018 and 2021:

Tubbergen case:
Rb. Overijssel 22 February 2018, ECLI:NL:RBOVE:2018:555, 557 en 559.
A couple from Tubbergen was sentenced to prison for exploiting a mentally disabled 32-year-old man for 8 years. The 60-year-old man received a 4-year prison sentence, of which 1 year was suspended and his 45-year-old wife received 3 years and 6 months of imprisonment. In addition, they must pay 40,000 euros in damages to the victim and over 400,000 euros to the State from the money they illegally earned from this exploitation. The victim was exploited, deprived of his liberty and mistreated.

Ziller case:
Gerechtshof Arnhem-Leeuwarden 15 september 2021,ECLI:NL:GHARL:2021:8571(21-004073-19
The defendant was charged as he committed acts of violence against victim 1,2 and 3. The defendant was guilty of violating sections (1) (1), (4), (6) and (9) of article 273f and (3) (2) of the Penal Code. With respect to [victim 2], he was also charged with violating section 273f (1) (2) of the Penal Code.

iA case description of Victim 2 (minor): the victim was sexually exploitated by the defendant (30 years old) namely due to coercion and/or the threat of force or another fact of deception and/or the abuse of a dominant position arising from factual circumstances that forced or induced defendant 2 to make herself available for the performance of work or services (consisting of sexual acts with or for a third party in return for payment) or under other circumstances. Namely by coercion and/or by the threat of violence or any other factual circumstance by deceit and/or by abuse of his dominant position resulting from factual circumstances and/or by abuse of a vulnerable position of the victim. Therefore, he has undertaken multiple actions from which he knew or should

have suspected that this appellant would make himself available for performing such work or services (consisting of sexual acts with or for a third party against payment) to intentionally profit from the (sexual) exploitation of victim 2.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

13.1 Strengthen the prevention of human trafficking for the purpose of labour exploitation, in particular in at-risk sectors, public procurement and supply chains;

Answer:
As mentioned in response to question 11, the Netherlands has presented new/future RBC policy in October 2020. Much of what the government buys has its origin in developing countries. Countries where matters such as respect for human rights, good working conditions and an environmentally friendly production process are not self-evident. By applying international social conditions (ISV), a purchasing organization can directly influence this. The international social conditions contribute to guaranteeing labor standards, protecting human rights and preventing environmental pollution in international chains. Within government procurement, a contract condition must be included in ten risk categories in all European tendered contracts, which imposes an obligation on contractors to apply due care with regard to social risks in the production chain.

In addition, current/previous Dutch RBC policy encourages businesses, primarily by means of voluntary measures, to abide by the international norms and respect human rights. Two important components are stimulating sector wide cooperation by means of voluntary agreements on responsible business conduct (RBC agreements). The sectors to which such an agreement applies have been selected based upon a study to identify business sectors in which supply chains potentially pose heightened environmental, social and governance risks. Human trafficking and labour exploitation can form part of these risks, if this comes out of the risk analyses if businesses and sectors. The other component exists in fostering endorsement of the OECD Guidelines by practically all large multinationals in the Netherlands as a frame of reference for their international activities (known as the '90% objective').

Due diligence in supply chains: see question 11.

13.2 Ensure that medical professionals are sensitized to human trafficking for different forms of exploitation, including for the purpose of organ removal;

Answer:
All medical professionals are bound by the Reporting Code for Domestic Violence and Child Abuse. The Reporting Code is intended to support professionals in identifying different forms of violence, and taking the appropriate follow-up steps. It is of great importance that medical professionals are able to recognize the various forms of trafficking. For this reason, the Reporting Code has been expanded to include special forms of violence, including human trafficking. Attention is paid to the signals, as well as to (the specifics of) the steps to be taken by the professionals. The KNMG medical federation has also collaborated on the development on the fact sheet of human trafficking, which is in line with the existing reporting codes, to help medical professionals better recognize the signals of human trafficking, including signals for forced organ removal. In addition, an informational film is currently being developed to generate additional awareness among medical professionals about the phenomenon of travel for the purpose of illegal organ trafficking activities. The film will focus on recognizing signals, among other things.

CoMensha works with FairWork - at the request of the Ministry of Justice and Security and the Ministry of Health, Welfare and Sport (VWS) - on projects to increase the knowledge of human

trafficking among health care professionals. This is necessary because, for example; 88% of all people who are in a situation of sexual exploitation and visit a caregiver during that period, only 20% of all caregivers know enough to be able to properly identify this form of violence and support people.

It is therefore important that caregivers know what human trafficking is, what the different manifestations of human trafficking are, and what to do with signs. The common method for professionals in the Netherlands to identify violence (including human trafficking), support victims, and possibly report the violence, is the Reporting Code for Domestic Violence and Child Abuse.

Within the project "Improving knowledge on human trafficking among care providers" CoMensha offers care providers different forms of support with the following objectives:

- Increase knowledge of human trafficking among caregivers
- Stimulate and facilitate the development of knowledge and expertise on human trafficking at the local and national level
- Improving identification, chain cooperation, reporting routes, referral and arrangement of care.

Results
- CoMensha organized human trafficking awareness and information sessions at most of the 26 Safe Home organizations for all staff.
- The KNMG medical federation has included human trafficking in the internal assessment framework of the KNMG reporting code for child abuse and domestic violence.
- Fact sheets on violence in a relationship of dependency containing the signs of all forms of domestic violence and child abuse - including human trafficking - have been developed (in English and Dutch).
- All 26 'Safe Home' organizations now have a human trafficking officer, many of whom participate in the national Safe Home consultation group for human trafficking officers.
- Since 2019, CoMensha is the initiator and chairperson of that 'National Safe Home Attention Officers Human Trafficking Consultation'. Where bottlenecks and best practices are discussed, exchange, knowledge development and expertise enhancement take place.
- The two activities and results mentioned above have ensured that Safe Home has acquired extra knowledge. This is essential if you consider that this is also the organization where advice on human trafficking is sought and reported (in the case of minors and when the perpetrators come from the 'domestic circle', and for some Safe houses when it comes to human trafficking and violence in dependency).
- Awareness-raising meetings (together with KNMG) in the form of 9 Webinars provided for nurses, gynecologists, general practitioners, doctors in training and other members of the various sector organizations involved, to increase knowledge and attitude about human trafficking and to publicize the renewed reporting code.
- FairWork has developed a toolkit - in collaboration with CoMensha - which includes a training design for general practitioners. In addition, the toolkit contains a list of 'Safe Questions', a collection of practical examples of signals of human trafficking, as well as already developed Guidance and Fact Sheets. The purpose of the toolkit, is that it provides insight: What signals can I see? What questions can I ask? How do I refer people on?

In the coming period we will focus on Youth Care Organizations, Center for Sexual Violence (CSG), Emergency Medical Services (ER), Forensic Nurses and Safe Haven.

13.3 Discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with the private sector and civil society, and criminalise the use of services of a victim of trafficking, with the knowledge that the person is a victim of trafficking;

Answer:
Sexual exploitation

"On the 1st of January 2022, the Criminalization on the Abuse of Prostitutes who are Victims of Human Trafficking Act (Stb. 2021, 467) came into force. Within the scope of the new section 273g, subsection 1, of the Criminal Code the person who - in short - performs sexual acts with another person, while he knows or has serious reason to suspect that this other person, as a victim of human trafficking, makes himself available to perform sexual acts with a third person in exchange for payment can be prosecuted. The maximum term of imprisonment is four years. When a victim has not yet reached the age of eighteen years, imprisonment of up to six years may be imposed (section 273g, paragraph 2, of the Criminal Code). The same penalization will apply in the BES (article 286g Criminal Code BES)."
In 2015, the Public Prosecution Service increased the priority on the prosecution of customers paying for sex with a minor and minor victims of human trafficking. In June 2015, the Sentencing Directive regarding article 248b CC of the Public Prosecution Service came into force, which formulates guidelines for the prosecution of these customers.

Subsequently, some prosecutions of clients of minors (under art. 248b CC) have
led to a lot of publicity because of an active press policy by the Public Prosecution Service.
In 2018, about eleven advertisement sites for sex workers joined forces and jointly drafted a Code of Conduct to prevent abuses in the industry and thus counteract the demand for services with victims of human trafficking. Police, the Public Prosecutor's Office and the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children have actively participated to arrive at the Code of Conduct based on the cooperation that has been taking place for several years.

In addition, in 2021 the Cabinet, together with the CKM, worked on a package of measures that will ensure that clients (of sex for pay) are aware of their role and responsibility. This integrated package of measures will provide greater visibility for offenders and set a clear standard for clients who use paid sex. This policy consists of three pillars:
- Research: There will be more insight into the nature and extent of client-offender behaviour.
- Communication: The government launchede a communication campaign aimed at responsible customer behavior and making punishable limits known. The goal of the campaign was to focus on informing customers on signs of abuse. Next to that the campaign elaborated on how customers could meet more safely with sexworkers.
- Criminal law approach: The cabinet proposes several changes since the government is proposing various amendments to the Criminal Code so they can more easily prosecute sex buyers if they break the law. The police and the Public Prosecution Service will continue the criminal approach to customers who buy sex from minors.

Labour exploitation
The NLA has joined an experiment to improve the current preventative mechanisms in hotels & cleaning firms to combat the subversion / dishonest work in these fields. The aim is twofold: 1 to prevent vulnerable young people to end up criminal networks as they can offering them prospects (work), and 2 to promote that the hotels and cleaning companies that commit themselves to this project work in an honest, safe and healthy manner (reducing abuses in these sectors). This is a collaboration between municipalities, hotel chains, a college and the NLA.

13.4 ensure that all victims of trafficking are identified as such, regardless of the prospects of the investigation/prosecution, and strengthen multi-agency collaboration and the capacity of relevant agencies to proactively identify victims, including among asylum seekers and persons placed in immigration detention;

Answer:

Identifying victims of trafficking

NLA (Netherlands Labor Authority)

To ensure that all victims of trafficking are identified as such, the NLA (the Dutch Labore Inspectorate) is working on building a better intelligence position (including by setting up an integrated analysis environment that includes a thematic register) to identify possible situations of exploitation and then detect victims.

Furthermore, NLA supervision has been paying attention to recognizing and reporting signs of labor exploitation in training and in the work instruction of all labor inspectors at the Inspectorate NLA for several years. A clear action framework has been drawn up so that everyone knows what needs to be reported and to whom. These processes are also supported by an app for inspectors in which they are quickly presented with the criteria and actions of THB. Furthermore, as of 2021 NLA has structured the contacts with regional and local chain partners and has provided clear contact points on labour exploitation for, for example, care coordinators and chain directors of human trafficking.

Finally, during Empact Action Days, Labour Exploitations actions are carried out in memberstates in order to detect potential victims of THB for the purpose of labour exploitation. High risk sectors are targeted, such as agriculture, nail bars, domestic servitude or food delivery services. Potential victims of THB encountered by law enforcement or labour inspectorate, can be shared with Europol, who can check the identity on so called "hits" in another MS. It appears frequently that victims of THB rotate between different member states.

Strenghtening multi-agency collaboration

"Together against human trafficking"
As mentioned before, the Samen tegen Mensenhandel programme is a collaborative effort of multiple partners fighting against human trafficking. As such, the programme strengthens multi-agency collaboration, as is for instance demonstrated in aforementioned human trafficking fieldlabs, in which various parties work together to fight a specific aspect of human trafficking.

E-module for migrant workers
In order to inform as many people as possible about human trafficking, the Red Cross, together with CoMensha, VluchtelingenWerk Nederland and the Central Agency for the Reception of Asylum Seekers (COA) have created an e-learning module that is accessible to everyone. By being alert for signs of human trafficking, we can ensure that more victims get the help they need.

The interactive module is aimed at employees and volunteers who have contact with adult and minor asylum seekers, status holders, undocumented migrants and foreign workers. The module is also suitable for migrant organizations. The module takes about 30 minutes and consists of two parts: "What is human trafficking" and "How can you help". Within these parts the different forms of exploitation, signals of human trafficking and how to act when you suspect human trafficking are discussed.

Toolkit STEP project
A toolkit has also been developed as part of the transnational STEP project: Sustainable Integration of Trafficked Human Beings through Proactive Identification and Enhanced Protection. The goal of this STEP project is to raise awareness about human trafficking among asylum seekers so that they can protect themselves and so that victims know where to go for help. The STEP partners also collected materials that can be used in outreach to asylum seekers.

Dutch partners were the Dutch Red Cross, the Central Agency for the Reception of Asylum Seekers (COA), Dutch Refugee Council (VWN), Nidos and CoMensha. The British Red Cross led the transnational project. More than fifty asylum seekers and former victims were involved in the realisation, as well as dozens of staff and volunteers from the asylum chain and beyond. The summary from the research on asylum seekers' information needs will be published later this year. STEP ended in April 2019 and was co-funded by the European Commission's Asylum, Migration and

Integration Fund.

SAFE project
The Safe and Adequate Return, Fair Treatment and Early identification of Victims of Trafficking project, or SAFE project, was implemented by a consortium of police, specialized NGOs and IOM in the Netherlands, Hungary and Bulgaria and supplemented with expertise from Macedonia as a country from which many migrants travel into the EU.

The objective of the SAFE Project is to achieve a safe future for victims of human trafficking and to ensure that in the context of current migration flows within the EU, victims of human trafficking can be identified at an early stage.

To achieve this, a number of activities have been undertaken within SAFE:
1. Based on a questionnaire, an inventory has been made of best practices and bottlenecks regarding early identification and safe futures for victims of human trafficking and of training needs that exist among professionals in the EU in this area.
2. Training modules on early identification and safe futures have been developed (and delivered).
3. A social map of EU organizations involved in supporting victims of trafficking was created in order to easily connect organizations across national borders to facilitate support for victims who want to return and to promote cooperation among the organizations.

HVO-Querido led the international project. From the Netherlands, IOM Netherlands, FairWork, LaStrada International, the Police, Stichting Humanitas and CoMensha cooperated.

13.5 Improve the identification of, and assistance to, child victims of trafficking, including by developing a national referral mechanism for child victims of trafficking;

Answer:
The committee Azough and several follow-up projects have done a lot of work to improve the detection of child victims. Furthermore, in the next few years all frontline police employees will be trained in recognizing signs of human trafficking. This training is currently being developed and special attention will be given to detecting child victims.

Nidos provides temporary guardianship for children without parents who seek asylum in the Netherlands. The Civil Code stipulates that Nidos has to ensure that young people are educated and cared for so that they can develop well. In this framework, Nidos among other things arranges shelter and counselling, education, medical care and legal assistance for these minors. Within the category of unaccompanied minors there may be (possible) victims of trafficking. Nidos indicates if this is the case when these children enter the Netherlands and then takes care of their placement in the Protected Shelter. Where necessary, Nidos makes sure that additional treatment for psychological trauma occurs.

According to the Directive on THB of the Public Prosecution Service (PPS; July 2013) all victims of human trafficking (minor and adults) have the right to ask the court to convict the suspect to pay damages. All victims of human trafficking are entitled to free legal assistance by a lawyer. During the criminal trial, a victim that does not sufficiently speak the Dutch language is entitled to an interpreter at the hearing. Victims may ask the Public Prosecutor for an interpreter. CoMensha administers a centrally financed fund for translation services for victims of human trafficking, on top of general provisions with regards to translation service in the care system. Specifically for child victims, the PPS Directive states that the victim may be accompanied by a representative or an adult of choice during the interview.

Between the cooperation of CoMensha, National Knowledge Centre LVB, Dutch Youth Institute (NJi) and Youth Care Netherlands, the project proposal 'Improving identification and insight into the nature and extent of human trafficking/loverboy problems in youth care' has been established. The

Ministry of Health, Welfare and Sport granted a subsidy for the project, which will be completed in 2021.

13.6 Ensure that the assistance provided to victims of trafficking is adapted to their specific needs and that minimum standards are guaranteed across the country, regardless of the service provider and which municipality is responsible for arranging the assistance measures.

Answer:

To improve cooperation between the national government, municipalities, provinces and water boards regarding social tasks, the Intergovernmental Program (IBP) was set up in 2018. This includes the agreement that every municipality must have a clear policy to secure the approach to human trafficking and to ensure appropriate regional reception, support and aftercare. These agreements still need to be evaluated, which is why it is not yet clear to what extent the municipalities already comply with them.

The Association of Netherlands Municipalities (VNG) has also developed a digital tool for the approach to human trafficking, the "Kompas Aanpak Mensenhandel" (Compass approach to human trafficking). It is intended to assist Dutch municipalities in the development of their approach to human trafficking, and functions as a handbook and reference work with policy tools. It focuses on local and regional policy, the detection capacity of municipalities, awareness-raising, cooperation in the chain and region, and the reception and assistance of victims. In addition to giving municipalities something to hold on to, it allows them to test their approach to human trafficking. This way it is promoted that every municipality works on their approach with the same standards.

Furthermore, there is a network of care coordinators that covers almost all of the country and acts as the first point of contact for the municipalities. The coordinators also ensure that victims are assisted with the various processes they have to go through in order to reach the right care, shelter and legal assistance. The goal is to make this network a national one. The expectation is that this will be realized in 2022.

A good basis has been laid for the care of victims, however, gaps were still sometimes found in the system. An example is the care for victims with multiple problems, such as addiction, mild intellectual disability, mental disorders, or other problems. They could not be helped properly in the regular shelter because the right guidance was lacking, and therefore they fell between two stools. In order to fill this gap in the care, the Reception for Victims of Human Trafficking with Multiple Problems (OMM) was established. The OMM is specifically equipped to provide the right care and guidance for victims with multiple problems. At the moment this type of care is being evaluated.

Part III - Statistics on THB

14. **Please provide the following statistics, per year starting with 2017, where available disaggregated as indicated below:**

General remarks:

"Minor" means underage under Dutch law, i.e. under the age of 18.

Nationalities are grouped according to region. 'EU in 1995' means nationals of countries that were member states of the EU in 1995 (n=15), excluding those with Dutch nationality; 'EU from 2004' refers to nationals of countries that have joined in 2004, 2007 or 2013 (n=13); the remaining regional categories are based on the division of the UN (see https://unstats.un.org/unsd/methodology/m49/), and the category 'Other' includes stateless persons.

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

In the Netherlands, CoMensha has been appointed as the official registration organization for all identified presumed victims of human trafficking, on behalf of the Dutch National Rapporteur. Ideally, all possible victims identified by any organization or person in the Netherlands should be reported to CoMensha. Institutions authorized to carry out criminal investigations into human trafficking are mandated to do so. These are: the National Police (comprising ten regional police districts and one central unit) that comes across all forms of trafficking; the Royal Netherlands Marechaussee (i.e. the Border Police, Dutch acronym: KMar) that usually only comes across cross-border trafficking; and The Netherlands Labour Authority, which typically comes across cases of labor exploitation,. In addition, designated regional coordinators and other governmental as well as non-governmental institutions – such as organizations providing services to victims/migrants/prostitutes specifically; organizations providing social or legal services; and youth welfare agencies – are invited to report on all cases of presumed victimization. Finally, concerned citizens (or even victims themselves) can (self-)identify possible victims and report to CoMensha directly.

Although this system has been in place for several years already, and reporting and registering has steadily improved, it still cannot be assumed that every identified possible victim in the Netherlands is always duly reported. In order to report to CoMensha, the organizations/persons that come across potential victims should:

(1) be capable to identify possible victimization (be capable to recognize and interpret signals);
(2) be aware of CoMensha as the national registration organization;
(3) be willing to report to CoMensha/acknowledge the importance of reporting (e.g. youth welfare agencies are much more reluctant to report to CoMensha than for example service providing organizations specialized in human trafficking victims);
(4) be able to report to CoMensha (e.g. with regard to consent of the presumed victim to reporting, that is currently required for privacy reasons, especially when it concerns minors).

These are not constant omnipresent factors; they vary per organization/person, per region, over time etc. However, it is important to note that we do not have any data on ***identified*** victims, since victims registered at CoMensha are all presumed victims (i.e. identified possible victims) and they are not subjected to a formal assessment on victimization. This is essential for the interpretation of the statistics on victims in The Netherlands provided by the Dutch National Rapporteur.

Nevertheless, when it comes to victims that are recognised as 'deserving of rights or entitlements to services provided for by the Convention' then the number of presumed victims can be used as the

number of identified victims since all persons for whom there exists the smallest indication that they might be trafficking victims are entitled to various services and facilities, such as shelter, legal advice and the right of temporary residence.

There is no reasonable grounds test for identifying possible victims of trafficking in human beings, but instead all presumable victims of trafficking are registered (see answer to previous question). As mentioned earlier, all kinds of organisations and individuals are invited to report victims to CoMensha, not only, so-called, 'competent authorities'.

The number of presumed victims reported by all the identifying bodies is larger than the total number of presumed victims since some victims were reported to CoMensha by more than one identifying body.
Minor means underage under Dutch law, i.e. under the age of 18.
Nationalities were grouped according to region.

For form of exploitation, 'Unknown' exploitation includes both persons for whom the form of exploitation is not known and who were encountered/registered before exploitation had commenced. In addition, organ trafficking is included in this form due to very low numbers.

The category "other" for identifying bodies at the least includes: shelter organisations, Nidos Foundation (organisation for the protection and guardianship of Unaccompanied Minor Asylum Seekers), aid organisations, regional care coordinators, IOM, youth care, Dutch Council for Refugees (and other organisations for asylum and asylum seekers), legal services, individuals, and clients themselves.
Data for 2021 are not available yet.

		Number of presumed victims			
		2017	**2018**	**2019**	**2020**
Total		**956**	**668**	**1334**	**984**
Sex					
	Male	254	249	643	420
	Female	690	419	687	547
	Unknown	12	0	4	17
Age					
	Minor	194	62	108	68
	Adult	758	606	1226	914
	Unknown	4	0	0	2
Nationality					
	Netherlands	339	171	244	155
	EU (excl. NL)	260	97	205	350
	Africa	197	328	791	322
	Asia	87	49	57	74
	Latin-America and the Caribbean	38	19	27	65
	Other	0	0	2	3
	Unknown	35	4	8	15
Form of exploitation					
	Sexual internal	263	132	181	119
	Sexual transnational	287	351	668	289
	Labour	217	107	228	432
	Criminal	31	36	196	97
	Unknown	158	42	61	47
Identifying body					
	Police	432	530	953	468
	Royal Netherlands Marechaussee	19	12	10	2
	Labour Inspectorate	38	75	46	38
	Other	571	141	479	584

- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

No data.

- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

No data. It is unclear what is meant exactly by 'assistance' in this context. Perhaps in the future more data will be available if the concept were to be clarified.

- **Number of child victims of THB who were appointed legal guardians.**

59 children total in the years 2016-2020.

Data source: Nidos.

- **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

	2017	2018	2019	2020
Number of victims granted reflection period	124	168	148	71

The reflection period can be offered by the National Police and the Royal Netherlands Marechaussee. The residence permit is then granted by the Immigration and Naturalisation Service (IND).

These data were requested and received in aggregated form, so disagregation by sex, age, nationality or form of exploitation is not possible.

Data source: IND.

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

	2017	2018	2019	2020
Number of victims granted temporary residence permit based on temporary humanitarian grounds (B8)	179	319	407	174
Number of victims granted temporary residence permit based on non-temporary humanitarian grounds (B9)	90	41	61	31

Residence permits, among which those granted based on human trafficking victimhood, are processed by the Immigration and Naturalisation Service (IND).

The statistics provided in answer to this question refer to two types of temporary residence permits for victims of trafficking in human beings:

- Temporary residence permit on temporary humanitarian grounds (see chapter B8/3 in the Aliens Circular 2000). In principle, a victim is granted a this permit after filing a report for human trafficking or cooperating with the criminal proceedings. Alternatively, if a victim is unable to file a report they can request this permit on grounds that they are unable to do so due to a) a serious threat related to filing a report b) medical, psychological obstructions c) (as of october 2018) being a minor. This request has to be substatiated with proof of either 3.
  Temporary right of residence is granted for a period of one year and can be extended by one year each time. The IND will withdraw temporary residence rights if there is no longer any question of an investigation or prosecution into or adjudication of the human trafficking offense reported or to which the victim has cooperated. Victims with temporary residence rights are entitled to shelter, housing, medical assistance and legal aid.
- Temporary residence permit on non-temporary humanitarian grounds (see chapter B9/12 and B9/10 in the Aliens Circular 2000). This permit can be granted to victims who have received a B8 temporary permit due to human trafficking. The primary grounds for this "follow-up permit" were as follows untill October 1st 2018:
  - the criminal case has resulted in a final conviction; or
  - the criminal case did not lead to a conviction, but the victim had been staying in the Netherlands for more than three years at the time of the decision on the basis of temporary residence; or

- the criminal case is still ongoing and the victim is staying in the Netherlands for three years on the basis of a temporary stay.

As of October 1st 2018 the primary grounds are as folllows:

- the public prosecutor decides to prosecute in respect of the criminal offense that has been reported and has resulted in the granting of temporary residence rights; or
- the criminal case is still ongoing and the victim is staying in the Netherlands for three years on the basis of a temporary stay.

If the victim does not qualify on the basis of these primary grounds, the IND can grant continued residence on the grounds of special individual circumstances related to human trafficking, which prevent the victim from leaving the Netherlands. The victim must then demonstrate that such circumstances exist. The IND will in any case take into account the following factors in its substantive assessment:

- the risk of reprisals against the victim and their family and the degree of protection that the authority in the country of origin can offer against this;
- the risk of persecution in the country of origin, for example on the basis of prostitution; and
- the possibility of social and societal reintegration in the country of origin.

This permit is granted for a period of five years and can be extended each time for another five years.

These data were requested and received in aggregated form, so disagregation by sex, age, nationality or form of exploitation is not possible.

Data source: IND.

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of beings victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

No data.

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

No data.

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

No data.

- **Number of victims of THB who received free legal aid.**

No data.

- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

No data. The Dutch Repatriation and Departure service (DT&V) comes into play at the final stage of the migration process. As such, most of the potential victims of human trafficking have already been informed about their rights, relevant judicial and administrative proceedings, and legal possibilities at an earlier stage in the procedure. DT&V employees are alert to subtle signs that someone might be a victim of trafficking in human beings. When these signs are detected, the relevant contact persons advise the presumed victim of the possibility to file a report at the the Aliens Police Department, Identification and Human Trafficking (AVIM) and inform him or her of the residence permit procedure under the Residence Regulation for Trafficking in Human Beings.

Under the Residence Regulation for Trafficking in Human Beings (also the B8/3 Regulation) potential victims of human trafficking can be offered a reflection periode of three months to decide to file a police report or not. Repatriation is suspended during the reflection periode. When a potential victim of human trafficking decides to file a police report and a residence permit is issued, the victim legally resides in the Netherlands and wil thus not be repatriated. Victims with a residence permit that leave the Netherlands on their own (or via IOM), are not a part of the DT&V caseload. Therefore, no numbers on the amount of repatriated victims can be provided.

- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

		Number of investigations into THB		
		2017	**2018**	**2019**
Total		**191**	**208**	**169**
Type of exploitation	Sexual – domestic	81	78	75
	Sexual – transnational	74	68	41
	Labour	13	16	7
	Criminal	8	9	16
	Unknown	15	37	30
Number of victims		176	157	152

This data is based on police registration system for criminal investigations – Summ-IT – and data provided by the Netherlands Labour Authority (NLA) and the Royal Netherlands Marechaussee. These separate sources are considated and enriched by the Centre of Expertise for Trafficking in Human Beings and Human Smuggling (EMM). They create a dataset of the yearly criminal investigations into human trafficking as well as a dataset with all the registered persons involved (suspects, witnesses, victims).

The EMM speaks of an investigation when investigative acts are performed 'for the purpose of an investigation with a view to maintaining the legal order in a particular case'. This means that investigative activities that do not take place in this context are not included in this chapter (see the box below for an example).

The form of human trafficking is not recorded separately in Summ-IT for each criminal investigation. In many cases, however, the form of human trafficking can be traced. Firstly, the EMM keeps track of data on the nature of the human trafficking investigated – such as form of exploitation, source country and nationality of victims. In addition, in the case of criminal investigations by the NLA, the form of human trafficking can be derived from the specific task of the investigative body. When it comes to human trafficking, the NLA only conducts criminal investigations into labor exploitation. On the basis of all this information it is possible to classify a large part of the investigations into one of the four forms of human trafficking. This was done by the office of the National Rapporteur.

Some drawbacks: the overview EMM compiles most likely is not entirely complete due to lacking registration. In addition, the data from the NLA does not include persons, only investigations. So the number of victims does not include victims in investigations of the NLA.

The National Rapporteur has no data available on 2020.

Data source: EMM.

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

	Number of prosecutions		
	2017	**2018**	**2019**
Sexual	88	66	56
Non-sexual	17	21	23
Type unknown	2	1	13
Total	107	88	92

Number of prosecutions refers to number of subjects as one case per defendant is filed with the Public Prosecution Service (OM).

Note: The statistic used here is the number of cases (i.e. suspects) that the OM brings to trial, which excludes those cases in which the OM has decided not to prosecute.

Note: If cases include both sexual as non-sexual offenses, the case is labelled as sexual.

Note: The National Rapporteur has no data available on 2020.

Data source: OM/WODC (Research and Documentation Centre for the Ministry of Security and Justice)

- **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

Convictions			
	2017	**2018**	**2019**
Sexual – domestic	55	42	32
Sexual – transnational	28	32	23
Labour	3	8	8
Criminal	6	5	3
Unknown	1	2	4
Total	93	89	70

Gender		
	Male	**Female**
Sexual – domestic	114	15
Sexual – transnational	60	22
Labour	15	2
Criminal	13	1
Unknown	7	0
Total	209	40

Age	**N**	**Min**	**Max**	**Mean**	**SD**
Sexual – domestic	129	16	56	27.70	7.835
Sexual – transnational	83	17	56	32.14	9.988
Labour	18	17	64	39.61	10.820
Criminal	14	20	52	37.36	8.518
Unknown	7	18	54	32.57	13.100

Perpetrator's country of birth	N
Netherlands	112
Hungary	26
Romania	26
(former) Netherlands Antilles	14
Bulgaria	13
Surinam	10
Turkey	9
Morocco	8

Note: It is important to note that the prosecutions (Q13) and the number of convictions are not cohorts.

Note: These numbers refer to cases not perpetrators. Perpetrators can have multiple cases, but cases can only have one perpetrator.

Note: These numbers refer to actual convictions for THB offences and not to all cases in which THB was one of charges and where a conviction followed. In other words, cases where suspects were charged with THB and one or more other offences, but only other offences could be proven, were not included in these data.

Note: The data are on courts of first instances. Both the suspect and the public prosecuter may have lodged an appeal.

Note: All data constitute 2017, 2018 and 2019; The National Rapporteur has no data available over 2020.

Note: Disaggragation for sex, age and country of birth is only possible over the entire periode 2017-2019.

Note: Note that countries of birth is not necessarily the same as nationality.

Note: Only countries of birth were included where N > 5.

Data source: OM/WODC (Research and Documentation Centre for the Ministry of Security and Justice).

- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

Type of main sentence			
	2017	2018	2019
Fine	1	0	5
Community service	0	0	1
Suspended custiodial sentence	3	1	4
Partly suspended custiodial sentence	33	38	31
Non-suspended custiodial sentence	56	49	29

Duration of non- suspended custiodial sentence			
	2017	2018	2019
2 years or over	28	29	22
1 to 2 years	16	18	9
6 to 12 months	12	15	17
Up to 6 months	33	25	12

Note: We have no data on whether or not the suspendable part of a sentence was enforced, as we only have data on the trial and sentencing, not on parole and parole violations.

Note: 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.

Note: The data are on courts of first instances. Both the suspect and the public prosecuter may have lodged an appeal.

Note: The National Rapporteur has no data available on 2020.

Data source: OM/WODC (Research and Documentation Centre for the Ministry of Security and Justice).

- **Number of judgments in THB cases resulting in the confiscation of assets.**

No data.

- **Number of convictions of legal entities for THB.**

1 in the years 2017-2019.

Note: The National Rapporteur has no data available on 2020.

Data source: OM/WODC (Research and Documentation Centre for the Ministry of Security and Justice)