



National Rapporteur on Trafficking in
Human Beings and Sexual Violence
against Children

Trafficking in Human Beings

Trafficking in Human Beings: Visible and Invisible
A quantitative report 2007-2011

Colophon

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Abbreviations

ACM	<i>Amsterdam Coördinatiepunt Mensenhandel</i> Amsterdam Coordination Centre for Human Trafficking
Art.	Article
BIG	<i>Beroepen in de Individuele Gezondheidszorg</i> Individual Healthcare Professions Act
BlinN	Bonded Labour in the Netherlands
CBA	<i>Criminaliteitsbeeldanalyse</i> Crime Projection Analysis
CIU	Criminal Intelligence Unit
CoMensha	<i>Coördinatiecentrum Mensenhandel</i> Coordination Centre for Trafficking in Human Beings
COSM	<i>Categorale Opvang Slachtoffers Mensenhandel</i> Categorical Reception for Victims of Human Trafficking
DCIM	Data collection and information management
DGHome	European Commission's Directorate-General Home Affairs
DCC	Dutch Criminal Code
DCCP	Dutch Code of Civil Procedure
EC	European Commission
EEA	European Economic Area
EU	European Union
GRETA	Group of Experts on Action Against Trafficking in Human Beings
H	Kruskal-Wallis test
ILO	International Labour Organization
IND	<i>Immigratie en Naturalisatiedienst</i> Immigration and Naturalisation Service
Intervict	The International Victimology Institute Tilburg
IOM	International Organisation for Migration
KMar	<i>Koninklijke Marechaussee</i> Royal Netherlands Marechaussee
MONTRASEC	Model for monitoring trafficking in human beings, sexually exploited and missing children
N	Number (for statistics)
NCCTHB	National Commission for Combating Trafficking in Human Beings
NIP	Netherlands Institute of Psychologists
NGO	Non-governmental organization

No.	Number
PMW	<i>Prostitutie Maatschappelijk Werk</i> Prostitution Social Work Service
PPS	Public Prosecution Service
SD	Standard Deviation
SE	Standard Error
SIAMSECT	Statistical information and analysis on missing and sexually exploited children and trafficking in human beings
SIBA	<i>Statistische informatievoorziening en Beleidsanalyse</i> Statistical Information and Policy Analysis
SIOD	<i>Sociale Inlichtingen- en Opsporingsdienst</i> Social Intelligence and Investigation Service
Stichting M.	<i>Stichting Meld Misdaad Anoniem</i> Report Crime Anonymously
TIP	Trafficking in persons
TRAFSTAT	Tools for the validation and utilisation of EU statistics on human trafficking
U	Mann Whitney test
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WODC	<i>Wetenschappelijk Onderzoek- en Documentatiecentrum</i> Ministry of Security and Justice's Research and Documentation Centre



Foreword

“The role of statistics is not so much to provide information as to indicate what information one should be seeking”. This apposite remark indicates the importance of statistics and data – information that is often used to bolster political or other opinions or as a foundation for radical policy measures.

This study is about data, specifically about statistics relating to human trafficking in the Netherlands. The aim of the study is to reveal what the statistics can tell us about human trafficking in the Netherlands. But it also has another purpose: to map the ‘statistical landscape’ on human trafficking. What figures are in circulation and on what sources are they based?

There are many different statistics about human trafficking in circulation. The desire to estimate the scale of the phenomenon is widely shared, which is understandable since human trafficking is a complex offence which, although increasingly visible in practice, is nevertheless still often difficult to see. In addition to this complexity, there are the statistics, which convey a sense of robustness and certainty. They suggest that we have a clear view of a complex problem like human trafficking, so it is not surprising that they are often used.

But the figures for human trafficking that have been in circulation in the past have not all been equally reliable. Furthermore, some data are not always interpreted accurately, but nevertheless start to lead a life of their own in the literature and the media. Statistics then do the opposite of what they are intended to do, which is to provide reliable information. Accordingly, they can create the possibility that positions and policies will be based on defective or incomplete information.

The key to my mandate is to identify the nature and scale of human trafficking in the Netherlands. In this study, I have tried to identify as accurately as possible, from various sources, what quantitative data are currently available on human trafficking in the Netherlands. The report covers a range of subjects: the number of (possible) victims of human trafficking registered in the Netherlands, their characteristics and the sectors in which they are believed to be exploited, as well as how many suspects have been prosecuted over the years and what their backgrounds are. This report also analyses the investigations of human trafficking carried out in 2009 and the types of suspects involved.

Does this study then show the full reality of human trafficking in the Netherlands? I certainly do not suggest that it does. By definition, quantitative research has its limitations. Many factors can influence the figures, whether they show an increase or a decrease. Different agencies might use different definitions, for example, so that one agency might regard an offence as human trafficking and register it as

such, while another might not. Furthermore, the priority that various agencies have assigned to human trafficking in recent years is likely to have had an impact on the growth in the number of registered cases and in the number of victims and suspects. I greatly welcome this development, but it must not lead to the conclusion that human trafficking is increasing in the Netherlands. We are *seeing* more human trafficking. And seeing it, continuing to look for it, remains a constant priority.

Because how much do we not see? The statistics do not always provide the answer to that question. A Norwegian public prosecutor recently confided to me that what counts when interviewing human trafficking victims is often not *what* they say, but what they *don't* say. I see an analogy in this with this study. Statistics show us part of the reality; the part where human trafficking has surfaced, victims have been provided with shelter and suspects have been arrested. That is the visible human trafficking. But what is hidden from us? What do the statistics not tell us? That aspect of quantitative research is just as interesting. It makes me realise the importance of always placing statistics in perspective, of studying them in the context of various developments. It is for that reason that this study also reviews attempts that have been made to gain an impression of the so-called 'dark number', the unregistered or unknown human trafficking that *exists* but is not *seen*.

Obviously, quantitative research is complex and always unassuming. Only carefully produced data have genuine added value. They are not only informative but are of actual use to stakeholders: they indicate the "information one should be seeking". Painstakingly compiled statistics, in short, are the essential subsoil on which good policies can grow.

I am grateful to many individuals and agencies for their help in carrying out this study. It would have been impossible to produce this report without the assistance of the institutions that shared their data and other information with us: first and foremost, our regular partners, the Coordination Centre for Human Trafficking (CoMensha), the Immigration and Naturalisation Service (IND) and the Ministry of Security and Justice's Research and Documentation Centre (WODC). I am also grateful for the assistance those agencies provided to the Bureau of the National Rapporteur for its study of police investigations in this report. I am particularly grateful to the students of the detective training course at the Police Academy, and I also wish to thank Stichting M., the independent hotline for reporting crime anonymously.

I would especially like to thank the staff, former staff and interns who made a huge contribution to the production of this study.

C.E. Dettmeijer-Vermeulen,
National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children

Human trafficking usually has a hidden face. Naturally, offenders want to conceal their activities, but many victims are also afraid to come forward. This report shows, for example, that victims are exploited for an average of a year before the police discover what is happening, if they discover it at all. Far longer periods of exploitation are also possible:

Eight years of exploitation

In 2000, a woman from the city of Sliven in Bulgaria was brought to Groningen. She was involved in a relationship with a man four years older than her (a pig farmer in Bulgaria) who feigned to be in a loving relationship with her, causing her to believe that her future was secure. After some time, there was no more question of love. The woman had to work long hours (more than eight hours a day) as a prostitute. She was constantly controlled by her so-called lover, who confiscated the money she earned and threatened not only her, but also her family, with violence. She was forced to work for more than eight years in window prostitution in Groningen before she dared to tell her story.¹

The best way of tackling a hidden problem is to bring it out in the open, make it visible. This requires the collection and analysis of quantitative data to outline the contours of the problem and expose bottlenecks in attempts to combat it. For example, it was found earlier that the number of acquittals in human trafficking cases was high,² which suggested that it is difficult to secure a conviction in these cases. Possible reasons for this were investigated in the study of the case law of human trafficking over the last three years.³

This report gathers together all of the statistics about human trafficking in the Netherlands, but the total scale of the problem remains unknown. Figure 1.1 summarises the content of this report and illustrates the visible and invisible human trafficking in the Netherlands.

The triangle shows the total scale of human trafficking. The part we know about is shown in light blue and the unknown part is in dark blue. That unknown part is the subject of Chapter 2. The so-called 'dark number' can only be estimated since, by definition, there are no data on it. What are the current esti-

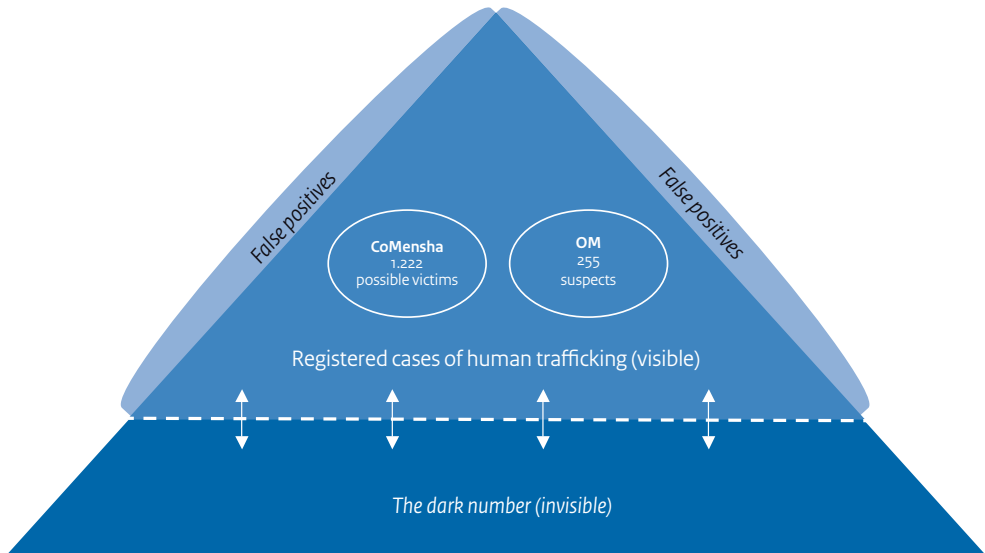
1 Bureau of the National Rapporteur, police investigation study (see also Chapter 5).

2 See Nationaal Rapporteur Mensenhandel 2012a, p. 24.

3 See National Rapporteur on Trafficking in Human Beings 2012d, p. 14.

mates and how reliable are they? The extent of the human trafficking that we know about is the subject of Chapters 3 to 7: what records do the relevant agencies keep on human trafficking and what do those records tell us about human trafficking?

Figure 1.1 The scale of human trafficking in the Netherlands (2011)



The statistics record registered human trafficking: in 2011, there were 1,222 possible victims reported to the Coordination Centre for Human Trafficking (CoMensha), and 255 suspects were identified by the Public Prosecution Service (PPS). But this is not the entire reality. First, there is a *dark number*, the size of which is unknown: these are all human trafficking situations that no agency knows about. Second, people could also be registered as a victim or an offender, although they are not: the *false positives*. The number of human trafficking situations known to agencies such as CoMensha and the PPS depends mainly on developments that are separate from the actual scale of human trafficking, such as more police investigations, which should produce more suspects. Greater public attention could also lead to more human trafficking situations being identified. Such changes would move the dotted line in Figure 1.1 downwards, making a larger part of the actual human trafficking visible.

Section A: The dark number

Two things are needed to illuminate the full scale of human trafficking. First, the invisible part must be estimated as carefully as possible, so that relevant agencies know what they are looking for. The problem is not that there are no estimates, but that they are not accurate and reliable. Chapter 2 discusses existing estimates of human trafficking in the Netherlands and elsewhere and makes a number of important suggestions for improving these estimates.

Section B: Registered human trafficking

The second thing that is needed follows from the important finding in Chapter 2 that to estimate the scale of the invisible human trafficking, it is necessary to know as much as possible about the human trafficking that is visible. The full nature and scale of what we know must be identified – not only for the purpose of making estimates but also because registered cases are the primary basis for formulating and implementing policy. The PPS, for example, obviously only deals with cases that are known to the police. Do they always handle them correctly? Statistics can help us answer this question.

Chapters 3 and 4 contain information about victims. Chapter 3 relates to visible (possible) victims. In principle, CoMensha registers every possible victim of human trafficking. Chapter 4 presents data on victims who were granted temporary residence on the grounds of the B9 regulation.⁴ Chapters 5 and 6 provide information about suspects and offenders: Chapter 5 analyses all 55 completed police investigations in 2009, while Chapter 6 discusses the prosecution and trial of traffickers in the Netherlands. Because of the specific focus on the Netherlands, chapters 3 to 6 are only summaries of the information that can be found in the Dutch report *Mensenhandel in en uit beeld*.⁵

Since human trafficking is not bound by national borders – both offenders and victims often move through different countries – there is considerable international interest in generating comparable data. Chapter 7 reviews some initiatives, mainly at European level, that have already been taken or are still underway in this area, which also illustrate the importance of international cooperation.

National rapporteurs

Pursuant to the EU Directive on Human Trafficking, EU member states are required to appoint a national rapporteur or a similar mechanism to monitor and report on actions taken to combat human trafficking.⁶ Almost all the EU member states have now established mechanisms to perform this task, usually assigned to a ministry. Figure 7.1 illustrates the many operational sources of relevant data that can exist at national level. The data relating to offenders are generally available or made accessible for the monitoring mechanisms in a ministry without any problem. It is different with data on victims, which is generally sensitive. Non-governmental organisations (NGOs) are often reluctant to share data with government agencies. Protecting the victim's privacy is an important factor in this, as is uncertainty about the security of the information that is provided.⁷ The Netherlands does not have that problem because of the independent position enjoyed by the National

4 The B9 regulation is an immigration law procedure for foreign victims of human trafficking. For more information, see National Rapporteur on Trafficking in Human Beings 2009, Chapter 5.

5 Nationaal Rapporteur *Mensenhandel* 2012f.

6 See Directive 2011/EU/36, Article 19 and recital 27 of the preamble. Article 19 reads: 'Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.'

7 This emerged, for example, from the international expert meeting 'Making prevention work: addressing the root causes of human trafficking in Europe', 4-5 December 2012, Sofia, Bulgaria.

Rapporteur,⁸ which guarantees the protection of sensitive data on victims, but also about suspects and perpetrators. A rapporteur or similar mechanism that does not enjoy that independence might not have access to sufficient data, which could impair the process of analysis and, by extension, the development of effective policy.

Section C: Conclusions and recommendations

Using statistics, this report shines a spotlight on the problem of human trafficking. The data we have on the visible and invisible faces of human trafficking outline the contours of the problem itself, and of the policies that are pursued. Section C contains the most important findings from this report and presents a lists of recommendations.

The key message of this report is:

To tackle human trafficking effectively, it must be made visible. Human trafficking that is hidden must be revealed – and once revealed, it must be better registered.

8 Inherent to this independence is the fact that no coordinating or executive tasks have been delegated to the National Rapporteur. See also National Rapporteur on Trafficking in Human Beings 2008, §1.2 and §2.1.



Section A Invisible human trafficking

Chapter 2 Estimates of the scale of human trafficking

2 Estimates of the scale of human trafficking

2.1 Introduction

Many of the estimates of the scale of human trafficking have been based on false or unfounded assumptions and are consequently unreliable. Paradoxically, these estimates are often repeatedly used and increasingly accepted as correct,¹ although they are often also (correctly) regarded as unreliable, which could be a pretext to produce new estimates. With many different estimates available (partly because of the different definitions that are used), there is a tendency to ‘choose’ the estimate that suits one best, which could differ from one agency to another.

These factors have led to two dominant approaches to the use of estimates of human trafficking: (1) in the absence of anything better, the estimate that suits one best is cited or (2) no estimate is cited because all are considered unreliable and it is believed to be impossible to make reliable estimates. Neither option is desirable, since policies based on an unreliable estimate or based on no estimate at all are, in fact, equally ineffectual. What is needed therefore is an effort to produce reliable estimates on which there is consensus.²

With crime, the sample population is often unknown because offenders keep their criminal activities hidden. For this reason, criminal offences are not all identified, meaning that registration is incomplete and an unknown part of the population remains hidden.³ This hidden part of the population is known as the *dark number*. Not every form of crime is hidden to the same extent. Victimless crimes or crimes whose victims are not readily inclined to report them tend to be less well documented (have a larger dark number) than offences whose victims often or almost always inform the police. Victims of human trafficking belong to the first, less visible, group, because they are often unwilling or afraid to report

1 One explanation for this is the lack of information needed to interpret the phenomenon of human trafficking (in order to formulate anti-human trafficking policies, for example) in combination with the lack of reliable estimates.

2 Broadly speaking, this is the message of a paper by Gould for the Second Annual Interdisciplinary Conference on Human Trafficking 2010, in which she called for existing estimates of human trafficking to be reviewed critically, with a view to developing new and better estimates, with the ultimate aim of producing reasonably reliable estimates on which there is substantial consensus.

3 Veen van der & Bogaerts (2010, pp. 49-50).

offences⁴ or they do not realise that they are victims.⁵ They are only discovered if they are identified by third parties (the police, for example), and these victims frequently deny their identification as victims. For these reasons, standard methods of estimation cannot be used to estimate the population of victims⁶ of human trafficking so other methods are needed.⁷

The scale of human trafficking is equal to the scale of registered – known – human trafficking minus the *false positives* (human trafficking that is registered as such but is not in reality human trafficking) plus the *dark number* (of unregistered/unknown human trafficking, which includes the *false negatives* (human trafficking that is known but is not recognised or registered as such). In short, it is the aggregate of the ‘visible’ and the ‘invisible’ human trafficking.

In this chapter, we discuss the most recent estimates of the number of victims of sexual exploitation (§2.2) and of other forms of exploitation (§2.3) in the Netherlands. §2.4 is devoted to the most recent international estimate of forced labour (sexual and other forms of exploitation)⁸ by the International Labour Organization (ILO). These estimates are reviewed critically with a view to providing suggestions for developing more reliable estimates. The chapter concludes with a number of suggestions for further steps that can be taken in the process of criticism and improvement (§2.4.3).

It is important to reiterate that the purpose of criticising the estimates is to initiate improvements. It is not the intention of the criticism to discourage attempts to produce estimates. After all, without estimates to criticise, no progress can be made. On the other hand, the presentation and use of estimates as true or reliable should be discouraged until there is some degree of consensus that they possess an acceptable level of reliability. Everyone is invited to advance the proposed process by raising further criticisms of issues that might have been missed and/or qualifying the criticisms we have made. Obviously,

4 For example, because of fear, shame or a sense of guilt. For non-Dutch victims, other factors might be problems with the language and/or ignorance of where to go for help in the Netherlands. For victims living illegally in the Netherlands, there is the additional fear of the police because they are worried about being deported from the country. Sometimes, victims have also incurred debts to the human trafficker (fictitious or otherwise) that they must (or feel they must) repay. Victims might also feel obligated to send money back regularly to their family (National Rapporteur on Trafficking in Human Beings 2002, §4.5; National Rapporteur on Trafficking in Human Beings 2004, §3.6).

5 For example, victims who feel they are in love with their exploiter (National Rapporteur on Trafficking in Human Beings 2004, §3.2.2) or non-Dutch victims who prefer the situation of exploitation in the Netherlands to the situation in their own country (National Rapporteur on Trafficking in Human Beings 2007, §3.2.1).

6 Estimates of the scale of human trafficking almost always focus on the number of victims rather than the number of offenders or situations, aspects that are certainly at least as important. In fact, the number of offender and human trafficking situations could also be estimated on the basis of a reliable estimate of the number of victims, based on knowledge of the average number of victims per offender and the overlap of victims among offenders, as well as knowledge of the average number of victims involved in a human trafficking situation and the overlap of victims among situations.

7 Veen van der & Bogaerts (2010, pp. 49-50).

8 With the exception of human trafficking for the purpose of organ removal, forced marriage and forced adoption.

this is a multidisciplinary process that requires the involvement of statisticians. The fact that it might be a never-ending process does not detract from its importance. After all, it is a process that will lead to steadily more reliable estimates and, by extension, steadily more effective efforts to combat human trafficking.

2.2 A national estimate of victims of sexual exploitation

The Crime Projection Analysis (CBA) of sexual exploitation in 2012 produced an estimate of the total number of actual victims of human trafficking with respect to sexual exploitation in the Netherlands.⁹ In this section, we note some reservations about both the methods of calculation used (§2.2.1) and the assumptions (§2.2.2 and §2.2.3) on which the estimate was based. In view of those reservations, the estimate cannot be regarded as in any way reliable (§2.2.4). It does, however, contribute to the process of criticism and improvement that could ultimately lead to a reasonably reliable national estimate.

2.2.1 Reservations about the method of calculation

In the CBA, the method of calculation used to estimate the number of victims of human trafficking involving sexual exploitation in 2010 started with the victims of sexual exploitation registered by the Coordination Centre for Human Trafficking (CoMensha) in 2010 (N: 797, according to the CBA). The researchers then identified the percentage of the total number of notifications that were made to CoMensha by the police in 2010 (69%). This would mean that the police reported roughly 549 victims of sexual exploitation to CoMensha in 2010, which, according to the CBA, represented 5% of the total number of victims (see assumption 1 below). According to this calculation, CoMensha was aware of 7.3% of all victims in 2010. The estimate of the total number of victims of sexual exploitation, which was based on this assumption, then comes to roughly 10,917 in 2010. We have a number of reservations about this method of calculation.

(1) The figure of 69% for the share of reports made to CoMensha by the police makes no distinction between victims of sexual exploitation and victims of other forms of exploitation. The CBA used this percentage to estimate the number of victims of sexual exploitation, but, as it was the combined percentage of victims of both sexual and other forms of exploitation, it should not have been used. (2) The figure of 69% is based on the total number of notifications made to CoMensha, which is not the same as the total number of victims. Some victims are notified to CoMensha by different agencies, so the percentage used was measured at the wrong level. (3) In addition, the notifications from the aliens police were mistakenly omitted from the figure of 69% for the percentage of reports made by the police. (4) It is also unclear why the 5% of victims that the police reportedly knew about (see assumption 1 below) was changed to 7.3% known to CoMensha, before then postulating the total. This unnecessary intermediate step makes the final estimate even less accurate.¹⁰ (5) While the authors of the CBA wanted to produce findings about the number of victims in 2010, they failed to take account of the fact that the victims who are reported to CoMensha in a particular year were not necessarily victims in that year. In addition, the period dur-

⁹ KLPD-DNR (2012, pp. 37-43).

¹⁰ After all, if the 549 victims that were notified to the Coordination Centre for Human Trafficking (CoMensha) by the police (according to the CBA) are regarded as 5%, the total number of victims would come to 10,980 rather than 10,917 (based on 549 victims: 5%, leading to 797 victims: 7.3%, leading to 10,917 victims: 100%).

ing which a person is a victim of human trafficking frequently transcends a particular year. (6) There is also no reliability interval in the estimate in the CBA, as is usual when making estimates. A reliability interval indicates how great the probability is that the actual number of victims corresponds with the estimated number. The estimated number is therefore always given as a range. (7) Finally, the method of calculation used in the CBA fails to take account of false positives, in other words, persons who have been incorrectly registered as victims. Since the victims registered with CoMensha are *possible* victims and therefore not all *identified* victims, the proportion of false positives might be significant and should have been deducted from the registered number to produce a better estimate of the actual number. The CBA does, in fact, refer to an estimate of the number of *possible* victims and therefore does not imply that the estimate relates to the actual number of victims.

If the method of calculation adopted in the CBA is corrected for the first four of these reservations, the number of victims of sexual exploitation in the Netherlands would have increased as follows in the last three years.¹¹

In 2009, 423 victims of sexual exploitation were reported to CoMensha, of whom 304 by the police (including the aliens police), among others.¹² The total estimated number would therefore be (304: 5%) 6,080 victims of sexual exploitation in the Netherlands in that year.¹³

In 2010, 749 victims of sexual exploitation were reported to CoMensha, of whom 598 by the police (including the aliens police), among others. The total estimated number would therefore be (598: 5%) 11,960 victims of sexual exploitation in the Netherlands in that year.¹⁴

In 2011, 781 victims of sexual exploitation were reported to CoMensha, of whom 654 by the police (including the aliens police), among others. The total estimated number would therefore be (654: 5%) 13,080 victims of sexual exploitation in the Netherlands in that year.¹⁵

-
- 11 The data from CoMensha are based on the CoMensha registration database that are produced for the Bureau of the National Rapporteur. See Chapter 3. The figures for 2010 differ slightly from the figures that were used by the CBA, which correspond with the figures in CoMensha's annual reports. The data presented here are the correct figures, however.
- 12 It is assumed that 'the police' refers to all divisions of the police and not to every investigative service, such as agencies like the Royal Netherlands Marechaussee (KMar) and the former Social Intelligence and Investigation Service (SIOD) (which is now part of the Inspectorate of the Ministry of Social Affairs and Employment). Notifications from these agencies are therefore also not included.
- 13 CoMensha would have been aware of roughly 7.0% of the total number of victims of sexual exploitation in 2009.
- 14 CoMensha would have been aware of roughly 6.3% of the total number of victims of sexual exploitation in 2010.
- 15 CoMensha would have been aware of roughly 6.0% of the total number of victims of sexual exploitation in 2011.

The number, according to the CBA, would therefore have more than doubled in three years (from 6,080 to 13,080).¹⁶ It is highly unlikely that the number did actually double. This prompts a critical review of the two assumptions on which the CBA based its estimate.

2.2.2 Reservations about assumption 1

Assumption 1: The police are aware of 5% of the victims of human trafficking (according to the CBA)

(1) It was assumed that the portion of the hidden crime that the police are aware of is constant (at 5%). That is incorrect for the offence of human trafficking in the Netherlands, in any case, since it would mean that a more effective effort to combat human trafficking (reflected, among other things, in the identification of more victims) would also lead to more actual victims of human trafficking (because the steadily increasing number of victims that the police are aware of would always represent 5%). A more logical explanation for the increase in the number of victims that the police are aware of is, therefore, a decline in the dark number, due, among other things, to the growing public attention to human trafficking,¹⁷ the higher priority and increased capacity assigned to the offence by the investigative agencies and the Public Prosecution Service (PPS),¹⁸ more consistent reporting to and more complete registration by the relevant authorities,¹⁹ expansion of legal definitions²⁰ and increasing knowledge about the nature of human trafficking (due in part to greater experience).²¹ Trends in these factors are therefore incorrectly attributed to developments with respect to the scale of human trafficking.²²

¹⁶ And at the same time, the percentage of victims notified to CoMensha would decline every year, from 7% to 6% in three years (see the three preceding footnotes).

¹⁷ The greater the attention, the more likely members of the public are to identify probable misconduct and report it directly to the police or indirectly via Stichting M. (the hotline for reporting crime anonymously).

¹⁸ The principle of 'the more you look, the more you find'.

¹⁹ The greater the investment in consistency of reporting and completeness of registration, the more known incidents will also be registered as such. Naturally, the ultimate aim is for the number of known cases to be the same as the number of registered cases (perfect reporting and registration).

²⁰ For example, the expansion of the legal definition of human trafficking from exclusively sexual exploitation to also include exploitation in other economic sectors and exploitation for the purpose of the removal of organs in 2005.

²¹ For example, knowledge about how to identify victims, where they can be found (in which sectors), how offenders operate and what facilitators they use, etc.

²² In principle, the factors seem to be separate from human trafficking as it actually occurs, but it is plausible that there is a certain degree of interaction between efforts to combat human trafficking and the phenomenon itself. For example, a more effective approach can have a deterrent effect (human trafficking is less attractive for potential offenders because of the increased risk of getting caught). However, it is an illusion to expect that this will deter all offenders to the same extent. Some will be able to adapt (change their modus operandi) and so reduce the chance of being caught. This could cause a waterbed effect, so that a larger part of the actual human trafficking will remain out of sight of the police (the dark number will increase again).

(2) There are also two uncertainties with regard to assumption 1 that were not considered in the CBA. Because there are no references to sources, it is impossible to answer the following questions:

* What precisely is meant by ‘5% of crime’? Is this 5% of the offenders, of the victims or of the offences committed (human trafficking situations)? After all, a single unique offender creates one or more victims during one or more offences. At the same time, one and the same person might be a victim of one or more offenders in one or more offences. If the 5% that the police are aware of is a representative sample of the actual total, the fact that the 5% might not be based on the number of victims but, for example, on the number of offences, should not have any consequences for the ultimate estimate of the number of victims. However, it is unlikely to be a representative sample. Consequently, an estimate of the total number of victims based on 5% of the offences committed, for example, is incorrect. The following example illustrates this:

Suppose that in one year 600 human trafficking offences are committed in the Netherlands, with a total of 1,380 victims (in other words, an average of 2.3 victims per offence). The police are theoretically aware of 5% of these offences, which represents 30 human trafficking offences. If the sample is not representative, it is unlikely that these 30 offences that are known to the police will also involve an average of 2.3 – and therefore a total of 69 – victims, but a total of, say, 180 (because in a particular year the police have concentrated on cases of ‘international large-scale exploitation outside the sex industry’,²³ which involve more victims on average). These 180 victims would then be reported to CoMensha and would be regarded as 5% of the total number of victims.

As a result, the estimate would come to 3,600 victims, which is more than twice the actual number of 1,380.²⁴

The figure in this example would therefore be an overestimate, but it could as easily be an underestimate if the average number of victims of a human trafficking offence known to the police is smaller than the average number of victims per offence (for example, if the police actually concentrate on cases of ‘Domestic small-scale sexual exploitation’,²⁵ which, on average, involve fewer victims).

* To which forms of ‘hidden crime’ does the 5% refer? What forms of crime (violent crimes, sex crimes, drug crimes, white-collar crime, etc.) fall under the heading of ‘hidden crime’? In addition, it is unlikely that all forms of ‘hidden crime’ are concealed to the same extent. Even within the category of human trafficking there is very probably a difference in the degree of concealment between sexual exploitation and other forms of exploitation (and even within those two categories between different branches and sectors, such as between working for escort agencies or at home and window prostitution, for example). There are reasons to assume that there is more hidden human trafficking (a larger dark number) than other forms of ‘hidden crime’ (see §2.1 on victims who are unwilling or afraid to report it and/or deny it

23 See Chapter 5.

24 In the case of a representative sample with, in this example, an average of 2.3 victims per human trafficking offence, the total would be $2.3 \times 30 = 69$ victims known to the police. These 69 victims would then be reported to CoMensha and regarded as 5% of the actual number of victims, so that the estimated total logically comes to the correct figure of $69 \times 20 = 1,380$ victims.

25 See Chapter 5.

after being identified by third parties). At the same time, there are also reasons to assume that human trafficking is less hidden (a smaller dark number) than other forms of 'hidden crime' (see this section about an increasingly effective approach).

2.2.3 Reservations about assumption 2

Assumption 2: The police notify CoMensha about all possible victims of human trafficking known to them, as they are obliged to do²⁶ (according to the CBA)

It is assumed that the police report *all* possible victims (100%) known to them to CoMensha. That is not the case in practice. According to the police investigation study of the Bureau of the National Rapporteur,²⁷ of the 50 investigations completed in 2009 in which there were victims of sexual exploitation, it is only certain that the victims involved in 28 investigations (56%) were also reported to CoMensha.²⁸ This represented 60% (N: 88) of the total of 147 victims that were involved in the 50 police investigations.²⁹ It is likely that the proportion of victims of human trafficking known to the police that are actually reported to CoMensha has increased in recent years,³⁰ so the effect of this reservations will steadily decline. But even now – in 2012 – reports are still being received from the field that victims are not being reported consistently. Consequently, the percentage of victims known to the police that are reported to CoMensha cannot be regarded as a constant factor. Changes in this factor are therefore wrongly attributed to developments with respect to the scale of human trafficking.

2.2.4 Conclusion

There are too many reservations concerning the estimate of the number of victims of sexual exploitation in the Netherlands in the estimate of the CBA for it to be regarded as providing a good indication of the actual number. There are shortcomings in the method of calculation, and the assumptions on which the estimate was based do not appear to be correct, the chief among them being the assumptions that the percentage of victims known to the police is constant and that victims are consistently reported to CoMensha by the police.

26 Aliens Act Implementation Guidelines 2000, §B9 (April 2001): *Government Gazette*. Supplement. 2001, 64. See also the PPS's Instructions on Human Trafficking (*Government Gazette*. 2008, 2718).

27 See Chapter 5.

28 In thirteen investigations (26%) this was unknown and in at least nine investigation (18%) the victims were not reported to CoMensha (Source: Bureau of the National Rapporteur, police investigation study).

29 Of 42 victims (29%) it was unknown whether they had been reported to CoMensha and at least seventeen victims (12%) had not been reported to CoMensha. (Source: Bureau of the National Rapporteur, police investigation study).

30 CoMensha has recently intensified efforts to increase the number of reports from the police (CoMensha 2012, p. 11).

2.3 A national estimate of victims of other forms of exploitation

FairWork³¹ made an estimate of the actual number of victims of human trafficking involving other forms of exploitation in the Netherlands in a recent publication entitled *Verborgen slavernij in Nederland* (Hidden slavery in the Netherlands).³² FairWork extrapolated its estimate for the Netherlands from an international estimate by the ILO. Later in this section we express some reservations about this estimate, concerning the method of calculation used (§2.3.1) and the assumptions on which the estimate is based (§2.3.2 and §2.3.3). In view of these reservations, the estimate cannot be regarded as in any way reliable (§2.3.4), although it does contribute to the process of criticism and improvement that could ultimately lead to a reasonably reliable national estimate. The international estimate by the ILO on which the national estimate is based is discussed in §2.4.

2.3.1 Reservations about the method of calculation

FairWork derived its estimate from an estimate by the ILO for the period 2002-2011. The ILO had estimated that there are 880,000 victims³³ of forced labour (sexual exploitation and other forms of exploitation, but not human trafficking for the purpose of organ removal) in the European Union (EU) at any given moment. Seventy percent of these victims are reportedly exploited in sectors other than the sex industry. Without further substantiation or consideration of the methodology employed by the ILO that formed the basis of its estimate, FairWork concluded that there are, accordingly, 30,000 victims of exploitation in the Netherlands, of whom 21,000 are victims of exploitation outside the sex industry. FairWork probably compared the population of the EU with the population of the Netherlands and calculated the number of victims of exploitation in the Netherlands on the basis of that ratio.³⁴

(1) The first reservation to be made concerns the absence of an explanation of the method of calculation that was used, which means it is not clear precisely how FairWork arrived at the estimate for the Netherlands. (2) Furthermore, like the CBA, the ILO failed to give a reliability interval for its estimate at EU level – and FairWork likewise failed to do so for the estimate for the Netherlands.

31 FairWork originated from BlinN (Bonded Labour in the Netherlands), an initiative of the relief organisations Humanitas and Oxfam Novib (see also: www.fairwork.nu/english).

32 FairWork (2012, p. 4).

33 ILO (2012c).

34 In the period 2002-2011, according to www.europa-nu.nl/id/vh6tqk1kv3pv/europese_unie_in_cijfers, the ratio between the population of the European Union (EU) (27 countries) and the population of the Netherlands was 4,940,613,725 (the cumulative population of the EU for ten years) to 163,675,591 (the cumulative population of the Netherlands for ten years). If this ratio is applied to the number of 880,000 victims of exploitation in the EU in this period, there would be more than 29,000 victims of exploitation in the Netherlands, of whom 70% (roughly 20,407) were victims of other forms of exploitation. These results are roughly the same as the results presented by FairWork (namely 30,000 and 21,000). Note: this calculation is based on the aggregate of the current 27 member states for ten years, although in 2002 there were still only fifteen member states (Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the Czech Republic joined the EU in 2004 and Bulgaria and Romania in 2007). This is also the method used by the ILO.

2.3.2 Reservations about assumption 1

Assumption 1: National estimates can be derived automatically from international estimates (according to FairWork)

It is not possible to extrapolate estimates at a national level from international estimates without using the specific national data on which the international estimate was based. To produce an international estimate, various factors that can differ greatly between countries have to be generalised. For example, the ILO used a figure of 3.6% for the ratio of *registered number of victims* to *actual number of victims*. That figure of 3.6% therefore applies for the *global estimate*, but will *not* apply to every individual country.³⁵ The same applies for the ratio of 30% victims of sexual exploitation and 70% victims of other forms of exploitation calculated by the ILO, which FairWork adopted for the Netherlands. This ratio applies at the *global level*, according to the ILO, but *cannot* simply be transposed to the national level.³⁶

2.3.3 Reservations about assumption 2

If FairWork did indeed calculate the number of victims of exploitation in the Netherlands pro rata to population, it made the following assumption.

Assumption 2: Victims of exploitation are proportionately (by population) divided among the countries of the EU (according to FairWork)

It is a fact that exploitation *occurs everywhere* and that no country is exempt. It is, however, naive to think that human trafficking occurs to the *same extent* everywhere. Just as the ILO's total estimated number of victims of exploitation worldwide is not broken down pro rata to the populations of the various regions distinguished by the ILO, the same will apply for the breakdown of regions into countries. There are numerous factors that vary between countries and that could influence the opportunities provided for situations of exploitation.³⁷ In addition, the measures taken to combat exploitation within a country

35 The ILO derived the figure of 3.6% from the results of four national surveys, but this percentage will not apply for each of the four individual countries, only for the overarching region (in this case, the entire world). However, the ILO did use the percentage for the different regions (including the EU) but expressed the reservation itself that it would be better to calculate the percentage for each specific region. (In the absence of more national surveys, this is unfortunately impossible at the moment.) The only information known to the ILO at the national level for countries other than the four in which the national surveys were held is the *estimated number of registered victims*. The estimated number of registered victims in the Netherlands could possibly be requested from the ILO. However, this is not the same as the number of victims registered by CoMensha, for example. It is the number estimated for the Netherlands by the ILO using the capture-recapture method (see §2.4). But even then, it is not possible to estimate the scale of exploitation in the Netherlands because even the ILO does not know what ratio to use to calculate the *estimated registered number* in the Netherlands. This would require a national survey.

36 There are factors that vary in each country, which could influence the ratio between sexual and other forms of exploitation. See, for example, the factors mentioned in footnote 37.

37 For example, differences between countries with regard to the level of prosperity, the unemployment rate, the ratio of skilled to unskilled work, the size of the sectors where there is a risk of exploitation, the size of the informal/hidden economy, etc.

are naturally also important.³⁸ If this assumption is made, it would mean that every approach (ranging from none to very intensive) is equally effective (or fails to the same extent) because the percentage of victims would be the same everywhere. It follows from this that regardless of the efforts to prevent exploitation, victims will always be exploited to the same extent. In other words, there is nothing that can be done about exploitation. It can be assumed that this idea is as undesirable as it is untrue. The absence of opportunities for exploitation and the existence of good control should result in relatively fewer situations of exploitation and victims.

2.3.4 Conclusion

There are too many reservations concerning FairWork's estimate of the number of victims of other forms of exploitation in the Netherlands to conclude that it provides a good indication of the actual number. No method of calculation is described, and the assumptions on which the estimate is based do not appear to be correct. The principal reservations are the fact that international estimates cannot automatically be translated into national estimates and that victims of exploitation are not divided among countries in proportion to their populations.

2.4 An international estimate of forced labour

Efforts have also been made at the international level to estimate the number of victims of human trafficking, but this presents even more obstacles than at a national level. Estimates of the total scale of human trafficking are based on the portion that is visible (registered victims), so it is first and foremost very important that the victims that are known are all consistently registered. However, the registration of victims of human trafficking can differ significantly from one country to another because of such factors as differences in definitions and priorities.³⁹ Furthermore, many countries do not have a central registry for all probable victims known to every organisation, as the Netherlands has with CoMensha.⁴⁰

In 2005, for the first time, the ILO estimated that, in the period 1995-2004, there were a minimum⁴¹ of 12.3 million⁴² victims of forced labour worldwide at any given moment. The ILO used the term 'forced labour' to refer to human trafficking with respect to both sexual exploitation and exploitation outside

38 Perhaps unnecessarily, it should be noted here that the number of *registered cases* cannot be compared between countries (the registered numbers are not a good indicator of the actual scale within a country). After all, if exploitation is not looked for in a country, little or none will be found, and vice versa; if it is searched for properly, more will be found. It must not automatically be concluded from this that the scale of human trafficking is greater in the latter country than in the former country.

39 See also §7.1.1.

40 For more information about international data collection, see Chapter 7.

41 The estimate in 2005 was a minimum. This is not the case with the estimate in 2012, due in part to changes in the methodology (ILO 2012a, p. 11).

42 SE: 2,500,000 (20%). The range of this estimate lies between 9,800,000 and 14,800,000 victims. The reliability interval is 68%, which means that there is still a 32% chance that the estimate does not fall within that range (see also ILO 2005, p. 1; Gould 2010, pp. 38-39; ILO 2012a, p. 11). Generally, however, a reliability interval of 95% is used, so that the range of the estimate is wider (between 7,300,000 and 17,300,000 victims).

the sex industry.⁴³ Although this estimate was one of the most accurate and best substantiated estimates at the time, there were still some significant reservations, and the estimate could not be regarded as reliable.⁴⁴ In 2012, the ILO produced a new international estimate that was based on a better methodology. According to this estimate, there were 20.9 million⁴⁵ victims worldwide at any given moment in the period 2002-2011.⁴⁶ Despite improvements in the methodology compared with 2005, this estimate can also not be regarded as sufficiently reliable and needs further improvement. The estimate from 2012 is the focus of this section.⁴⁷

ILO estimate in 2012

To arrive at the total estimate of 20.9 million victims worldwide, the ILO used a two-step method. Because it was not always clear what the total number of registered victims was in each individual country, the ILO first tried to estimate the total number of *registered* victims worldwide. It arrived at this estimate using a capture-recapture method, which is explained in the next section (see §2.4.1). It then calculated the total number of victims (*registered* victims and the *dark number*) (see §2.4.2), basing this calculation on national surveys conducted in four countries⁴⁸ that had tried to measure how many actual victims of forced labour there were in those countries. Those results were compared with the estimated number of *registered* victims (using a capture-recapture method) in those four countries to calculate the proportion of the total population of victims of exploitation that was registered in those countries. A figure of 3.6% was ultimately derived from these four percentages. Finally, that figure was used to arrive at the actual total number of victims in the world. By also taking into account the duration of exploitation, the ILO was able to calculate how many victims there were at any given moment during the relevant period (2002-2011).

43 The definition of ‘forced labour’ refers to “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (International Labour Convention, Forced Labour Convention, C29, 28 June 1930). This definition corresponds with the definition of human trafficking in the UN Palermo Protocol (United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime, *Bulletin of Treaties*, 2001, 68, Art. 3). The only difference is that human trafficking for the purpose of organ removal falls under the definition of human trafficking in the UN Palermo Protocol but not under the ILO’s definition of forced labour (see also: ILO 2012a, pp. 19-20).

44 For these reservations, see Gould (2010, pp. 26-50).

45 SE: 1,400,000 (7%). The range of this estimate then lies between 19,500,000 and 22,300,000 victims. The reliability interval is 68%, which means there is still a 32% chance that the estimate does not fall within that range (see also ILO 2012a). However, a reliability interval of 95% is usually adopted, so that the range of the estimate is wider (between 18,100,000 and 23,700,000 victims).

46 This estimate is based on a study covering the period 2002-2011 and means that at any given moment during these 10 years the given estimate could be the total number of victims.

47 The estimates in 2005 and 2012 cannot, in fact, be compared because of changes in methodology and the availability of additional new primary data sources (see also ILO 2012a, p. 11).

48 For political reasons, the ILO did not disclose which four countries these were (written information from the ILO, 11 December 2012).

2.4.1 International estimate of the total *registered* number

The method used by the ILO to estimate the total number of *registered* victims is explained below.⁴⁹

Capture-recapture methodology

The *capture-recapture* method was originally developed to estimate the size of populations of certain species of animals for which no sample populations are available, such as the number of fish in a lake. Various variants were then developed to adapt the method for use in the social sciences. In criminology, for example, capture-recapture methods are used to estimate the total size of a so-called 'hidden population'.

The ILO used the method to estimate the number of *registered* victims of forced labour worldwide (in other words, not the total actual number). The capture-recapture method involves first taking a sample of the population of *registered* victims (*capture*) and then a second sample from the same population (*recapture*). The portion of the sample in which *registered* victims are selected that appear in both samples (the overlap) is then determined. On the basis of these data, by means of a statistical calculation the total number of *registered* victims can be estimated. If the results of the samples are the same, it means that the entire number of *registered* victims is known. This will seldom if ever be the case.

The capture-recapture method, as used by the ILO, has to meet four conditions. First, every registered victim must have the same chance of being included in each of the two samples. Second, the two samples must be taken independently of each other, which means that the fact that a victim is included in the first sample has no bearing on whether or not the same victim is included in the second sample.⁵⁰ A third condition is that it has to be a closed population; in other words, there is no change in the total number of *registered* victims during the research period (2002-2011). Finally, the victims included in both samples must be correctly identified as victims of *forced labour*. In other words, there must be no false positives (the inclusion of someone who is not actually a victim of forced labour).⁵¹

The result of this method (the total number of *registered* victims) is only reliable if all of the above conditions are met.⁵² However, it is very likely that the conditions will not all be met. For example, because of differences in the registration systems used by different countries⁵³ it is not easy to guarantee that every registered victim has an equal chance of being included in a sample.⁵⁴ It also seems impossible to

49 For a complete overview of the method, see ILO (2012a; 2012b).

50 The ILO tried to guarantee this independence by getting Team 1 and Team 2 (which performed sample 1 and sample 2, respectively) to work separately from each other and not allowing them to share information (see also ILO 2012a, pp. 29-33).

51 See also Figure 1.1.

52 See also Gould 2010, pp. 40-41.

53 See also §7.7.1.

54 The ILO controlled for this by calculating the Poisson distribution, which controls that every case has an equal chance of being found. See also ILO 2012a, pp. 24-26; Gould 2010, pp. 40-41.

guarantee that the population in a study of human trafficking is a closed population.^{55, 56} However, it can be assumed that the researchers were trained to ensure that all the victims selected for the sample were actually victims of forced labour.

2.4.2 International estimate of the total number (including the dark number)

For the estimates in both 2005 and in 2012, the ILO used the results of the capture-recapture method to further calculate an estimate of the total number of victims worldwide. To do this, the probability that victims are registered has to be calculated in relation to the probability that victims are not registered (the so-called 'dark number'). In 2012, on the basis of the four previously mentioned national surveys the ILO calculated which portion of the total population of victims of exploitation was registered.⁵⁷ As already mentioned, the percentage of *registered* victims according to the ILO was 3.6% (compared with the total number of victims, including the dark number). This percentage was used to calculate the unregistered portion of the population, leading to the ILO's estimate of 20.9 million victims.⁵⁸

In order to draw conclusions about the number of victims at *any given moment* in the period 2002-2011 on the basis of this estimate, the ILO included the average duration of exploitation in the calculation. In 2005, the ILO had already weighted the duration of exploitation, basing it on the condition that the longer a situation of forced labour endures, the greater the chance that it will come to light. For the estimate in 2012, the ILO says it also took into account the fact that the duration of exploitation of *registered* victims will very probably not be representative for the duration of exploitation of *unregistered* victims.⁵⁹

Although the ILO estimate in 2012 is one of the most refined and reliable estimates to date, there are still a number of reservations to be expressed, some of which are mentioned here. (1) The figure of 3.6% is based on national surveys in only four countries but is used to make a worldwide estimate. The ILO itself acknowledges this reservations by saying that the value of 3.6% could be improved in future if more countries generate data from national surveys.⁶⁰ (2) The ILO also says that there is a 68% probability that the actual number of victims is between 19,500,000 and 22,300,000. However, it is usual to adopt a reliability interval of 95%, which would mean that there is a 95% probability that the actual number is between 18,100,000 and 23,700,000 victims.⁶¹ (3) It is also plausible that there are flaws in the national

55 For example, it is plausible that the registered portion of the victims in the Netherlands has increased because of improvements in the reporting and registration of victims.

56 The ILO reportedly corrected for this by weighting the duration of exploitation. The average duration of exploitation was already included for the 2005 estimate. For the 2012 estimate, however, the ILO made a number of changes in the method so that the duration of the exploitation could be considered in a more balanced way, by taking account of the fact that the known duration of exploitation of registered victims will very probably differ from the duration of exploitation of unregistered victims, for example (see Gould 2010, p. 41 and ILO 2012a, pp. 36-38).

57 The estimate in 2005 was based solely on secondary data sources from which no direct estimate could be made (see also: ILO 2012b, p. 8).

58 See ILO 2012a, pp. 38-39.

59 See ILO 2012a, pp. 36-38.

60 See ILO 2012a, p. 39.

61 See also Gould 2010, p. 46.

surveys, which were carried out for the first time for the estimate in 2012. The surveys⁶² used and the target groups⁶³ were different in the four countries where the national surveys were carried out.⁶⁴ It is unclear what impact this had on the final result, and because the four countries where the national surveys were carried out are unknown,⁶⁵ it is impossible to express an opinion on that.

When the above reservations – and any remarks that other experts may have – are taken into account, the method used by ILO to make the estimate in 2012 could be upgraded to improve the estimate of the number of victims of human trafficking at international level.

2.4.3 What next?

The scale of human trafficking is equal to the scale of the registered human trafficking (the known human trafficking) minus the *false positives* (the human trafficking that is registered as such but is not actually human trafficking) plus the *dark number* (the unregistered/unknown human trafficking, including the *false negatives* (the human trafficking that is seen but not recognised or registered as such)). In short, it is the aggregate of the ‘visible’ and the ‘invisible’ human trafficking.

The preceding sections have shown how difficult it is to apply this formula. It seems very difficult to estimate the number of victims of human trafficking at a national level (and even more difficult to do so at the international level).

The aim of this chapter was to further the discussion about national and international estimates. Critical reflection on the estimates that have already been made, which will form the basis of future estimates, could ultimately result in a reasonably reliable estimate on which there is consensus. In that context, it is necessary to combine the knowledge of professionals engaged in the fight against human trafficking and statistical knowledge.

How can we arrive at a more reliable estimate for the Netherlands?

The discussions in this chapter lead to the conclusion that an estimate of the number of victims of human trafficking in the Netherlands should not be based on the number of registered victims and can also not be derived from an international estimate. A number of ideas that could be fleshed out to arrive at a useful method of calculating this estimate are outlined below. For example, the possibility of a national survey⁶⁶ in the Netherlands should be investigated. Can the target population be reached (since victims of human trafficking are often part of a hidden population)? Can the right questions be asked (since many victims of human trafficking do not regard themselves as victims)? Other methods could also be explored, such as methods that are already used to estimate other forms of hidden populations and crime at the national level.

62 Such as the ad-hoc household survey, continuous labour force survey, child labour survey, living standards measurement study or street survey (see also ILO 2012b, pp. 39-41).

63 Such as ‘returned migrants’, ‘children’ or ‘adults’ (see also ILO 2012b, pp. 39-41).

64 ILO 2012b, pp. 39-41.

65 For political reasons (written information from the ILO, 11 December 2012).

66 A national survey that would measure the percentage of victims or perpetrators of human trafficking within the population living in the Netherlands.

How can the Netherlands contribute to a more reliable international estimate?

The international estimate by the ILO in 2012 was based primarily on an estimate of the number of *registered* victims using a capture-recapture method. If all countries kept good records of the number of identified victims, this would no longer be necessary. The Netherlands could contribute to this by ensuring that CoMensha's records are perfect, in the sense that they include all known victims and that the necessary information about all of these victims is known, such as the sector in which they were exploited, when the exploitation started, how long it lasted and where it took place. Investment in registration and reporting is therefore very important in this context. It will then be necessary to identify the proportion of false positives in the CoMensha records and to deduct that figure from the total number of reported victims. Finally, knowledge about the ratio between the number of *registered* victims and the actual number of victims (including the dark number) needs to be generated in far more than just the four countries on which the current estimate is based. One approach for the Netherlands, as mentioned in the previous paragraph, could be a national survey.

The number of victims at 'any given moment'

If estimates are ultimately to say anything about the number of victims at 'any given moment' within a specific period, it is important to know the average duration of a period of exploitation. The information on this subject given below *cannot* be translated to the total population of victims⁶⁷ but could lay the basis for further research.

Average duration of exploitation

According to the police investigation study of the Bureau of the National Rapporteur,⁶⁸ the average period of exploitation is 12.3 months,⁶⁹ based on the 109 victims involved in the 55 successfully completed investigations in 2009,⁷⁰ the duration of whose exploitation was known.

According to the case law analysis of the Bureau of the National Rapporteur,⁷¹ the average length of the longest proven human trafficking offence per conviction⁷² was 366.0 days,⁷³ based on the 69 judgments rendered in first instance in 2010 that led to a conviction for at least human trafficking involving sexual exploitation.⁷⁴ The period is almost the same for the fourteen convictions for at least other forms of exploitation, 365.6 days⁷⁵.

67 The information in the box text is not based on a representative sample of the total population of victims. On this point, see Chapter 5 and National Rapporteur on Trafficking in Human Beings 2012d.

68 See Chapter 5.

69 On the basis of N: 109 (the duration of the exploitation of 48 victims was unknown); SD: 18.5 months.

70 The exploitation very probably took place in the years before 2009.

71 National Rapporteur on Trafficking in Human Beings 2012d, Table 15.

72 This often corresponds with the longest period of exploitation of a victim.

73 N: 69; SD: 419.3 days.

74 The investigations into these offences very probably took place before 2010 and the dates on which the offences were committed were earlier again. It is therefore very possible that these data overlap with the data in the police investigation study of the Bureau of the National Rapporteur.

75 N: 14; SD: 421.4 days.

Estimates with respect to the number of offenders and/or human trafficking situations

While most estimates relating to human trafficking concern victims, estimates relating to offenders or human trafficking situations are equally interesting. If a reasonably reliable mechanism for estimating the number of victims is found, these latter populations could also be calculated on the basis of information about the average number of victims per offender or per human trafficking situation. Again, the information in the following text cannot be translated to the total population⁷⁶ but could provide a basis for further research.

Average number of victims per human trafficking offence⁷⁷

According to the police investigation study of the Bureau of the National Rapporteur⁷⁸ 46 of the 55 successfully completed investigations into human trafficking in 2009⁷⁹ involved only sexual exploitation and a total of 119 victims. On average, therefore, there were 2.6 victims⁸⁰ per investigation/human trafficking offence.

According to the case law analysis of the Bureau of the National Rapporteur,⁸¹ the 111 judgments rendered in first instance in 2010⁸² for at least sexual exploitation were related to 60 different human trafficking investigations involving a total of 147 unique victims of sexual exploitation. On average, therefore, there were roughly 2.5 victims per human trafficking investigation/offence.

76 The information in the box is not based on the representative sample of the total population victims. On this, see Chapter 5 and National Rapporteur on Trafficking in Human Beings 2012d.

77 According to the CBA on sexual exploitation in 2012 (KLPD-DNR 2012), there were 252 victims involved in the 37 investigations into sexual exploitation in which there was an international component (at least two victims were recruited abroad) that were studied and had been completed in the period 2007-2010/11. On average, therefore, there were 6.8 victims in each investigation/human trafficking offence. Given the selection of investigations in the CBA on sexual exploitation in 2012, it is not surprising that the average number of victims per investigation differs so much from the average number according to the police investigation study of the Bureau of the National Rapporteur. After all, the investigations into the 'more small-scale human trafficking' and 'domestic human trafficking' (which, on average, involve a smaller number of victims, see Chapter 5) fall outside the scope of the CBA, as do the investigations in which victims were recruited in the Netherlands and put to work abroad.

78 See Chapter 5.

79 The dates of commission were very probably in the years before 2009.

80 SD: 2.8 victims (the smallest number of victims per investigation was one victim and the largest was 15).

81 National Rapporteur on Trafficking in Human Beings 2012d.

82 The investigations into these offences very probably took place before 2010 and offences were probably committed even earlier. It is therefore very possible that these data overlap with the data in the police investigation study of the Bureau of the National Rapporteur.

Section B Visible human trafficking

- Chapter 3 Registered victims in the Netherlands
- Chapter 4 Victims and the B9 regulation in the Netherlands
- Chapter 5 Police investigation of suspects
- Chapter 6 Prosecution and trial of suspects in the Netherlands
- Chapter 7 International data collection

3.1 Introduction

This chapter focuses on the victims of human trafficking who were reported to the Coordination Centre for Human Trafficking (CoMensha) in the period 2007-2011. As mentioned in Chapter 1, the focus of this report is on trends in the Netherlands, and this chapter is therefore a summary of Chapter 3 in the Dutch report *Mensenhandel in en uit Beeld*, which was published in December 2012.¹

Insight into the number of (known) victims of human trafficking and their characteristics is important for an understanding of the nature and scale of the problem. CoMensha is the central reporting agency of victims of human trafficking in the Netherlands. Every possible victim of human trafficking in the Netherlands should be reported to CoMensha by the individual or organisation that has identified that person (or by the victim personally). The task of registering possible victims for the purposes of the National Rapporteur's reporting has been delegated to CoMensha.² The National Rapporteur is responsible for analysing the quantitative data on the basis of which policy can be formulated.

CoMensha's core task is to register possible victims of human trafficking. It also coordinates efforts to arrange shelter for victims and is responsible for providing the victims and those that have reported offences with the information they require.³ Accordingly, CoMensha registers three categories of notification:

- notifications exclusively for the purpose of registration;
- notifications where information and advice is also sought about the options available to a possible victim; and
- notifications where there is also a request for shelter for the possible victims in the Netherlands.

¹ Nationaal Rapporteur *Mensenhandel* 2012f, chapter 3.

² 'The Coordination Centre for Human Trafficking (CoMensha) is responsible for the national registration of reported cases for the purposes of the national reporting to the National Rapporteur.' (Section 3.2.6 of the B9 regulation).

³ This is laid down in the Instructions on Human Trafficking issued by the Public Prosecution Service (PPS) and in the B9 regulation. The B9 regulation designates CoMensha as the organisation responsible for arranging shelter for (possible) victims of human trafficking during the reflection period and if they are granted a B9 permit (see also the Instructions on Human Trafficking from the PPS, Government Gazette. 2008, 2718; section 3.2.6 and 3.2.7 of the B9-regulation).

In §3.2 a number of recent developments concerning the registration of victims of human trafficking and the provision of shelter for victims are described, while §3.3 presents a summary of current trends and developments in the Netherlands.

3.2 Recent developments

This section discusses recent developments relating to registration and shelter for victims.

CoMensha registration system

One of CoMensha's key tasks is to register possible victims of human trafficking, including possible victims. In previous reports, the National Rapporteur has repeatedly referred to the importance of accurate records for the collection of reliable quantitative data about human trafficking.⁴ The Minister of Security and Justice also referred to the importance of improving the registration of underage victims in a letter to parliament on 3 July 2012.⁵

The minister has earmarked additional funds to improve the registration by CoMensha.⁶ A project entitled 'The Modernisation of Registration by CoMensha' has also been started,⁷ with the aim of improving registration by determining, in consultation with the partners, the necessary dataset and securing a commitment from the notifiers to supply the information consistently and adequately. CoMensha is currently reviewing the possibilities of implementing a different registration system, designed to improve the accuracy and completeness of the information about reported victims.⁸ The Bureau of the National Rapporteur is also involved in this process.

Notifiers

For some time CoMensha has been referring to the importance of expanding the duty to report possible victims to all the relevant agencies.⁹ At present, only the police, the Royal Netherlands Marechaussee and the Inspectorate of the Ministry of Social Affairs and Employment have a duty to report,¹⁰ but there have been signals from the field that these agencies do not always comply with their duty and that the

4 National Rapporteur on Trafficking in Human Beings 2010, p. 11; National Rapporteur on Trafficking in Human Beings 2002, recommendation 27; National Rapporteur on Trafficking in Human Beings 2004, recommendation 33; National Rapporteur on Trafficking in Human Beings 2007, recommendations 61 and 64; National Rapporteur on Trafficking in Human Beings 2009, recommendations 41 to 45.

5 Parliamentary Documents II 2011/12, 28 638, no. 90, p. 2. See also *Parliamentary Documents II* 2011/12, 28 639, no. 72; *Parliamentary Documents II* 2011/12, 28 638, no. 166. See also §3.1.

6 National Rapporteur on Trafficking in Human Beings 2010, p. 91; personal communication about registration plans from CoMensha, 13 August 2012.

7 The Bureau of the National Rapporteur is a member of the steering group.

8 Personal communication about the registration plans from CoMensha, 13 August 2012.

9 See CoMensha 2012, p. 6.

10 CoMensha 2012, p. 6; The police's duty to report is laid down, inter alia, in the Instructions on Human Trafficking from the PPS, which state as follows: '*The chief of the police force must notify victims of all forms of human trafficking to CoMensha*' (Government Gazette. 2008, 253). See also the Aliens Act Implementation Guidelines, 2000, §B9/3.2.6.

information they provide is not always accurate.¹¹ It is essential that the existing duty to report is complied with and that the information supplied to CoMensha is accurate.

At the same time, it is very important to increase the number of notifications of victims by organisations other than the police, the Royal Netherlands Marechaussee and the Inspectorate of the Ministry of Social Affairs and Employment.¹² Human trafficking is often hidden, so that a large number of victims are probably unknown, but there are also some that are known to particular organisations but who are not reported to CoMensha.¹³ With regard to this group, in the Seventh report, the National Rapporteur recommended that every relevant organisation should report every victim of any form of human trafficking to CoMensha.¹⁴

Shelter

Article 11 (5) of the EU Directive on Human Trafficking requires member states to provide assistance and support for victims, including the provision of appropriate and safe accommodation.¹⁵ CoMensha has expressed its concern about the rise in the number of places required in shelters – there is still a shortage despite the creation of additional places for categorical shelter.¹⁶ A shortage of initial and longer-term accommodation leads to longer waiting lists, making it impossible to arrange immediate shelter for victims. The shortage of adequate shelter for victims in the Netherlands has been an item on the policy agenda for a number of years. In 2010, the Ministries of Security and Justice and Health, Welfare and Sport provided funding for additional places in shelters, the so-called ‘Categorical Shelter for Victims of Human Trafficking’ (COSM), which has been a crucial development in terms of the protection of victims in recent years. In 2010, there were 50 places for the COSM programme divided among shelters run by three organisations: *Prostitutie Maatschappelijk Werk* (PMW), *Amsterdams Coördinatiepunt Mensenhandel* (ACM) and *Zorggroep Jade*.¹⁷ The Minister of Security and Justice promised to expand the categorical shelter to 70 places with effect from 1 July 2012. If that expansion proved inadequate, the Minister said he would

11 Personal communication from CoMensha, 22 May 2012.

12 On the grounds of Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings government authorities that come in contact with possible victims (such as the police, but also municipal authorities) can identify them and refer them to an organisation that can assist them (Warsaw, 16 May 2005, Bulletin of Treaties. 2006).

13 A substantial proportion of unaccompanied, underage asylum seekers are, in any case, not reported to CoMensha. See also §3.3.2.

14 This refers to victims of both sexual and other forms of exploitation, as well as Dutch and non-Dutch victims. See also National Rapporteur on Trafficking in Human Beings 2009, recommendation 42.

15 Directive 2011/36/EU, Article 11 (5).

16 Because of the discussion about the shortage of adequate and appropriate shelter for victims of human trafficking, the Ministry of Justice’s Research and Documentation Centre (WODC) conducted an evaluation of categorical accommodation and assistance for adult victims of human trafficking in four European countries (Belgium, the Czech Republic, Italy and Spain). One of the aims of the study was to provide input for the further implementation of categorical shelter in the Netherlands (Glasgow et al., 2012).

17 Appendix to Parliamentary Documents II 2010/11, 28 638, no. 53, p. 1.

take additional measures, possibly including a further expansion of the number of places for categorical shelter.¹⁸

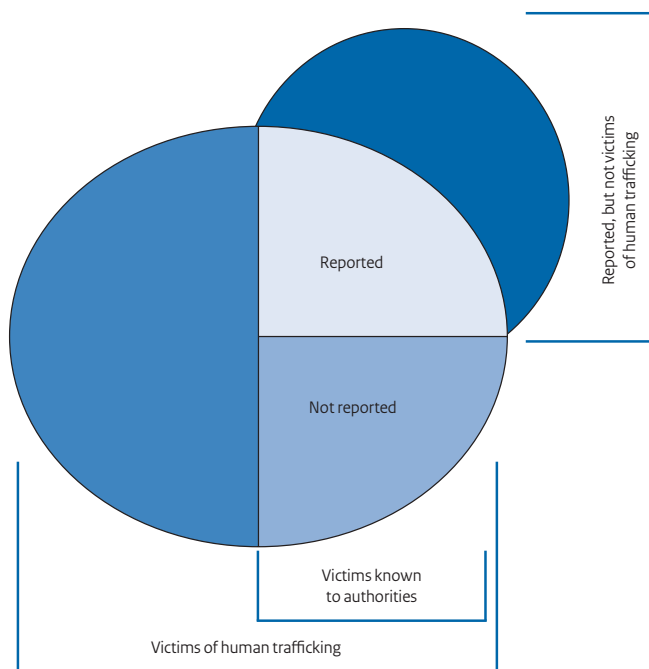
3.3 Trends and developments in the Netherlands

This section summarises the information about (possible) victims that were reported to CoMensha in the period 2007-2011.

3.3.1 Notes to the figures

The CoMensha records will always be only an approximation of the actual situation. The figure below gives an indication of the victims reported to CoMensha in relation to the total number of possible victims of human trafficking.¹⁹

Figure 3.1 Registration of victims of human trafficking



18 See the Reply by the Minister of Security and Justice Ivo Opstelten, also on behalf of the Minister for Immigration, Integration and Asylum and the State Secretary for Health, Welfare and Sport, to questions from the member of parliament Khadija Arib (PvdA) to the Minister of Security and Justice regarding a shortage of shelter for victims of human trafficking – submitted on 10 August 2012, *Parliamentary Documents II 2012/13*, appendix number 176, pp.1-2; *Parliamentary Documents II 2011/12*, 28 638, no. 90, pp. 1-2.

19 The relationships in this figure do not correspond to reality because the total number of victims of human trafficking is not known. However, there are estimates of the total number at national and international level (see Chapter 2).

This figure gives an indication of the (unknown) total number of victims of human trafficking, only some of whom are probably known to CoMensha. Given the nature of the offence, the number of possible victims will always contain a 'dark number'.²⁰ In addition, the Bureau of the National Rapporteur receives signals from the field that the number of known possible victims is greater than the number reported to CoMensha.²¹ To formulate the best policy to protect possible victims of human trafficking, at least those victims that are known to authorities but are not reported²² must be reported to CoMensha.²³ It is also possible that registered victims are not actually victims at all,²⁴ since all possible victims of human trafficking are reported to CoMensha.

3.3.2 Trends

This section sets out the main findings from quantitative data about victims of human trafficking reported to CoMensha in the period 2007-2011.

The number of registered victims in 2011 (N: 1,222) was almost 77% higher than in 2007 (N: 716).²⁵ Almost as many possible victims were reported to CoMensha in the last five years (2007-2011) (N: 4,666) as in the ten-year period from 2000 to 2009 (N: 5,084).²⁶ The number of notifications of victims has been rising sharply since 2006,²⁷ continuing by an average of 14% up to 2011. In 2011, there was a relatively large increase of 23% compared with 2010, which is noteworthy. An increase in the number of reported victims could mean that human trafficking is increasing in the Netherlands, but is more likely an indication that more victims are being identified and that the reporting and registration of victims has improved. For example, a partial explanation of the sharp increase in 2011 could be the fact that in that year CoMensha made agreements with regional police forces on the structural reporting of victims.²⁸

20 The large circle in Figure 3.1 illustrates the total number of actual victims of human trafficking, a substantial proportion of whom are unknown (on the left of the figure).

21 For example, *Stichting Nidos*, which is responsible for exercising guardianship over every unaccompanied underage asylum seeker in the Netherlands, does not report unaccompanied underage asylum seekers who are potential victims of human trafficking to CoMensha.

22 In Figure 3.1, this is the section in the bottom right of the circle: 'Known to authorities, but not reported'.

23 CoMensha stresses the importance of expanding the duty to report to every authority that could have contact with victims of human trafficking (CoMensha 2012, p.6). See also the earlier recommendation by the National Rapporteur in National Rapporteur on Trafficking in Human Beings 2009, recommendation 42.

24 In Figure 3.1, this is the dark-blue section outside the circle.

25 The number of possible victims reported to CoMensha each year in the period 2007-2011 was as follows: 2007: 716; 2008: 826; 2009: 909; 2010: 993; 2011: 1,222.

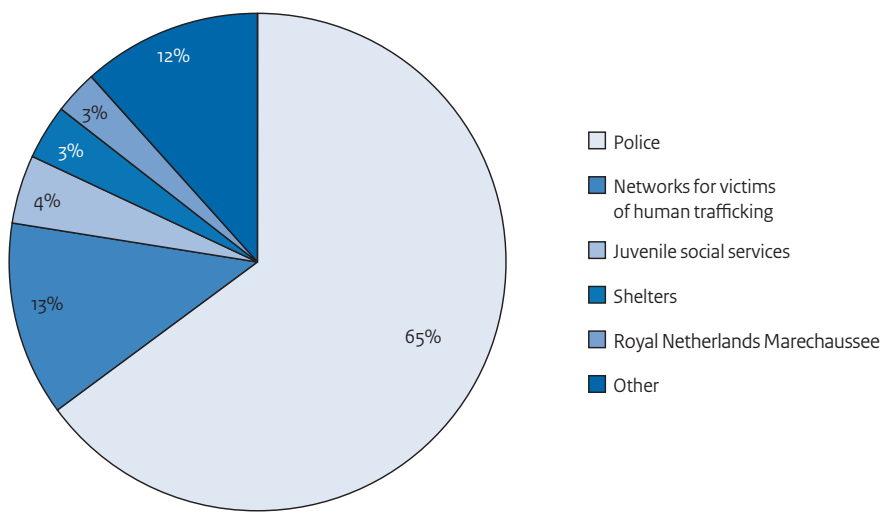
26 See National Rapporteur on Trafficking in Human Beings 2010, Table B3.1

27 National Rapporteur on Trafficking in Human Beings 2010, p. 92.

28 CoMensha 2012, p. 11.

On average, 65% of all notifications (N: 4,845²⁹) in the period 2007-2011 came from the police, peaking at 76% in 2011. The figure below shows the sources of most notifications of possible victims of human trafficking over the entire period from 2007 to 2011.

Figure 3.2 Notifiers (total for 2007-2011)



Personal characteristics of reported victims

The proportion of men among the victims almost trebled between 2007 and 2011. In 2011, almost one-fifth, or 19% (=226), of the total number of reported victims were male. Exploitation in sectors other than the sex industry was criminalised with effect from 1 January 2005.³⁰ This, and the subsequent increase in the number of investigations of other forms of exploitation, very probably explains the increase in the proportion of men in the CoMensha records. There has also been an increase in the number of notifications of large groups of possible victims in cases of other forms of exploitation, which often involve a relatively larger number of men than women.

Of all the possible victims reported to CoMensha (N: 4,666), the largest group (39% on average) is between the ages of 18 and 23, with more than 81% younger than 31. There has been a slight increase in the number of reported victims aged over 30, a category that represented almost a quarter (24%) of the total of 1,222 victims reported in 2011, compared with only just over a tenth (12%) of the 716 victims reported in 2007. A partial explanation of this increase in the proportion of victims in older age groups is the increase in

29 The total number of notifiers in the period 2007-2011 (N: 4,845) is higher than the total number of victims in that period (N: 4,666) because notifications about some victims were made by more than one institution or person.

30 Up to and including 2005, scarcely any male victims were reported to CoMensha (National Rapporteur on Trafficking in Human Beings 2010, p. 92).

the number of reports of exploitation outside the sex industry, where almost half of the reported victims are older than 30.³¹ It should be noted that this is the age of the victims at the time they are reported to CoMensha, which is not necessarily the same as their age when they first became victims.³²

Almost one-third (32%) of the victims reported to CoMensha in the period 2007-2011 (N: 4,666) possessed Dutch nationality, making this the most common nationality. The following table shows the five most common nationalities of victims reported to CoMensha in each year.

Table 3.1 Ranking of top five nationalities of reported victims (2007-2011)

	2007 N: 716	2008 N: 826	2009 N: 909	2010 N: 993	2011 N: 1.222	Totaal 2007-2009 N: 4.666
Dutch	1 ^e (38%)	1 ^e (39%)	1 ^e (26%)	1 ^e (32%)	1 ^e (28%)	1 ^e (32%)
Nigerian	2 ^e (15%)	3 ^e (8%)	2 ^e (11%)	2 ^e (13%)	2 ^e (11%)	2 ^e (11%)
Hungarian		4 ^e (5%)	4 ^e (5%)	3 ^e (6%)	3 ^e (10%)	3 ^e (8%)
Bulgarian	3 ^e (7%)		5 ^e (4%)	5 ^e (5%)	5 ^e (6%)	4 ^e (5%)
Romanian			3 ^e (10%)	4 ^e (5%)		5 ^e (5%)
Chinese	4 ^e (5%)	2 ^e (9%)				
Sierra Leonean	5 ^e (4%)	5 ^e (5%)				
Polish					4 ^e (9%)	

Source: CoMensha database

Underage victims

The registration of underage victims needs to be improved, as the Minister of Security and Justice also noted in the letter to parliament on 3 July 2012.³³ There are signals from the shelters that the number of possible victims is larger than CoMensha's figures suggest. Unaccompanied underage asylum seekers who might be victims of human trafficking come into contact with Stichting Nidos, the agency that acts as their guardian.³⁴ Because Nidos does not report them to CoMensha, a substantial proportion of possible victims cannot be included in the analyses in this chapter. A more comprehensive picture of underage victims would enhance efforts to formulate an informed policy for tackling human trafficking involving this group. In the interests of more complete registration, the Bureau of the National Rapporteur

³¹ CoMensha 2012, p. 11.

³² In the context of CoMensha's plans for a new method of registration, the Bureau of the National Rapporteur has advised it to register the ages of victims at the time they first became victims of human trafficking.

³³ *Parliamentary Documents II* 2011/12, 28 638, no. 90, p. 2. See also *Parliamentary Documents II* 2011/12, 28 639, no. 72; *Parliamentary Documents II* 2011/12, 28 638, no. 166.

³⁴ *Stichting Nidos* assumes guardianship of every unaccompanied underage alien in the Netherlands, unless the minor has reached the age of 17½ and is regarded as sufficiently independent (Kromhout et al., 2010, p. 21).

teur intends to conduct research into possible victims among unaccompanied underage aliens in order to supplement the existing CoMensha figures.

The proportion of reported underage victims in relation to the total number of reported victims declined from 28% (=199) in 2007 to 12% (=111) in 2009, before rising again to 16% (=195) in 2011. Most of the reported underage victims have Dutch nationality. The following table shows the rankings of the top five nationalities of underage victims in the period 2007-2011.

Table 3.2 Ranking of top five nationalities of underage victims (2007-2011)

	2007 N: 199	2008 N: 169	2009 N: 111	2010 N: 152	2011 N: 195	Totaal (2007-2011)
Dutch	1 ^e (50%)	1 ^e (62%)	1 ^e (57%)	1 ^e (59%)	1 ^e (67%)	1 ^e (59%)
Nigerian	2 ^e (25%)	5 ^e (4%)	2 ^e (9%)	2 ^e (9%)	5 ^e (3%)	2 ^e (10%)
Guinean		3 ^e (7%)	3 ^e (7%)	3 ^e (7%)	2 ^e (8%)	3 ^e (6%)
Sierra Leonean	5 ^e (2%)	4 ^e (5%)	4 ^e (3%)	4 ^e (4%)	3 ^e (6%)	4 ^e (4%)
Chinese	5 ^e (2%)	2 ^e (8%)	5 ^e (3%)		4 ^e (4%)	5 ^e (4%)
Romanian	3 ^e (5%)					
Bulgarian	4 ^e (3%)					
Hungarian				5 ^e (3%)		
Cameroonian				5 ^e (3%)		

Source: CoMensha Annual Reports and database

Sector of exploitation

Exploitation in the sex industry increased in the period 2007-2011, peaking at 75% (=749) of the total number of registered victims in 2010. The proportion of victims of exploitation in sectors outside the sex industry also increased – from 6% in 2007 to 20% in 2011 – which can be partially explained by the fact that other forms of exploitation were criminalised later.³⁵ The increases are also partially due to improvements in CoMensha's records.

Exploitation within the sex industry can occur in various domains, including street prostitution, window prostitution, sexual exploitation in a private home,³⁶ sexual exploitation in private business premises,³⁷ in massage parlours, by webcam, Internet prostitution, escort services and/or sexual exploitation in a

35 All forms of sexual exploitation have been a criminal offence since 1 October 2000; other forms of sexual exploitation have been a criminal offence since 1 October 2002. Exploitation outside the sex industry was criminalised in 2005 (Article 250a of the Dutch Criminal Code (DCC); Article 273f DCC; Explanatory Memorandum, *Parliamentary Documents* 2003-2004, 29 291, no. 3).

36 For sexual exploitation in a private house, the victim must receive clients in a private house, usually the home of the person who has trafficked him or her (CoMensha 2012, p. 15).

37 For sexual exploitation in private premises, the victim must receive clients in business premises, which are generally not a home (CoMensha 2012, p. 15).

brothel.³⁸ Other forms of exploitation occurred mainly in agriculture and horticulture in the period 2007-2011, but also in au-pair services, construction, crime, drug trafficking, the hospitality sector, domestic work, cleaning work, abattoirs, the textile industry and the food industry. Some victims reported to CoMensha were known to have been subjected to non-sexual exploitation, but it was not known in which sector. These cases involved 4% of the total number of reported victims in the period 2007-2011.

It is increasingly the case that groups of (possible) victims are reported to CoMensha, primarily in relation to exploitation outside the sex industry, but also, in a smaller number of cases, in relation to sexual exploitation. To illustrate, in an operation by The Hague police in the city's red light district (Doubletstraat) in 2011, the police interviewed 157 prostitutes, 30 of whom were ultimately reported to CoMensha as possible victims of human trafficking.³⁹

While there are very few instances of human trafficking for the purpose of organ removal or forced commercial surrogacy in the figures for (possible) victims of human trafficking in the period 2007-2011,⁴⁰ in her study of these forms of human trafficking, the National Rapporteur noted the need to remain alert to them because there seems to be a growing market in organs and forced surrogacy, due in part to the globalisation of society and the internet.⁴¹

Profiles of victims in the Netherlands

This section shows links between the personal characteristics of victims, the sectors in which they are exploited and whether or not an offence is reported to the police by the victim. These links can be influenced by other factors, however, and it seems reasonable to assume that the various links can be related to the distinction between the circumstances of victims of sexual exploitation and of exploitation outside the sex industry. Table 3.3 presents the key information about the reported victims of each form of exploitation. Most reported victims were exploited in the sex industry.

38 For the vast majority of the victims reported to CoMensha who were exploited in the sex industry, it is not known what form the exploitation took.

39 Written information from CoMensha, 9 August 2012; CoMensha 2012, p. 29.

40 In the period 2007-2011, CoMensha registered one possible victim of human trafficking that reportedly involved organ trafficking (source: CoMensha database).

41 National Rapporteur on Trafficking in Human Beings 2012c.

Table 3.3 Profiles of reported victims of sexual exploitation compared with exploitation outside the sex industry⁴²

		Sexual exploitation		Exploitation outside the sex industry	
		N	%	N	%
Gender (2009-2011) ⁴³	Male	139	29% (of total number of male victims)	272	57% (of total number of male victims)
	Female	1,812	69% (of total number of female victims)	262	10% (of total number of female victims)
Age (2009-2011) ⁴⁴	Younger than 31	1,607	83%	273	52%
	31 or older	325	17%	254	48%
Region of origin (2009-2011) ⁴⁵	EU-1995 (mainly The Netherlands) ⁴⁶	652	33%	51	10%
	EU-2004/2007 ⁴⁷	396	20%	297	56%
	Africa	674	35%	50	10%
	Asia	96	5%	91	17%
Reporting of offences (2010-2011) ⁴⁸	Did report the offence	649	42%	117	31%
	Did not report the offence	627	41%	226	60%

Source: CoMensha database

Shaded areas show the largest groups in each form of exploitation

As Table 3.3 shows, characteristics that are shared by many of the victims who are exploited in the sex industry are the following: they are female (69%); they are younger than 31 (83%); they are frequently from Africa (35%) and countries that were member states of the European Union (EU) in 1995 (particularly the Netherlands) (33%); and the largest group did report the offence (42%). Common characteristics of

42 The totals in this table do not correspond with the total for the number of reported victims in the period 2009-2011 (N:3,124), because two categories, 'have not worked yet' and 'unknown' have been omitted from this table.

43 The gender of one person in 2009 and one person in 2010 was not known.

44 The total number of reported victims shown here is exclusive of those whose age (and whether he or she was a minor) was unknown.

45 The total number of reported victims shown here is exclusive of those who came from regions other than those mentioned here, who were stateless or whose region of origin was unknown and/or not registered.

46 EU member states since 1995: Austria, Belgium, Denmark, Germany, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, United Kingdom, Sweden.

47 Countries that joined the European Union in 2004 or 2007: in 2004: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia; in 2007: Bulgaria and Romania.

48 The total under 'Reporting of offences' does not add up to 100% because for some victims it was not known and/or had not been not registered whether they had reported the offence.

victims in sectors outside the sex industry are often the following: they are male (57%); they are older than victims of sexual exploitation (48% are aged 31 or older); they come from countries that joined the EU in 2004 or 2007 (56%) and from Asia (17%). The majority did not report the offence (60%). These figures need to be qualified to a certain extent. For example, the group that did report the offence consisted mainly of victims with African and Asian nationalities. Reported victims who were nationals of a country that was an EU member state in 1995 (particularly the Netherlands) or that joined the EU in 2004 or 2007 often did not report the offence.

Shelter

Of all the notifications in the period 2009-2011, 24% (=772) included a request for shelter. CoMensha arranges accommodation for possible victims who are living legally in the Netherlands.^{49,50} In absolute terms, the number of victims requiring shelter rose from 201 in 2009 to 280 in 2011. The number of reported victims requiring shelter for whom initial shelter could be arranged was only known for 2010 and 2011.

The following figure shows the proportion of reported victims requiring shelter, for whom CoMensha could organise initial accommodation, in the period 2010-2011.

Figure 3.4 Initial accommodation (total for 2010-2011)

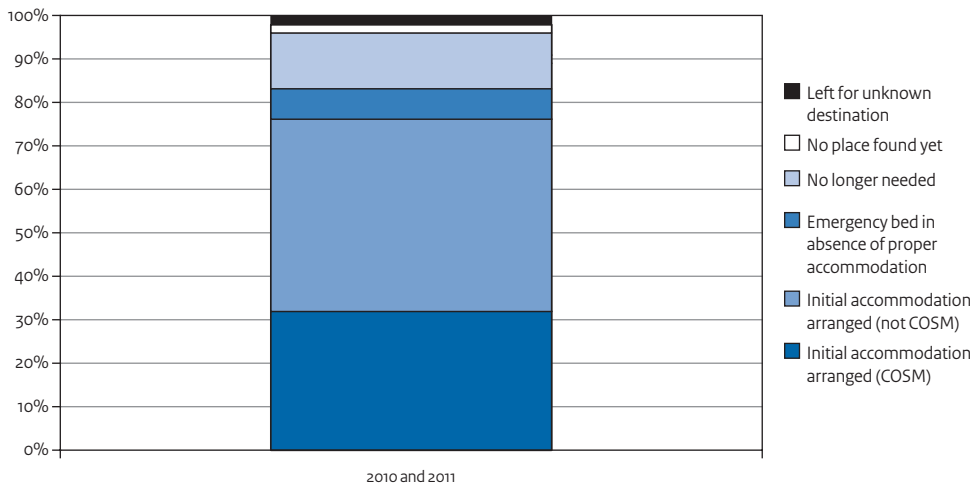


Figure 3.4 shows that almost a third (32%, = 161) of all the victims requiring shelter in 2010 and 2011 (N: 505) were placed in categorical shelter for victims of human trafficking (COSM); a further 225 (= 45%) were found accommodation in other regular shelters for men and women with whom CoMensha coo-

49 Non-Dutch nationals must report the offence or otherwise cooperate with the criminal investigation to qualify for a B9 permit. See also Chapter 4.

50 See §3.2 on recent developments in relation to shelter.

perates. In total, CoMensha was able to arrange initial shelter for more than three-quarters (76 %, = 386) of the victims who were reported to it and who required shelter.

For 24% (= 119), no initial shelter was found:⁵¹

- 13% (= 65) no longer required shelter for various reasons: the client no longer wanted CoMensha to arrange initial shelter because it was taking too long, because the client had already found accommodation or for some other reason (unknown);⁵²
- 7% (= 35) were allocated emergency accommodation because there was no place in a proper shelter;
- For 2% (= 9), CoMensha was unable to find emergency accommodation or a place in a shelter.⁵³ At the time of the notification, the reported victims had been staying in an asylum centre (6), living with others (2) or staying in the shelter for minors (1).
- 2% (= 10) had left for an unknown destination after the notification.

51 Reference date for the figures for 2010: 8 July 2011. Reference date for the figures for 2011: 31 March 2012.

52 In the majority of cases, the clients no longer wanted accommodation. There could be various reasons for this. If it has taken a long time for CoMensha to find a place, the client might have started looking for somewhere him- or herself and then moved in with family or friends, for example. Because of the waiting lists for shelters, this does happen (written information from CoMensha, 18 July 2012).

53 Accommodation has since been found for most of these persons (written information from CoMensha, 18 July 2012).

Victims and the B9 regulation in the Netherlands

4.1 Introduction

This chapter reviews the data regarding all victims¹ of human trafficking with a temporary residence permit on the grounds of the B9 regulation, which applies for aliens who are or might be victims of human trafficking or witnesses to human trafficking and who do not have a valid residence permit.²

This chapter discusses the B9 regulation and is a summary of Chapter 4 in the Dutch report *Mensenhandel in en uit beeld*, which was published in December 2012.³ The chapter starts with an outline of the relevant policy framework in §4.2. In §4.3, statistics are presented about victims who have availed of the reflection period and/or applied for B9 status and, in §4.4, data about victims who were granted a B9 residence permit or whose applications were rejected.

4.2 Policy

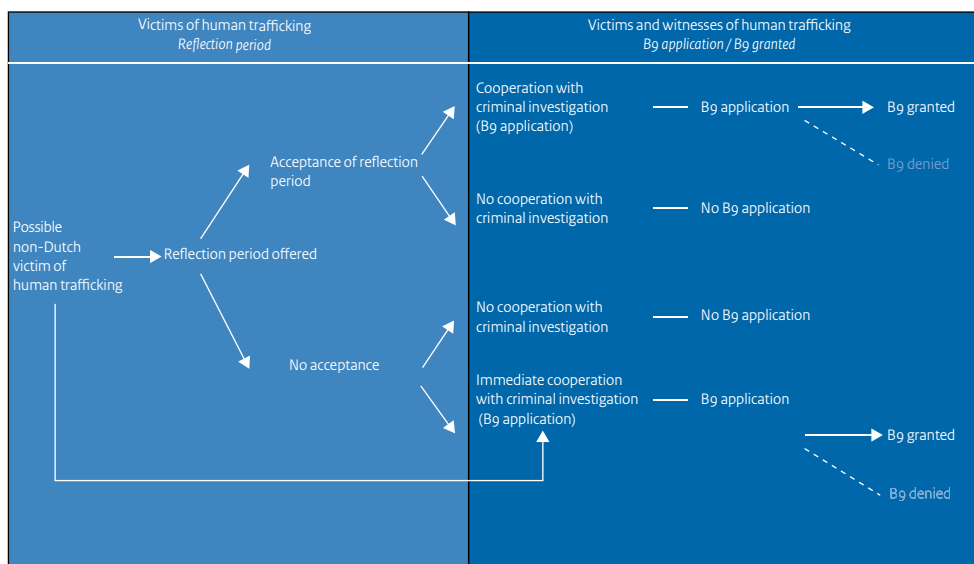
4.2.1 Policy framework

The B9 regulation (Chapter B9 of the Aliens Act Implementation Guidelines 2000) provides that aliens who are or might be victims of or witnesses to human trafficking may temporarily remain legally in the Netherlands during the investigation and prosecution in order to remain available to the police and Public Prosecution Service (PPS).⁴ At the same time, victims are entitled to a number of facilities under the regulation. When the police or other government authorities discover an alien who might be a victim

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- 1 In this chapter, every person who has availed of the reflection period and/or reported a human trafficking offence is regarded as a victim.
 - 2 For a detailed explanation of the B9 regulation, see National Rapporteur on Trafficking in Human Beings 2009, Chapter 5.
 - 3 Nationaal Rapporteur Mensenhandel 2012f, Chapter 4.
 - 4 Nationals of the European Union (EU), the European Economic Area (EEA) and Switzerland can also derive rights from the B9 regulation insofar as they cannot derive any rights from Community law. The scope is therefore wider than the B9 regulation would initially lead one to suspect.

of human trafficking – during administrative checks, for example⁵ – they must, if there is even a slight indication of human trafficking, refer them to the rights laid down in the B9 regulation, as well as to the possibility of taking time to reflect. The reflection period – of up to three months – gives victims the time to decide whether they want to report an offence or otherwise cooperate with an investigation and prosecution. During the reflection period, the authority to deport the victim from the Netherlands is temporarily suspended.⁶ According to the Aliens Act Implementation Guidelines 2000, the idea behind the regulation is that the suspension of deportation or the granting of a temporary residence permit is justified by the importance of victims who report an offence or otherwise cooperate with an investigation remaining available to the PPS for an extended period. The B9 regulation also applies to witnesses who report a case of human trafficking. Because the regulation is intended to ensure that aliens remain available to the police and PPS, but has been given the form of a residence permit, it has a somewhat hybrid character; on the one hand, it serves the interests of the investigation and prosecution, while, on the other, it creates rights for the victim concerned. A simplified presentation of the route that victims can take under the B9 regulation is shown in Figure 4.1.

Figure 4.1 Route of victims in the B9 regulation⁷



5 For example, municipalities and authorities that carry out inspections on the basis of a General Local Bye-Law or the Aliens Employment Act (In Dutch: *Wet arbeid vreemdelingen*).

6 Section 3.2.1 of the B9-regulation.

7 The figure is a simplified representation of the various procedures in the B9 regulation and does not show all of the possible steps in the policy and practice.

The reflection period is essential to give victims the time to recover, to escape from the influence of the human trafficker and to allow themselves to make an informed and carefully considered decision on whether to report a human trafficking offence or otherwise cooperate with the police and PPS.⁸ Under international legislation, the Netherlands is required to offer victims of human trafficking a period to recover and reflect,⁹ and the police must inform a victim of human trafficking of the possibility of requesting a reflection period. During the reflection period (which is granted only once and may not be extended beyond the maximum period of three months)¹⁰, victims may remain legally in the country¹¹ and are also entitled to certain facilities, including an allowance to support themselves, medical assistance and legal aid, if necessary. The victim may not perform work during the reflection period.

There are four situations in which the reflection period ends before the three months have elapsed. First, it ends if the victim has left for an unknown destination during the reflection period. Second, the victim may decide during the reflection period not to report an offence or otherwise cooperate with the investigation into the suspect, in which case it also ends. Third, if the victim does decide to report an offence or otherwise cooperate with a criminal investigation into the suspect the reflection period will end. This cooperation with the investigation is regarded *ex officio* as a B9 application.¹² Finally, the reflection period ends if the victim submits an application for a residence permit on grounds other than the B9 regulation.

A victim may choose not to use the reflection period and immediately cooperate with the investigation. A victim of human trafficking qualifies for a B9 residence permit if he or she has reported the offence or has otherwise cooperated with the criminal investigation or prosecution, as long as the criminal investigation and prosecution (or the trial in first instance) has not been completed.¹³ Witnesses of human trafficking can also apply for a B9 residence permit and the associated facilities.¹⁴

Since 22 December 2010, a victim who is unable or unwilling to report an offence because of serious threats or because of medical or psychological impediments can be granted a temporary residence permit on the grounds of Section 12 of the B9 regulation,¹⁵ even without cooperating with the criminal

8 Section 3.2 of the B9 regulation. See also the Letter from the National Rapporteur to the Minister for Immigration, Integration and Asylum, reference 8060; Nationaal Rapporteur Mensenhandel 2012b; Council of Europe Convention on Action against Trafficking in Human Beings (2005), Article 13.

9 Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings (2005).

10 Section 3.2 of the B9 regulation.

11 Section 3.2.4 of the B9 regulation and legal residence in the Netherlands on the grounds of Article 8, under k. of the Aliens Act 2000.

12 Section 2 and 4.1 of the B9 regulation.

13 Since 14 November 2007, other forms of cooperation with the police and/or PPS have also been regarded as a B9 application.

14 See section 5 of the B9 regulation. For the sake of convenience, from now on only the term 'victims' will be used.

15 This involves temporary residence on the basis of Article 3.4 (3) of the Aliens Decree 2000 (and thus not B9). For this reason, the applications and permits granted under section 12 of the B9 regulation are not shown in the figures presented in §4.3 and §4.4.

investigation.¹⁶ This policy, which is based on Article 3.4 (3) of the Aliens Decree 2000, has only been relied on to a limited extent.¹⁷ A final decision on whether to apply this article is based on a statement by the police that the individual concerned is a victim of human trafficking and that he or she faces a serious threat and/or is suffering from a medical or psychological impediment.¹⁸ The box below contains an example of an official report on the basis of which temporary residence was granted on these grounds.

*Temporary residence without cooperation with the investigation*¹⁹

In May 2012, a woman from Sierra Leone entered a police station in the Brabant region in a distraught state. After closing the doors and the blinds on the windows, she sat on the ground and explained how she had come to the Netherlands because of false promises (of a good life in the Netherlands and marriage). Having arrived in the Netherlands, she was locked up in a house, where she had to have sex with a number of men, the payments for which were made to the human trafficker. The police conducted an intake interview with the woman, but during this interview the police observed that her condition was rapidly deteriorating and that she was unable to continue with the interview. The woman was reported to CoMensha, which took her to a secret address, where staff declared that 'the woman was very fearful and did not want to be left alone for a moment.' For this reason, the woman was placed in a crisis centre for psychiatric patients the next day, where efforts would be made to calm her, prescribe medication and make a diagnosis. Within a few days, the doctor from the municipal mental health institution who was treating her declared that she 'is still very disturbed, sleeps badly and does not feel safe and an effort will first have to be made to win her trust and calm her before anything can be done to stabilise her and prescribe medication.' The woman was granted a temporary residence permit on the grounds of Section 12 of the B9 regulation.

In addition to regular residence in the Netherlands, the B9 residence permit entitles recipients to facilities such as shelter and accommodation, medical assistance, legal aid and special facilities to support themselves.²⁰ A victim with a B9 residence permit is allowed to work.²¹

In principle, a B9 residence permit is granted for a year and is valid as long as a criminal investigation is underway. The residence permit is withdrawn if the case is dismissed, in which case an objection can be made on the grounds of Article 12 of the Dutch Code of Civil Procedure (DCCP). The right to tem-

16 See section 12 of the B9 regulation (Government Gazette. 2010, 20701, p. 15). Because of the abolition of legal residence pending an appeal (Bulletin of Acts, Orders and Decrees 2012, 359), the B9 regulation was amended and section B9/13 of the Aliens Act Implementation Guidelines 2000 was renumbered as section B9/12 (Government Gazette. 2012, 15972, p. 3).

17 There were fewer than ten in 2011 and 2012 (written information from the Immigration and Naturalisation Service (IND), 17 July 2012 and 12 October 2012).

18 The medical complaints must be substantiated by information provided by a practitioner registered in the Register of Individual Health Care Professions (BIG register) or with the Netherlands Institute of Psychologists (NIP). Serious threats by the human trafficker must be attested to by a statement from the police (section 12 of the B9 regulation).

19 Based on an anonymised official report received from the IND on 12 October 2012.

20 Section 3.2 of the B9 regulation.

21 Section 7.2 of the B9 regulation.

porary residence in the Netherlands during the objection procedure was abolished with effect from 1 August 2012.²² That decision was one of the measures taken to make the B9 regulation less susceptible to abuse.²³

B9 applications are sometimes rejected (see §4.4.3). The grounds for rejection are listed in Article 16 of the Aliens Act;²⁴ however, four of the grounds mentioned in Article 16 do not apply to victims of human trafficking.²⁵ First, the absence of a valid permit for temporary residence cannot be used against a victim of human trafficking. Second, a B9 application cannot be rejected by reason of a threat to public order if the breach of public order is directly connected with human trafficking. Third, the application cannot be rejected because the individual does not possess a basic knowledge of the Dutch language and Dutch society. Finally, a B9 residence permit can also not be denied because the individual does not have a passport.²⁶

4.2.2 The policy in practice

The purpose of the B9 regulation is to keep aliens available to the police and PPS. On the one hand, this is in the interests of the investigation and prosecution. On the other hand, it is also intended to protect victims. In addition to granting legal residence, the B9 regulation contains a number of provisions designed to afford this protection.

In practice, there are two problems. First, there is sometimes a lengthy period between the time when the B9 residence permit is granted and when the physical permit is issued. Without a passport or residence document, victims cannot identify themselves. For example, they have to be registered with the municipality where they live in order to apply for health insurance and social security benefits. Because they only receive the physical residence permit later, victims who do not have any other means of identification often remain in a reception centre for an unnecessarily lengthy period, which causes additional expense. CoMensha raised this problem with the Ministry of the Interior and Kingdom Relations at the end of 2011,²⁷ and the National Rapporteur has previously recommended that the procedure for issuing a residence permit to victims under the B9 regulation should be accelerated.²⁸ The municipality of The Hague has found a practical solution for this problem by allowing registration without a passport or a residence permit if the victim submits the letter from the Immigration and Naturalisation Service (IND) showing that a B9 residence permit has been granted, together with the report of the offence.²⁹ Another problem is that there is no policy governing the residence of children whose parents are victims and are using the reflection period. The regulation of legal residence for these children, along with the associated facilities, could prevent children of victims of human trafficking from being caught in a bureaucratic

22 *Parliamentary Documents II* 2011-2012, 28 638, no. 89; *Bulletin of Acts, Orders and Decrees*. 2012, 359.

23 *Parliamentary Documents II* 2011/12, 28 638, no. 57, p. 4.

24 Aliens Act. 2000, Article 16.

25 Section 2 of the B9 regulation, under ad. c.

26 The rule here is that the individual concerned must apply for a passport to the diplomatic mission of the country of which the victim is a national (section 2 of the B9 regulation).

27 E-mail from CoMensha to the Ministry of the Interior and Kingdom Relations, 25 November 2011; See also Nationaal Rapporteur Mensenhandel 2012b, p. 22.

28 Nationaal Rapporteur Mensenhandel 2012b, p.34.

29 Information received verbally from the municipality of The Hague, 28 November 2012.

no man's land.³⁰ Another issue that is regarded as a problem in practice is the so-called 'abuse of the B9 regulation'. The National Rapporteur reported at length on this problem in the Seventh report³¹ and it was also the subject of a report earlier this year.³²

4.3 Reflection period and B9 applications

4.3.1 Notes to the figures

For the first time, the Bureau of the National Rapporteur has received figures from the IND relating to the reflection period. In this section, on the basis of these figures and the figures regarding B9 applications in 2010 and 2011, comparisons are made between three categories of victims:

- victims of human trafficking who used the reflection period but ultimately did not make a B9 application ('Reflection period without B9 application');
- victims of human trafficking who used the reflection period and made a B9 application ('B9 application and reflection period'); and
- victims of human trafficking who made a B9 application but who did not use the reflection period ('B9 application without reflection period').

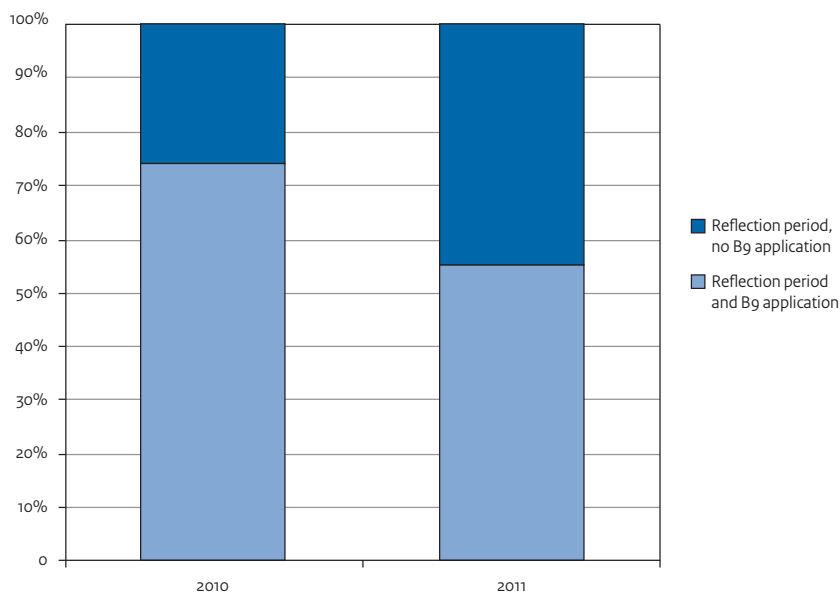
4.3.2 Reflection period in 2010 and 2011

In 2010, 256 victims used the reflection period; the number rose by 40% to 357 in 2011. The number of B9 applications rose more slowly, from 350 in 2010 to 417 in 2011, an increase of 19%. The figure below shows the number of persons who used the reflection period in 2010 and 2011 and whether they subsequently applied for a B9 permit.

30 Children of victims of human trafficking are in fact entitled to shelter according to the pilot project on categorical shelter for victims of human trafficking, regardless of whether they are covered by the B9 regulation: 'The target group of the (pilot) categorical shelter consists of victims of human trafficking, women, men and any accompanying children.' (Document describing shelter for victims of trafficking in human beings, for the Ministry of Security and Justice, Ministry of the Interior and Kingdom Relations and Ministry of Health, Welfare and Sport, 2012).

31 National Rapporteur on Trafficking in Human Beings 2009, Chapter 5.

32 Nationaal Rapporteur Mensenhandel 2012b.

Figure 4.2 Reflection period in 2010 and 2011

As Figure 4.2 shows, 26% (=66) of cases in 2010 where the reflection period was used did not result in a B9 application, compared with 43% (=155) in 2011.³³ The absence of a B9 application might indicate that the individuals concerned did not cooperate with the investigation;³⁴ however, it is also possible that an individual did cooperate with an investigation after the reflection period, but did not wish to avail of the B9 regulation,³⁵ perhaps because they wanted to return to their country of origin, for example, or preferred to wait for another procedure to secure residence (for example, an asylum procedure).³⁶

4.3.3 Reflection period and B9 applications in 2010 and 2011

Three categories are described in the remainder of this section: 'Reflection period without B9 application' (N: 221), 'Reflection period and B9 application' (N: 392) and 'B9 application without reflection

33 Of those who used the reflection period in 2011, 43% (=155) did not make a B9 application in 2011. It is possible that some of the victims who used the reflection period in the last three months of 2011 still made a B9 application in 2012. There were 46 persons (13%) who used the reflection period from October 2011, which could reduce the total number of victims who used the reflection period and did not make a B9 application from 43% (=155) to 31% (=109).

34 There are a number of possible reasons for not cooperating with the investigation: for some victims of human trafficking using the reflection period it was found that no reports of offences were included because there had been no follow-up to an investigation; a number of victims had departed for an unknown destination; and some persons using the reflection period proved to be children of the person who reported an offence (if a parent is granted a B9 permit, the child can apply for residence on the basis of family reunification) (Enquiries to the police, October 2012).

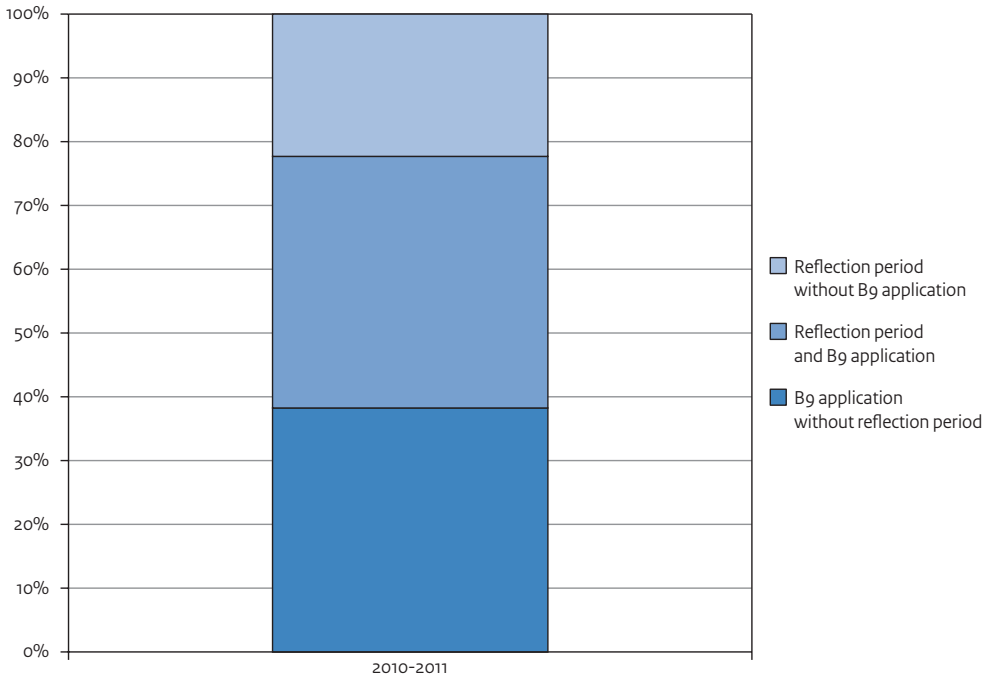
35 This was confirmed by the IND (written information from the IND on 25 October 2012).

36 Enquiries to the police by the Bureau of the National Rapporteur, October 2012.

period' (N: 375).³⁷ All told, there were 988 persons who used the reflection period and/or made a B9 application in 2010 and 2011.

The figure below shows the proportions of the total number of persons that used the reflection period and/or made a B9 application in 2010 and 2011.

Figure 4.3 Reflection period and/or B9 regulation (total of 2010-2011)



As Figure 4.3 shows, the largest group fall into the category 'Reflection period and B9 application' (40%), followed by the category 'B9 application without reflection period' (38%). Almost a quarter (22%) of the total used the reflection period without subsequently making a B9 application.

Reflection period without B9 application (2010-2011)

Relatively speaking, male victims use the reflection period without making a subsequent B9 application more often than female victims (26% of the total number of male victims compared with 21% of the total number female victims). Furthermore, a lot of the victims in this category were between 18 and 25

37 Of the total number of persons who made a B9 application in 2010 and 2011 (N: 767), 51% (= 392) first used the reflection period and 49% (=375) did not. These figures include 71 persons who made a B9 application in the first three months of 2010. It is possible that they used the reflection period in the last three months of 2009 (a maximum of 7% of the total number of B9 applications in 2010 and 2011).

years of age (39%) and were often Polish (20%),³⁸ Nigerian (17%) or Hungarian (12%). The largest group comprised nationals of member states that joined the EU in 2004 and 2007 (43%). The police regions in which most requests for a reflection period were made without a subsequent B9 application were Brabant Zuid-Oost (23%), Amsterdam-Amstelland (17%) and Groningen (10%).

Reflection period and B9 applications (2010-2011)

Female victims use the reflection period and then make a B9 application relatively more often than male victims (43% compared with 29%). Victims in the category 'Reflection period and B9 application' are often aged between 18 and 25 (40%) and are frequently Nigerian (33%), followed by Sierra Leonean (9%) and Guinean (6%). The vast majority (71%) have an African nationality. The police regions in which the reflection period was used and followed up with a B9 application most often were Haaglanden (17%), Amsterdam-Amstelland (16%) and Rotterdam-Rijnmond (11%).

B9 application without reflection period (2010-2011)

Male victims made a B9 application without first making use of the reflection period relatively more often than women (46% compared with 35%). In addition, as in the other two categories, victims in this category are often aged between 18 and 25 (45%) and are often Nigerian (21%), Guinean (10%) and Sierra Leonean (9%). Once again, the vast majority (64%) were nationals of an African country. The police regions in which a B9 application was made without the victim first using the reflection period most often were Haaglanden (12%), Groningen (12%) and Kennemerland (10%).

4.4 B9 applications granted and rejections

4.4.1 Notes to the figures

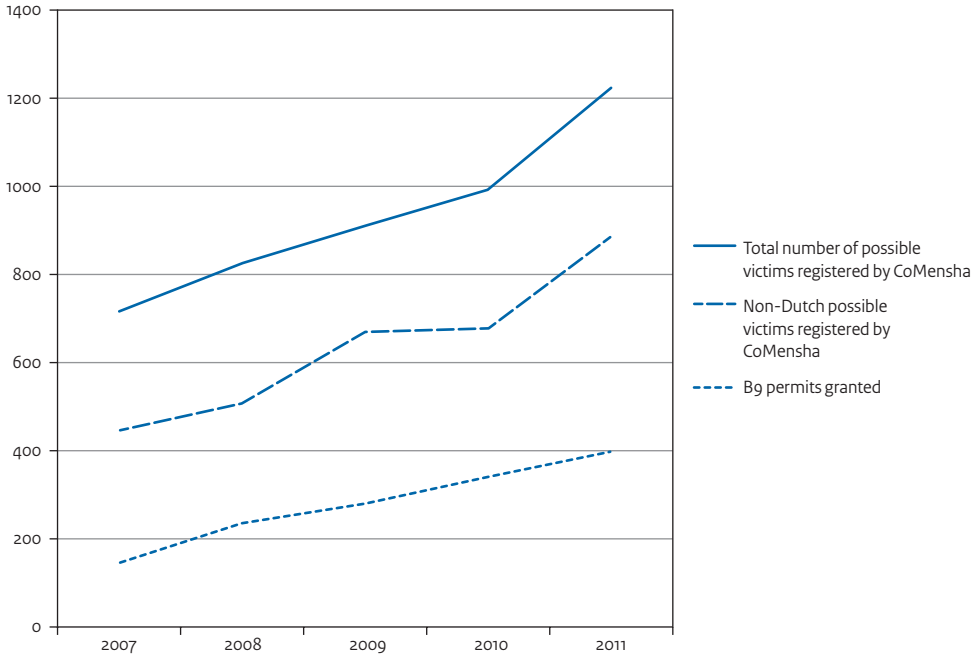
This section contains information about victims of human trafficking³⁹ who were granted a B9 permit in the period 2007-2011. It also presents the results of a study of the grounds for rejection on the basis of case files.

4.4.2 Number of B9 applications granted

The figure below shows the number of victims who were granted a B9 permit in the period 2007-2011 in relation to the possible victims of human trafficking registered by CoMensha.

³⁸ Major exploitation cases, in which many victims possessed the same personal characteristics, could influence the impression created by these figures, because the total number of victims in the B9 regulation is not very large. To illustrate this point, a major case that might have influenced the statistics in this section is a case in which at least 44 Polish workers were exploited in the flower industry in the police region of Brabant Zuid-Oost. None of these workers made a B9 application, so this case would probably have had an impact on the number of persons in the category 'Reflection period without B9 application'. (Written information received from the police region Brabant Zuid-Oost on the basis of the information that emerged from the intake interviews with the workers, 30 November 2012).

³⁹ Because the IND does not make a distinction in its records between victims of human trafficking and witnesses, the findings in this section apply to both groups, and the term 'victims' is used consistently in this sense.

Figure 4.4 Number of B9 applications granted (2007-2011)

The number of B9 permits granted in each of the years between 2007 and 2011 was as follows: 143 (2007); 235 (2008); 280 (2009); 340 (2010); and 398 (2011). In other words, almost three times as many B9 permits were granted in 2011 than in 2007, with the number of permits granted rising by an average of least 17% a year between 2007 and 2011. The substantial increase in the number of non-Dutch possible victims registered by CoMensha in 2011 compared with 2010 (up by 23% from 993 to 1,222 registered victims)⁴⁰ is not directly reflected in a similar increase in the number of B9 permits granted (which rose by 17%, from 340 to 398).

Victims who received a B9 residence permit in the period 2007-2011 often shared the following personal characteristics: they were often female (83%), aged between 18 and 25 (46%) and with Nigerian (25%), Sierra Leonean (9%) or Chinese (8%) nationality. The majority (67%) of the victims granted a B9 residence permit were nationals of an African country. The police regions from which a B9 application was submitted and led to a B9 residence permit being granted most often were Haaglanden (14%), Kennemerland (10%) and Groningen (9%).

4.4.3 Rejections of B9 applications

There has been an increase in the number of initial rejections of B9 applications.⁴¹ This increase is noteworthy because there are only a limited number of grounds on which a B9 application can be rejected.

⁴⁰ See Chapter 3.

⁴¹ In other words, not after an objection or appeal.

Article 16 of the Aliens Act stipulates the grounds for rejection of a B9 application, as well as the specific exceptions to those grounds for victims of human trafficking. These grounds were already mentioned in §4.2.1. One ground for rejection of a B9 application is a threat to public order, provided the breach of public order is not connected with the individual's status as a victim of human trafficking.⁴²

If the breach of public order is directly connected with human trafficking, in derogation from the general conditions set out in Article 16 of the Aliens Act, the B9 application may not be rejected.⁴³ However, in the Seventh report, the National Rapporteur recommended that even if the victim's criminal antecedents are not related to human trafficking, the interests of protecting the victim (assistance and shelter) together with the interests of the criminal investigation should weigh more heavily than the interests of immigration law.⁴⁴

The following table provides an overview of the B9 applications that did not ultimately lead to a B9 permit in the period 2009-2011.

Table 4.1 Number of B9 applications that were not granted, in relation to the total number of B9 applications (2009-2011)⁴⁵

	2009		2010		2011	
	N	% of the total number B9 applications (N: 281)	N	% of the total number B9 applications (N: 350)	N	% of the total number B9 applications (N: 417)
Rejections of B9 applications (in first instance)	7	3%	9	3%	15	4%
B9 application not granted for other reasons ⁴⁵	-	-	1	0%	4	1%
Total number of B9 applications not granted	7	3%	10	3%	19	5%

Source: IND database.

42 See also §4.2.1.

43 Section 2 of the B9 regulation, under ad. c.

44 National Rapporteur on Trafficking in Human Beings 2009, recommendation 5.

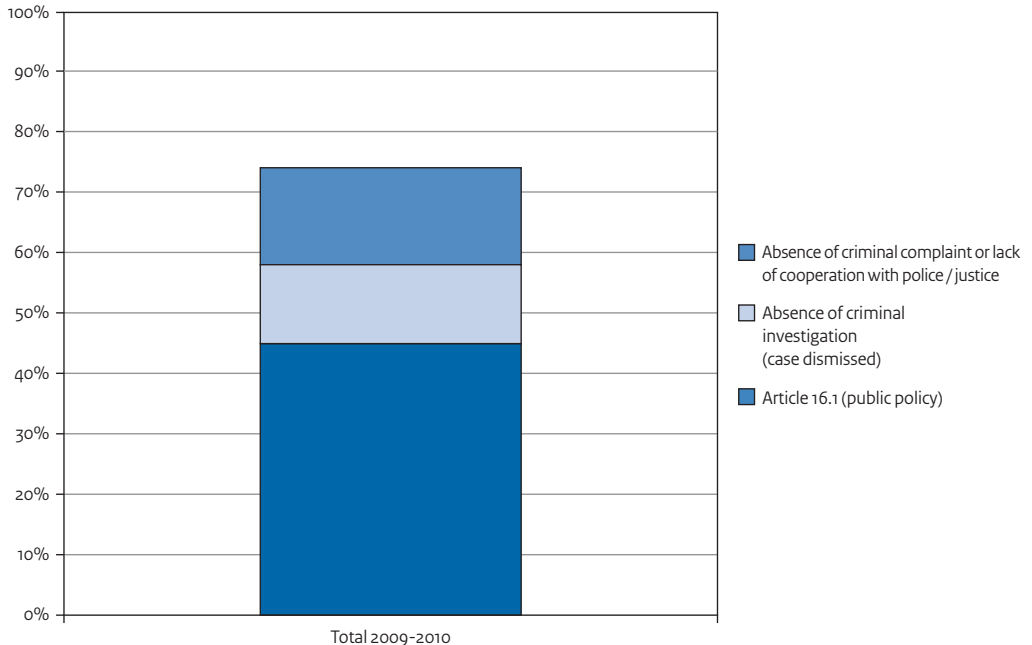
45 The B9 applications that were rejected for other reasons are not included in the figure. One case involved one person in 2010 who withdrew the application for unknown reasons, and another concerned four persons in 2011, which reportedly involved an incorrect entry. In other words, these were four initial B9 applications in 2011 that were 'notionally rejected' (2) or 'no longer being handled' (2). These are administrative steps taken to conclude the procedure when it is not possible to refer to an actual B9 application (for example, due to the absence of the official form to apply for the B9 regulation, the M55 form) (verbal information from the IND, 24 April 2012).

This section focuses on B9 applications that were rejected. As the table shows, there has been an increase in the number of B9 applications that were not granted (31 during the period 2009-2011). The IND's case files were studied to discover the grounds for rejection.

Grounds for rejection of B9 applications (2009-2011)

Figure 4.5 shows the three main grounds for rejection of B9 applications in the period 2009-2011 (N: 31).

Figure 4.5 Three main grounds of rejection (total for 2009-2011)



Over the entire period 2009-2011, the largest number (45%, =14) of the unsuccessful B9 applications were rejected on the grounds of Article 16.1 of the Aliens Act for a breach of public policy. If, in the opinion of the minister, a previous criminal offence is directly connected with human trafficking, the B9 application cannot be rejected.⁴⁶ The rejections discussed here therefore relate to criminal offences that the minister felt were not related to human trafficking. In most cases, the offence was shoplifting (6), but the offences also included violent offences and/or drug-related offences (4), giving a false identity (2), the illegal letting of rooms (1) and killing one's own daughter (1). A number of the cases involved a combination of violations of public policy.⁴⁷

⁴⁶ Section 2 of the B9 regulation, under ad. c.

⁴⁷ In at least three cases, there was evidently a combination of the following offences: illegal letting of rooms and giving a false identity; a drug-related offence and use of a false document; shoplifting and giving a false identity.

The dilemma with regard to granting a B9 permit to a victim of human trafficking who has also committed a crime, whether or not it is related to the human trafficking offence, is understandable. However, the basic principle of the B9 regulation is the person's status as a victim and his or her cooperation with an investigation and prosecution. Accordingly, in a decision on whether to grant B9 residence status, the fact that a person is a victim should prevail over criminal antecedents.⁴⁸

The majority of those whose B9 applications were rejected (61%, =19) filed an objection (or an appeal). The objections (or appeals) of seven (37%) of those nineteen persons were upheld and they received a B9 permit retrospectively.⁴⁹

48 See also National Rapporteur on Trafficking in Human Beings 2009, recommendation 5.

49 The reason for upholding the objection or the appeal was often not clear from the case file. Sometimes it was found that, on reflection, the criminal antecedents were connected with human trafficking.

5 Police investigation of suspects in the Netherlands

An important element of efforts to tackle human trafficking is the investigation, prosecution and trial of suspects. This chapter discusses the investigation phase and is a summary of Chapter 5 in the Dutch report *Mensenhandel in en uit beeld¹*, which was published in December 2012. Chapter 6 discusses the prosecution and trial of suspects and summarises Chapter 6 of *Mensenhandel in en uit beeld²*.

In chapters 5 and 6, human trafficking investigations refer to situations that might have involved multiple suspects and/or victims (police investigations). Human trafficking cases refer to individual suspects (cases prosecuted by the Public Prosecution Service (PPS)), see Chapter 6).

5.1 Introduction

The scale of registered human trafficking

Human trafficking is usually hidden. Because victims are often unwilling or do not dare to come forward³ – or do not realise that they are victims⁴ – there is likely to be a large ‘dark number’ in police and PPS statistics.⁵ The number of human trafficking situations known to the police and the PPS depends to a large extent on factors such as the public awareness of human trafficking, the priorities that have been set and the capacity committed to it by investigative agencies and the PPS (the principle of ‘the more

1 Nationaal Rapporteur Menschenhandel 2012f, Chapter 5

2 Nationaal Rapporteur Menschenhandel 2012f, Chapter 6.

3 Due to fear or a sense of shame or guilt. For non-Dutch victims, additional factors can be difficulty speaking the language and/or ignorance of where they can turn to in the Netherlands. Moreover, victims who are living illegally in the Netherlands sometimes fear the police because they are afraid of being deported. In some cases, victims also have debts (real or otherwise) that they must repay to the human trafficker (or feel they have to repay), while non-Dutch victims often feel an obligation to send money home on a regular basis.

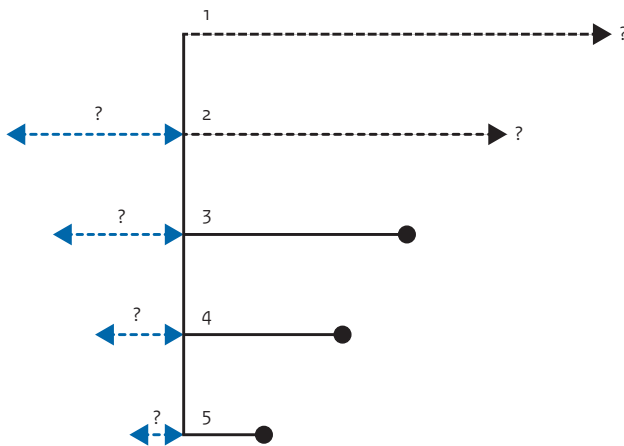
4 For example, victims who have feelings of love towards their trafficker, or non-Dutch victims who prefer the situation of exploitation in the Netherlands to the situation in their own country.

5 The victims who do not come forward themselves for the reasons given above (see the previous footnotes), are only known about if they are identified by others (for example, the police). In the case of human trafficking, these victims are often in denial.

you look, the more you will find⁶), the method of registration by the relevant agencies and changes in legislation.⁶ Changes in the scale of human trafficking that emerge from the police and PPS statistics are therefore usually the result of changes in these factors. In other words, they are not usually a reflection of an actual change in the scale of the phenomenon of human trafficking.

Figure 5.1 summarises the statistics that are covered in this chapter and Chapter 6: the figures do not relate to the total number of human traffickers (1), but, in Chapter 5, to the far smaller group of suspects of human trafficking known to the police (2), and, in Chapter 6, to the group of suspects of human trafficking registered by the PPS (3), who have been indicted for human trafficking by the PPS (4) and who have been convicted of human trafficking in first instance (5).

Figure 5.1 Number of human traffickers known to the police and PPS⁷



- 1: The total of number actual human traffickers
- 2: The proportion of the total number of actual human traffickers known to the police
- 3: The proportion of the human traffickers known to the police and registered by the PPS
- 4: The proportion of the human traffickers registered by the PPS that have been indicted for human trafficking
- 5: The proportion of the indicted human traffickers that have been convicted of human trafficking at first instance

Blue: Persons who are known to the police/PPS/courts as suspects (or have even been convicted) of human trafficking, but are in reality not human traffickers (*false positives*)

6 For example, the expansion in 2005 of the legal definition of human trafficking from solely sexual exploitation to also include exploitation in other economic sectors and exploitation for the purpose of organ removal.

7 The ratios shown in the figure do not represent reality; the actual ratios are unknown because the total number of human traffickers is unknown (dark number). The figure is only intended to illustrate that at each step in the process, there are fewer human traffickers.

The nature of registered human traffickers

The number of suspects known to the police (Figure 5.1, number 2) cannot be regarded as a representative sample of the total number of human traffickers (number 1 in Figure 5.1). What this means is that the number of human traffickers that come to the attention of the police is probably not an accurate reflection of the actual number. The reasons why a human trafficker comes to the attention of the police are not random, which means that some human traffickers face a greater risk of becoming known to the police than others. (It could be connected with the human trafficker's *modus operandus*, for example, but also due to factors such as the knowledge possessed by investigative agencies and the priorities they set with regard to different forms of exploitation and where it occurs.) Moreover, there are possibly persons who are known to the police as suspects of human trafficking (or have been convicted of human trafficking by the courts of first instance), who are in reality not human traffickers (see the blue arrows in Figure 5.1). In other words, no pronouncements can be made about human traffickers in general on the basis of the figures in this chapter and in Chapter 6, but only about suspects and persons who have been convicted of human trafficking.

The human traffickers known to the police (Figure 5.1, number 2)

Because the Dutch police records on human trafficking do not provide reliable figures, it is impossible to gain a clear impression from those records of the number of human traffickers known to the police.⁸ For this reason, the Bureau of the National Rapporteur conducted a study into all 55 police investigations of human trafficking (both sexual and other forms of exploitation) that were completed and sent to the PPS for prosecution in 2009.⁹ Those 55 investigations represent only a portion of all the investigations that were completed by the police in 2009. They do not cover the human trafficking investigations that were ultimately halted because of insufficient evidence or the absence of further leads to investigate, for example. It is also not known how representative the investigations in 2009 are for human trafficking investigations in general, since a specific focus or priority on the part of the police, or the coincidental conduct of an unusually large or specific investigation (an *outlier*), in a particular year can greatly influence the impression created by the police investigations in that year (particularly because the total number of police investigations is small).

After gathering the necessary information about the 55 investigations (on the basis of interviews conducted in person or by telephone or a study of the case file), the results were analysed in order to accomplish the objective of the Bureau of the National Rapporteur's police investigation study, which was to provide insight into the methods by which human trafficking is committed, by whom, and what types of victims are involved (see §5.2). Using statistical analysis, the police investigations were then broken down according to various types of human trafficking structures (see §5.3).

8 This is the case with respect to the (alleged) human traffickers who are registered by the PPS for prosecution for human trafficking (see Chapter 6).

9 The survey encompassed police investigations by all of the agencies that can carry out investigations of human trafficking, these being 25 police forces, the National Criminal Intelligence Service, the Royal Netherlands Marechaussee and the Social Intelligence and Investigation Service (with effect from 1 January 2012, the Labour Inspectorate, the Work and Income Inspectorate and the Social Intelligence and Investigation Service were merged into the Inspectorate of the Ministry of Social Affairs and Employment. Compared with other years, the 55 police investigations completed and sent to the PPS in 2009 was in fact a very small number.

5.2 The police investigation study 2009, part I

5.2.1 The 55 police investigations

The 55 police investigations that were analysed covered 46 investigations (84%) solely involving sexual exploitation, five investigations (9%) solely involving other forms of exploitation and four investigations (7%) involving both sexual and other forms of exploitation.

Police investigations of sexual exploitation

The sexual exploitation occurred (at least in part) in window prostitution (63%), clubs (28%), escort agencies (26%), private homes (11%), brothels (7%) and, in one case, partly on the street. In at least a fifth of the 46 investigations (20%, = 9) solely involving sexual exploitation, victims who were put to work were moved around between the Netherlands and other countries (particularly Belgium).

Criminal connections

As far as the police could tell, human trafficking was the ‘main criminal activity’ of the suspects in practically every investigation they conducted. However, they were sometimes also engaged in ‘ancillary criminal activities’, particularly drug dealing, the possession and sale of weapons and money laundering. The police said that in 36 of the sexual exploitation investigations they were aware of cooperation between suspects – twelve cases (33%) reportedly involved a criminal organisation consisting of more than two persons. This was also the case for all five investigations into other forms of exploitation and for three of the four investigations into both sexual and other forms of exploitation, bringing the total to twenty criminal organisations. The police were also asked to describe the relationships between the suspects in these organisations. Replies were received in seventeen cases. It is noteworthy that in these seventeen investigations, the relationships between the suspects were more often ‘informal’ (94%) (mainly through friendship¹⁰) than ‘formal’ (24%, based at least in part on a business relationship).¹¹

Relationship between recruiters and victims

Table 5.1 shows the relationship between the victims and the persons who *recruited* them (who were not always the principal suspects in the police investigations). As the table shows, different types of relationships are almost always found in an investigation, firstly because there are often various victims within an investigation who might have different relationships with a particular recruiter, and secondly, because there can be more than one recruiter in a case that is being investigated.

10 But also on the basis of a family or partner relationship.

11 In thirteen police investigations, there was only an informal relationship; in three investigations, both a formal and an informal relationship; and in one investigation, only a formal relationship.

Table 5.1 Relationship between recruiters and victims (2009)

	Sexual exploitation (N: 46: 100%)		Other forms of exploitation (N: 5: 100%)		Both sexual and other forms of exploitation (N: 4: 100%)		Total (N: 55: 100%)	
	N	%	N	%	N	%	N	%
Friendship/acquaintance	19	41%	1	20%	2	50%	22	40%
Purported (feigned) loving relationship	18	39%	2	40%	–	–	20	36%
Prostitution ¹²	13	28%	–	–	–	–	13	24%
No relationship ¹³	9	20%	2	40%	1	25%	12	22%
Nightlife/public event	8	17%	–	–	–	–	8	15%
Partner	7	15%	–	–	–	–	7	13%
Family	4	9%	1	20%	–	–	5	9%
Internet	4	9%	–	–	–	–	4	7%
Other	–	–	1 ¹⁴	20%	2 ¹⁵	50%	3	5%
Unknown	1	2%	–	–	–	–	1	2%

In 41% of the police investigations of sexual exploitation, the victims were recruited by friends or acquaintances, and almost equally often on the basis of a purported (feigned) loving relationship. In 28% of the investigations, the victims were already working as prostitutes before they were recruited by a person in the prostitution world, and in a fifth of the investigations of sexual exploitation, the recruiters and victims were strangers to each other. In the investigations into other forms of exploitation, victims were generally recruited by means of a purported (feigned) loving relationship or by persons not known to them.

5.2.2 The 133 suspects

The 55 police investigations encompassed a total of 133 suspects: 103 (77%) were suspected exclusively of sexual exploitation, twenty (15%) exclusively of other forms of exploitation and ten (8%) of both sexual and other forms of exploitation. On average, there were two to three suspects in each investigation. The average number of suspects was larger (four) in the investigations of other forms of exploitation than investigations of sexual exploitation. For more information about the personal characteristics of suspects of human trafficking, see §6.4.

¹² Victims were already working as prostitutes.

¹³ Victim and recruiter did not know each other.

¹⁴ The police said that the relationship consisted of 'poverty' (this might have meant that the nature of the relationship was 'geographical' – that they both came from the same 'poor' region).

¹⁵ In one case, the police said that the nature of the relationship was 'geographic' (they came from the same region) and in another that the relationship was that of employer/employee.

Personal characteristics of suspects

The gender of 107 suspects is known: 77% (=82) were male and 23% (=25) were female. Of the 111 suspects whose age is known, 40% (=44) were younger than 26 (a few of whom (= 4) were minors) and 14% (=16) were older than 40. The suspects of sexual exploitation were significantly younger (29 years), on average, than suspects of other forms of exploitation (36.4 years).¹⁶ The country of birth of 123 of the suspects is known. More than a third (37%, =46) were born in Central and Eastern Europe, more than a quarter (27%, =33) in the Netherlands and 17% (=21) in the group of countries ‘Turkey, Morocco, Surinam and the former Netherlands Antilles’. In the police investigations of sexual exploitation, significantly more of the suspects were born in Central and Eastern Europe (45%) than among suspects of other forms of exploitation or of both sexual and other forms of exploitation (less than 1%).¹⁷ The country of birth does not always correspond with the nationality of the suspects, however. Of the 120 suspects whose nationality was known to the police, 43% (=52) had Dutch nationality, and these Dutch suspects were, on average, significantly older (32.6 years)¹⁸ than suspects of other nationalities (27.6 years).^{19, 20}

The role of suspects in the human trafficking process

Table 5.2 shows the roles that suspects played in the human trafficking process. Suspects often performed more than one role.

For 106 (133–27) of the suspects, the role they played in the human trafficking process was clear. A third of them (36, =34%) performed one specific role; mainly that of pimp.²¹ In the police investigations of sexual exploitation, the most common combinations of roles were the following: pimp, recruiter and bodyguard (thirteen times), and recruiter and pimp (eleven times).

16 F: 4.22; df: 2; p: 0.02; p (difference between ‘sexual exploitation’ and ‘other forms of exploitation’): 0.04; p(difference between ‘sexual exploitation’ and ‘both sexual and other forms of exploitation’): 0.29.

17 χ^2 : 19.70; df: 2; p: 0.00. ϕ : 0.40; p: 0.00 (strong correlation).

18 N: 49; SD: 12.1 years.

19 N: 59; SD: 6.6 years.

20 t: -2.58; df: 71.13; p: 0.01.

21 There were twenty pimps, three drivers, two transporters, two bodyguards and one recruiter, and eight suspects who played a role falling into the category ‘Other’.

Table 5.2 Suspects, by role in the human trafficking process (2009)

	Sexual exploitation (N: 103: 100%)		Other forms of exploitation (N: 20: 100%)		Both sexual and other forms of exploitation (N: 10: 100%)		Total (N: 133: 100%)	
	N	%	N	%	N	%	N	%
Recruiter	46	45%	1	5%	1	10%	48	36%
Transporter²²	28	27%	4	20%	2	20%	34	26%
Pimp	72	70%	–	–	7	70%	79	59%
Bodyguard²³	32	31%	1	5%	3	30%	36	27%
Sex business operator²⁴	6	6%	–	–	1	10%	7	5%
Driver²⁵	12	12%	–	–	1	10%	13	10%
Other	3 ²⁶	3%	11 ²⁷	55%	2 ²⁸	20%	16	12%
Unknown	17	17%	9	45%	1	10%	27	20%

The following section contains an analysis of differences between the personal characteristics (gender, age, region of birth and whether they had a legal income and criminal antecedents) of the suspects who performed specific roles in the human trafficking process (recruiter, transporter, pimp, bodyguard, sex business operator and driver) and those of suspects who did not perform those roles. Because the roles listed in Table 5.2 relate mainly to sexual exploitation (more than half of the suspects of other forms of exploitation performed a role that falls into the category 'Other'), this analysis has only been made for the suspects of sexual exploitation (N: 103) and for the suspects of both sexual and other forms of

22 Transporter of victims from another country to the Netherlands (or vice versa).

23 Person who controlled victims.

24 It is not clear what businesses were run by the seven suspects of human trafficking who played the role of sex business operator in the human trafficking process. In the police investigations where the sex business operators were involved, the work was performed in escort agencies (two investigations involved only employment in an escort service), in clubs, in window prostitution (one investigation involve solely employment in window prostitution), in massage parlours and in work in the home.

25 A regular driver for victims (bringing them to and from the workplace).

26 One provided accommodation, one was a facilitator (arranged documents) and one benefited from the exploitation.

27 Five were organisers, three facilitators (not further specified), one a forger, one arranged false documents and one was a mediator.

28 One was a money mule/straw man and one was a bookkeeper.

exploitation (N: 10). The information below is therefore based on a total of 113²⁹ suspects of *at least* sexual exploitation.

Recruiters

Recruiters were predominantly male (74%), with an average age of 28.6 years³⁰ – neither characteristic differs significantly from the gender or age of suspects who did *not* perform the role of recruiter. The largest group (40%) of the recruiters were born in Central and Eastern Europe, as were the other suspects. There were significantly fewer recruiters who were born in Asia (2% of recruiters) than suspects who only performed other roles in the human trafficking process (14% of the other suspects).³¹ This could imply that the Dutch police identified the entire criminal organisation less often in police investigations into human trafficking with an Asian component (specifically, identified fewer of the Asian recruiters).³² Otherwise, the recruiters did not differ significantly from the other suspects with regard to having a legal income (30% of the recruiters) or having criminal antecedents (57% of the recruiters).

Transporters

Transporters did not differ significantly from the other categories of suspects in terms of gender (68% of the transporters were male), age (their average age was 32.6)³³ and region of birth (53% were born in Central and Eastern Europe and 7% in Asia and Africa). Because the role of transporters, by definition, implies transnational human trafficking, the study also reviewed the regions of birth of the suspects who, in relative terms, performed this role most often and least often. It was found that 50% of the suspects who performed the role of transporter were born in Africa, and more than a third (35%) were born in Central and Eastern Europe. Suspects born in 'Turkey, Morocco, Surinam or the former Netherlands Antilles' performed this role least often in relative terms (17%). This could create the impression that the latter group of suspects are involved less often in transnational human trafficking – although the differences mentioned are not significant. There was no significant difference between transporters and other suspect as regards having a legal income (23% of the transporters) or criminal antecedents (43% of the transporters).

29 The suspects whose relevant personal characteristics were not known are disregarded here, so the numbers involved are as follows: the suspects of at least sexual exploitation whose gender is known (N: 96), the suspects of at least sexual exploitation whose age is known (N: 97), the suspects of at least sexual exploitation whose country of birth is known (N: 106), the suspects of at least sexual exploitation whom the police knew to have legal work/income (N: 113) and the suspects of at least sexual exploitation whom the police knew to have criminal antecedents (N: 113).

30 N: 45; SD: 9.3 years.

31 Fisher Exact p: 0.04. ϕ : -0.20; p: 0.04 (weak correlation).

32 However, there are other equally possible explanations. For example, Asian human traffickers might simply play the role of recruiter less often and use a human trafficker who was not born in Asia for this 'task' in the human trafficking process. Or 'the recruiting' by human traffickers born in Asia is confined to a relatively small proportion of the human traffickers involved. An Asian recruiter would then recruit relatively more victims than a non-Asian recruiter (and might be involved in several criminal organisations that are engaged in human trafficking).

33 N: 26; SD: 11.5 years.

Pimps

Pimps are significantly more often male than suspects who do *not* perform this role (84% of pimps, compared to 62% of other suspects).³⁴ There is no significant difference compared with other suspects with regard to age (the average age of pimps is 29.3 years)³⁵ and region of birth (44% were born in Central and Eastern Europe and 4% in Africa). Pimps also do not differ significantly from other suspects in terms of having a legal income (30% of pimps), but they do have criminal antecedents significantly more often than other suspects (58%, compared to 29%).³⁶

Bodyguards

Bodyguards do not differ significantly from the suspects who only perform other roles in terms of gender (76% of bodyguards are male), but they are, on average, significantly younger (27.2 years)³⁷ than other suspects (30.8 years).^{38,39} This could suggest that the tasks associated with the role of a bodyguard (controlling victims) are delegated mainly to 'starting human traffickers'. Like the suspects who do *not* play the role of bodyguard, the largest group of bodyguards (49%) were born in Central and Eastern Europe and the smallest group (6%) were born in Africa. Bodyguards did not differ significantly from other suspects in terms of having a legal income (37%) or criminal antecedents (51%).

Sex business operators

The proportion of operators of a sex business that were male (67%) did not differ significantly from suspects who did *not* perform that role. On average, however, sex business operators were significantly older (42.5 years)⁴⁰ than suspects who exclusively performed other roles (28.7 years).^{41,42} This could imply that the role of 'sex business operator' is reserved mainly for the 'more experienced human trafficker'.⁴³ In contrast to the other suspects, the largest group (43%) of sex business operators were born in the Netherlands (rather than in Central and Eastern Europe), but the difference does not appear to be significant. As with the other suspects, the smallest group (in fact 0%) of sex business operators were born in Africa. Sex business operators did not differ significantly from the other suspects in terms of having a legal income (14% of the operators)⁴⁴ or criminal antecedents (43% of the operators).

34 χ^2 : 5.74; df: 1; p: 0.02. ϕ : -0.25; p: 0.02 (weak/moderate correlation).

35 N: 73; SD: 9.1 years.

36 χ^2 : 7.90; df: 1; p: 0.00. ϕ : 0.26; p: 0.00 (moderate correlation).

37 N: 34; SD: 6.6 years.

38 N: 63; SD: 11.2 years.

39 t: 2.01; df: 94.10; p: 0.04.

40 N: 6; SD: 10.0 years.

41 N: 91; SD: 9.5 years.

42 t: -3.47; df: 95; p: 0.00.

43 In fact, it is also possible that human traffickers who perform the role of sex business operator only become involved in human trafficking at a later age. In other words, this is not necessarily an indication that an individual is an 'experienced human trafficker' – that depends on the age at which the suspects became engaged in human trafficking and, unfortunately, that information is not available.

44 The sex business within which the human trafficking occurred was probably not regarded as legal work/income by the police (possibly because human trafficking was occurring within the business). It is also possible that the sex business was an illegal enterprise.

Drivers

Drivers did not differ significantly from other suspects in terms of gender (73% of drivers were male), age (their average age was 33.3)⁴⁵ or region of birth (54% of drivers were born in Central and Eastern Europe and 0% in Africa). They also did not differ significantly from suspect who did *not* perform the role of driver as regards having legal work/income (39%) or criminal antecedents (39%).

5.2.3 157 victims

The 55 police investigations encompassed a total of 263 victims. In one investigation of exploitation outside the sex industry, there were 106 victims (mainly adult female victims of Indonesian and Philippine origin). That investigation is an outlier and would have too great an influence on the average picture, so these victims are disregarded in this section. This section is therefore devoted to 157 victims in 54 investigations. There were 119 victims (76%) of only sexual exploitation, 10 victims (6%) of only other forms of exploitation and 28 victims (18%) of both sexual and other forms of exploitation. The average number of victims per investigation was almost three. With the exception of the investigation into exploitation outside the sex industry with 106 victims, the differences between the investigations of sexual and other forms of exploitation in terms of the average number of victims were very small. For more detailed information about the personal characteristics of victims of human trafficking, see Chapter 3 and Chapter 4.

Personal characteristics of victims

Almost all of the victims in the police investigations of sexual exploitation were female (at least 97% of the 119 victims of only sexual exploitation and at least 79% of the 28 victims of both sexual and other forms of exploitation), while the majority of the victims of other forms of exploitation were male (at least 60% of the ten victims of exclusively other forms of exploitation). At least 4% (=7) of all victims were below the age of sixteen at the time the human trafficking offence commenced – these were all victims of sexual exploitation (one of whom was also a victim of other forms of exploitation). At least 15% (=18) of the victims of sexual exploitation were minors. Almost the same percentage of victims of sexual exploitation (14%, =17) were precisely eighteen years of age (the age at which voluntary prostitution is legal in the Netherlands) and at least a fifth were aged nineteen or twenty. More than a fifth of the victims came from the Netherlands and more than half (52%) from Central and Eastern European countries. The victims from Central and Eastern Europe appeared almost exclusively in the investigations of sexual exploitation and occasionally in the investigations into both sexual and other forms of exploitation. The majority of the victims involved in the police investigations into other forms of exploitation and the investigations into both sexual and other forms of exploitation came from Asia. This distribution of victims by region of origin is similar to the distribution of suspects by region of birth.

Victims and duration of exploitation

Table 5.3 shows that, on average, the victims were exploited for more than a year (12.3 months). The shortest period was four days and the longest more than eight years. On average, the victims of both sexual and other forms of exploitation were exploited for significantly longer periods than victims of

45 N: 12; SD: 11.1 years.

solely sexual or solely other forms of exploitation. The victims of exclusively sexual exploitation were exploited for a significantly longer period than victims of other forms of exploitation.⁴⁶

Table 5.3 Victims, by duration of exploitation (2009)

	Sexual exploitation	Other forms of exploitation	Both sexual and other forms of exploitation	Totaal
Average number of months of exploitation per victim	10.3 ⁴⁷	2.2 ⁴⁸	28.5 ⁴⁹	12.3 ⁵⁰
Smallest number of months of exploitation	0.5	0.1	0.1	0.1
Largest number of months of exploitation	100	6	96	100

5.3 The police investigation study 2009, part II: different human trafficking structures

A statistical analysis (cluster analysis) was performed to break down the 55 police investigations into groups that were as different as possible (heterogeneity) and which displayed the greatest possible similarities (homogeneity). This analysis produced the three following types of human trafficking structures:

- 1) Domestic small-scale sexual exploitation (N: 27);
- 2) European sexual exploitation (N: 22);
- 3) International large-scale exploitation outside the sex industry (N: 6).

The factors that were relevant in establishing the three structures are explained in §5.3.1, and the structures are then described and illustrated on the basis of a case study in §5.3.2. Not every police investigation that falls within a particular human trafficking structure will correspond with every aspect of the description of that structure. For example, cases of 'Domestic small-scale sexual exploitation' occasionally also involve other forms of exploitation; similarly, cases of 'International large-scale exploitation outside the sex industry' occasionally also involve sexual exploitation. Finally, the similarities and differences between the three structures are explained in §5.3.3.

46 H: 9.46; df: 2; p: 0.01 & U('both sexual and other forms of exploitation' and 'sexual exploitation'): 402.00; p: 0.02 & U('both sexual and other forms of exploitation' and 'other forms of exploitation'): 12.50; p: 0.01 & U('sexual exploitation' and 'other forms of exploitation'): 137.00; p: 0.02.

47 On the basis of N: 87 (the duration of the exploitation was not known for 32 victims); SD: 14.6 months.

48 On the basis of N: 7 (the duration of the exploitation was not known for three victims); SD: 2.2 months.

49 On the basis of N: 15 (the duration of the exploitation was not known for thirteen victims); SD: 31.4 months.

50 On the basis of N: 109 (the duration of the exploitation was not known for 48 victims); SD: 18.5 months.

5.3.1 The factors leading to different human trafficking structures

Table 5.4 sets out the factors that were most important in establishing the three different structures. Other factors are presented after the table, while the extent of the similarity or difference in the effect of these factors between the three structures is shown in the footnotes.

Table 5.4 Three types of human trafficking structures (2009)

Most important factors (in order of relevance)		Domestic small-scale sexual exploitation (N: 27)	European sexual exploitation (N: 22)	International large-scale exploitation outside the sex industry (N: 6)
1	At least one suspect in the police investigation was born in Central and Eastern Europe	0%	96%	0%
2	At least one victim in the police investigation was from Asia	4%	0%	100%
3	At least one victim in the police investigation was from Central and Eastern Europe	15%	100%	0%
4	At least one suspect in the police investigation was born in Asia	4%	5%	100%
5	There was (also) exploitation outside the sex industry	15%	0%	83%
6	At least one victim in the police investigation was from the Netherlands	70%	9%	0%
7	At least one suspect in the police investigation was a female	11%	41%	83%
8	At least one suspect in the police investigation was born in 'Turkey, Morocco, Surinam or the former Netherlands Antilles'	52%	5%	17%

Continuation table 5.4

Most important factors (in order of relevance)		Domestic small-scale sexual exploitation (N: 27)	European sexual exploitation (N: 22)	International large-scale exploitation outside the sex industry (N: 6)
9	Average number of victims involved per police investigation	1,6 victims ⁵¹	3,6 victims ⁵²	23,2 victims ⁵³
10	At least one suspect in the police investigation was born in the Netherlands	44%	14%	83%
11	Average number of suspects involved per police investigation	1,8 suspects ⁵⁴	2,8 suspects ⁵⁵	4,0 suspects ⁵⁶
12	Average age of the oldest suspect per police investigation	31,6 years ⁵⁷	34,0 years ⁵⁸	46,3 years ⁵⁹
13	At least one victim in the police investigation had a (feigned) loving relationship with his or her recruiter.	56%	23%	0%

Less important factors (in order of relevance)

The following factors were also considered in the statistical analysis but proved to be less relevant: whether or not suspects had a legal income;⁶⁰ whether victims were moved around within the Nether-

51 With a minimum of one victim and a maximum of four victims. SD: 1.0 victim.

52 With a minimum of one victim and a maximum of 15 victims. SD: 3.6 victims.

53 With a minimum of three victims and a maximum of 106 victims. SD: 40.7 victims. Note: there was one police investigation with 106 victims; in that context, this investigation can be regarded as an outlier. This was taken into account and corrected for in the cluster analysis. Hereinafter the largest number of victims in a police investigation was fifteen.

54 With a minimum of one suspect and a maximum of seven suspects. SD: 1.6 suspects.

55 With a minimum of one suspect and a maximum of six suspects. SD: 1.6 suspects.

56 With a minimum of two and a maximum of six suspects. SD: 1.7 suspects.

57 With a minimum of 16 and a maximum of 57 years. SD: 9.8 years.

58 With a minimum of 20 and a maximum of 59 years. SD: 9.9 years.

59 With a minimum of 34 and a maximum of 59 years. SD: 11.0 years.

60 In 36% of the police investigations falling under the heading 'European sexual exploitation', at least one suspect had a legal income, compared with 41% ('Domestic small-scale sexual exploitation') and 100% ('International large-scale exploitation outside the sex industry').

lands or between the Netherlands and another country;⁶¹ proportion of male victims;⁶² whether or not victims had made an exculpatory statement;⁶³ whether or not suspects had criminal antecedents;⁶⁴ the age of the youngest victims;⁶⁵ whether or not victims had committed criminal offences;⁶⁶ whether or not suspects had committed other criminal offences in addition to human trafficking;⁶⁷ and the age of the youngest suspects.⁶⁸

5.3.2 The three human trafficking structures

1) Domestic small-scale sexual exploitation (N: 27)

Within this human trafficking structure, there were an average of 1.8 suspects and 1.6 victims per police investigation. Only 11% of the investigations also involved female suspects, and the average age of the oldest suspect was 31.6 years. The suspects were frequently born in 'Turkey, Morocco, Surinam or the former Netherlands Antilles' (in 52% of the investigations, at least one suspect was born in one of those

61 In 23% of the police investigations falling under the heading 'European sexual exploitation', victims were moved around within the Netherlands and in 32% of the investigations falling under the heading 'European sexual exploitation', victims were moved around between the Netherlands and other countries, compared with 4% and 7%, respectively ('Domestic small-scale sexual exploitation') and 17% and 17%, respectively ('International large-scale exploitation outside the sex industry').

62 In none of the police investigations falling under the heading 'European sexual exploitation' was there a male victim, compared with 11% ('Domestic small-scale sexual exploitation') and 33% ('International large-scale exploitation outside the sex industry').

63 In 32% of the police investigations falling under the heading 'European sexual exploitation', at least one victim made an exculpatory statement, compared with 7% ('Domestic small-scale sexual exploitation') and no victims ('International large-scale exploitation outside the sex industry').

64 In 59% of the police investigations falling under the heading 'European sexual exploitation', at least one suspect had criminal antecedents, compared with 82% ('Domestic small-scale sexual exploitation') and 33% ('International large-scale exploitation outside the sex industry').

65 On average, the youngest victim in a police investigation falling under the heading 'European sexual exploitation' was 20.4 years (with a minimum of 15 and a maximum of 37 years; SD: 5.2 years), compared with 20.3 years (with a minimum of 12 and a maximum of 31 years; SD: 4.3 years) ('Domestic small-scale sexual exploitation') and 26.7 years (with a minimum of 15 and a maximum of 45 years; SD: 11.7 years) ('International large-scale exploitation outside the sex industry').

66 In 32% of the police investigations falling under the heading 'European sexual exploitation', at least one victim had personally committed criminal offences, compared with 19% ('Domestic small-scale sexual exploitation') and 17% ('International large-scale exploitation outside the sex industry').

67 In 41% of the police investigations falling under the heading 'European sexual exploitation', the suspects were also engaged in other criminal activities in addition to human trafficking, compared with 33% ('Domestic small-scale sexual exploitation') and 33% ('International large-scale exploitation outside the sex industry').

68 The average age of the youngest suspect in a police investigation falling under the heading 'European sexual exploitation' was 25.8 years (with a minimum of 17 and a maximum of 35 years; SD: 5.7 years), compared with 26.2 years (with a minimum of 15 and a maximum of 46 years; SD: 7.1 years) ('Domestic small-scale sexual exploitation') and 26.2 years (with a minimum of 14 and a maximum of 40 years; SD: 9.4 years) ('International large-scale exploitation outside the sex industry').

countries) or in the Netherlands (in 44% of the investigations at least one suspect was born in this country), and the victims were mainly from the Netherlands (in 70% of the investigations, at least one victim came from this country). In almost every case, the victims were exploited in the sex industry; occasionally they were also exploited in other sectors. In more than half of the investigations (56%), there was a (feigned) loving relationship between a recruiter and a victim.

A case of Domestic small-scale sexual exploitation

This police investigation was based on warnings given to the police by the parents of the victim, who was a 25-year-old Dutch woman, who did not want to cooperate with the police investigation. Her boyfriend (the suspect), with whom the victim was living, was a Dutch national aged around 30. He was born in Morocco and had criminal antecedents (not human trafficking). The suspect had accumulated debts that had to be repaid and he used his (feigned) loving relationship to persuade his girlfriend (the victim) to work as a prostitute to pay them off. The suspect acted as her pimp and she worked for him in clubs in the Netherlands. The suspect himself earned undeclared income working as a painter. As far as the police were aware, apart from human trafficking, the suspect was not engaged in any other criminal activities, nor was the victim involved in the commission of criminal offences.

2) European sexual exploitation (N: 22)

Within this human trafficking structure, there were an average of 2.8 suspects and 3.6 victims involved in each investigation. Almost half of the investigations (41%) also involved female suspects, and the average age of the oldest suspects per investigation was 34.0 years. Almost all of the suspects had been born in Central and Eastern Europe (in 96% of the police investigations, at least one suspect had been born there) and the victims were also mainly from this region (at least one victim in every investigation was from there). In every case, the victims were exploited exclusively in the sex industry. In almost a quarter of the police investigations (23%), there was a (feigned) loving relationship between a recruiter and a victim.

A case of European sexual exploitation

This police investigation was based on information from the Criminal Intelligence Unit (CIU). Three suspects, who had been born in Bulgaria, were arrested. One was a 28-year-old man, who played the role of both recruiter and pimp; another was a 29-year-old woman, who also played the role of both recruiter and pimp; and there was a 23-year-old male suspect, who only played the role of pimp. None of the suspects had legal income from work or received benefits and the police did not know whether any of them had criminal antecedents. The suspects were engaged exclusively in human trafficking; any other offences were committed in furtherance of the human trafficking. There were three female victims: a 17-year-old Bulgarian woman, who made an exculpatory statement; a 29-year-old Bulgarian woman, who had been exploited for 36 months and had reported the offence and/or made an incriminating statement; and a 31-year-old Hungarian woman, who had been exploited for eight months and had also reported the offence and/or made an incriminating statement. The victims were recruited in their countries of origin and at least one of the victims was in a (feigned) loving relationship with her recruiter. The victims were moved around within the Netherlands and between the Netherlands and other countries (Germany and Switzerland). In the Netherlands, they worked in window prostitution, brothels, clubs and escort agencies. Their passports and the money they earned were confiscated by the suspects, who used threats and physical and sexual violence against them, as well as threats of violence against the families of the victims.

The victims stayed in a hotel or guesthouse or slept in the work place. At least one victim was also involved in committing human trafficking.

3) International large-scale exploitation outside the sex industry (N: 6)

Within this human trafficking structure, there were an average of 4.0 suspects and 32.2 victims in each police investigation. A large majority of the investigations (83%) also involved female suspects, and the average age of the oldest suspects per investigation was 46.3 years. The suspects had mainly been born in Asia (at least one suspect in every investigation) or in the Netherlands (at least one suspect in 83% of the investigations), and the victims came mainly from Asia (at least one victim in every investigation). In almost every case, the victims were exploited at least in part outside the sex industry. There was no (feigned) loving relationship between a recruiter and a victim in any investigation.

A case of International large-scale exploitation outside the sex industry

This investigation was also based on information from the CIU and reports received by Stichting M. (an independent organisation that runs a free hotline where people can anonymously provide information about crime, including human trafficking) and passed on to public and private partners, including the police. The case involved exploitation in the food industry. The police found more than ten illegal aliens living in a house, which was also their work place, where they prepared food. Four of the victims, males from Indonesia aged between 26 and 61, were ultimately willing to report an offence as victims of human trafficking. They had been exploited for periods ranging from one to four months and had been recruited in cities in Indonesia. The recruiters and the victims were not known to each other. False promises had been made to the victims, and their vulnerable position had been abused. The victims had signed up for the trip voluntarily and had paid heavily for it. Six suspects were arrested in all. The principal suspect was a 45-year-old Dutch man, who was claiming benefits. His partner (a 37-year-old Dutch woman with a secondary education and with her own business) was also involved in the exploitation, as were his daughter (a 25-year-old Dutch woman with a higher education, who had an administrative job and provided accommodation in the human trafficking process), his son-in-law (a 38-year-old Dutch national, who was born in Surinam, who was employed as a civil servant and who also provided accommodation in the human trafficking process), and his lover (a 29-year-old Indonesian woman, who worked in the home-care sector and helped in the human trafficking process by arranging the victims' journey from Indonesia to the Netherlands). A 38-year-old Indonesian man, the principal suspect's foreman, was also regarded as a suspect in the investigation. The police were not aware of any criminal antecedents for any of the six suspects. The police identified the entire criminal organisation, and in addition to human trafficking, the suspects were also involved in other criminal activities, such as people smuggling and money laundering. The relationship between the suspects was mainly informal (based on family ties).

5.3.3 Differences and similarities between the three human trafficking structures

Differences

In contrast to suspects in cases of 'European sexual exploitation' (who are mainly from Central and Eastern Europe) and 'International large-scale exploitation outside the sex industry' (mainly from Asia and the Netherlands), the suspects in cases of 'Domestic small-scale sexual exploitation' were born mainly in 'Turkey, Morocco, Surinam or the former Netherlands Antilles' or in the Netherlands. The suspects

in this structure are least often female (compared to suspects of 'International large-scale exploitation outside the sex industry', who are most often female). On average, the oldest suspects in cases of 'European sexual exploitation' are the youngest of the three structures (the oldest suspects of 'International large-scale exploitation outside the sex industry' are the oldest) and the suspects do not operate in a criminal organisation, or if they do, it is in a far smaller organisation than the suspects of the other two human trafficking structures (suspects in 'International large-scale exploitation outside the sex industry' operate in the largest criminal organisations).

In contrast to the victims of the other two human trafficking structures, the victims of 'Domestic small-scale sexual exploitation' come mainly from the Netherlands (in the case of 'European sexual exploitation', victims are mainly from Central and Eastern Europe and with regard to 'International large-scale exploitation outside the sex industry', they are mainly from Asia). In contrast to 'International large-scale exploitation outside the sex industry', exploitation in the category 'Domestic small-scale sexual exploitation' occurs primarily in the sex industry, but occasionally also outside it (which is never the case with 'European sexual exploitation'). The number of victims in each human trafficking situation is smallest in the case of 'Domestic small-scale sexual exploitation' (the number of victims in cases of 'International large-scale exploitation outside the sex industry' is the largest) and the victims are recruited most often by means of a (feigned) loving relationship (which is never the case with 'International large-scale exploitation outside the sex industry'). This latter aspect shows that the method of recruiting on the basis of a (feigned) loving relationship (which is also related to the 'lover boy method') is not confined to a particular human trafficking structure (and is also not always used by all recruiters within a structure), but it is related mainly to sexual exploitation on a smaller scale. However, classifying human trafficking situations solely on the grounds of this recruiting method would not adequately reflect the nature of different types of human trafficking situations.

Similarities

It is noteworthy that, although the regions of origin differ *between* the three structures, within each structure the regions of origin of the suspects and the victims are the same. Other noteworthy findings were that there were scarcely any differences between the structures in terms of the ages of the youngest suspects in each police investigation (which could indicate 'starting' human traffickers), whether the suspects had committed other offences in addition to human trafficking, the involvement of victims in the commission of criminal offences and the ages of the youngest victims in each investigation (which could indicate the age at which they were recruited).

6 Prosecution and trial of suspects in the Netherlands

Following the discussion of investigations in Chapter 5, this chapter focuses on the phases of prosecution and trial. It is a summary of Chapter 6 in the Dutch report *Mensenhandel in en uit beeld*¹ that was published in December 2012.²

6.1 Introduction

This chapter presents the results of an analysis of the national database of the Public Prosecution Service (PPS), which contains information from the district offices and district courts, including annual statistics on the prosecution and trial of human trafficking.³ Unfortunately, because of how Article 273f of the Dutch Criminal Code is drafted, it is impossible to make a distinction between exploitation within the sex industry (sexual exploitation), exploitation in other economic sectors (other forms of exploitation) and exploitation for the purpose of organ removal on the grounds of the sections and subsections.

This chapter deals only with the prosecution and trial of suspects who have been registered by the PPS on suspicion of human trafficking⁴ because the PPS data on cases registered for prosecution can probably not be regarded as representative of the actual occurrence of human trafficking (for a more detailed explanation, see §5.1 and Figure 5.1).

¹ Nationaal Rapporteur *Mensenhandel* 2012f, Chapter 6.

² In Chapters 5 and 6, ‘human trafficking investigations’ refers to police investigations of human trafficking situations where multiple suspects and/or victims might be involved. ‘Human trafficking cases’ refers to individual suspects (cases prosecuted by the PPS).

³ It is possible to select the cases in which at least the offence of human trafficking is registered (Articles 250a (old), 250ter (old), 273a (old) 29 or 273f DCC) from the complete PPS database. The secondary analyses of the ‘human trafficking’ subset were performed, at the request of the Bureau of the National Rapporteur, by the Statistical Information and Policy Analysis (SIBA) department of the Ministry of Justice’s Centre for Research and Documentation (WODC).

⁴ For a more qualitative review of the prosecution and trial of human trafficking cases, see the case law study by the Bureau of the National Rapporteur (National Rapporteur on Trafficking in Human Beings 2012d).

The data in §6.2 on the prosecution of the human trafficking cases registered by the PPS and in §6.3 on the trial of human trafficking cases in first instance usually do not encompass a cohort and can therefore seldom be compared, since not all cases are dealt with by the PPS and heard by the court of instance in the year they are registered by the PPS. §6.4 contains statistics about the personal characteristics of the suspects and convicted offenders.

6.2 Prosecution

6.2.1 Human trafficking cases registered by the PPS

In the period 2007-2011, a total of 1,106 human trafficking cases were registered by the PPS. On average, this comes to roughly 220 human trafficking cases a year, ranging from 141 cases in 2009 to 281 cases in 2007. The registered cases are distributed very unevenly over the country's nineteen different court districts: the three districts that heard the most cases together account for 40% of the cases heard, compared with a combined 6% for the four districts with the fewest cases.

6.2.2 Human trafficking cases dealt with by the PPS

The PPS handled a total of 1,103 human cases in the period 2007-2011 – again an average of approximately 220 a year. The years 2007 and 2008 depart furthest from this average, with 176 and 270 cases, respectively.

Cases dealt with by method of disposition

Figure 6.1 shows how the PPS disposed of the 1,103 human trafficking cases.⁵

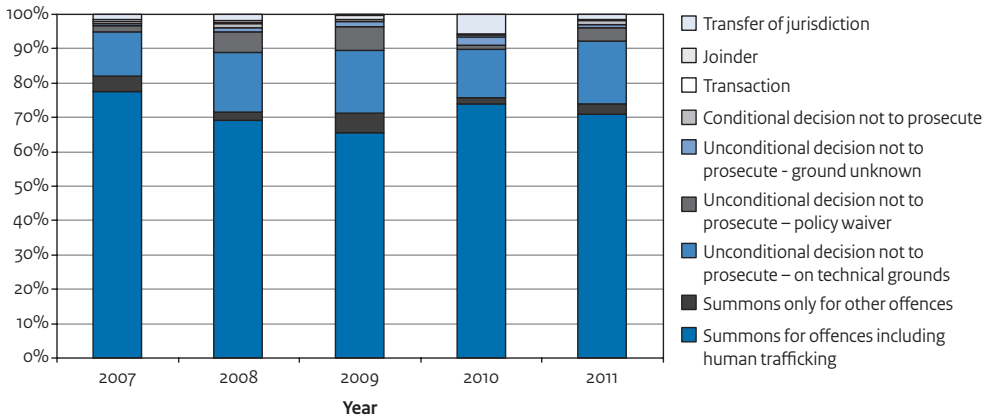


Figure 6.1 Cases dealt with by the PPS, by method of disposition (2007-2011)

Most of the cases dealt with (71%) resulted in a summons for at least human trafficking, and more than a fifth (22%) ended in an unconditional decision not to prosecute, mainly on the grounds of non-com-

⁵ Number of cases handled: 2007: 176, 2008: 270, 2009: 180, 2010: 210, 2011: 267.

petence. The proportion of decisions not to prosecute on the grounds of a policy waiver ranged from 8% in 2010 to 25% in 2009. The PPS will adopt a decision not to prosecute on technical grounds (in Dutch, *technische sepots*), for example, if a conviction does not appear likely because there is insufficient evidence. If it is decided not to prosecute on grounds based on the public interest, a policy waiver will be chosen. These grounds might be related to the offence committed (for example, it is an old offence or the suspect played a small part in the offence) or to the suspect personally (the suspect cannot be found, for example).

6.2.3 Cases in which the PPS issued a summons for human trafficking

The trend in the annual *share* of cases in which summonses were issued for human trafficking is shown in Figure 6.1 (the bottom segment of the columns). The PPS issued summonses for at least human trafficking in a total of 784 cases in the period 2007-2011. In an average of 62% of those 784 cases, there were aggravating circumstances (in other words, qualified human trafficking), particularly trafficking committed by two or more persons acting in concert and/or human trafficking involving a victim younger than the age of sixteen.

Summons, according to the most serious offence

Because human trafficking is often committed in combination with other offences, a case can also involve a number of other offences. Figure 6.2 provides an overview of the most serious offences recorded in the 784 summonses.⁶ The most ‘serious’ offence is the offence with the heaviest maximum sentence – it does not imply a qualitative judgment of the offence.

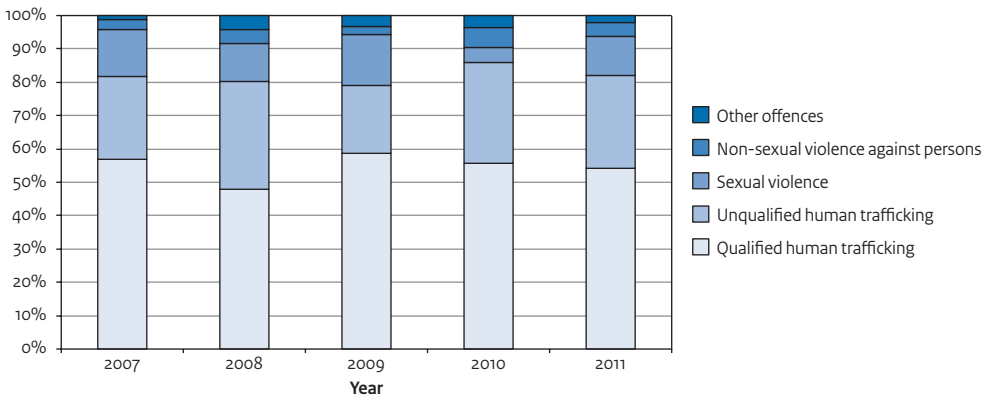


Figure 6.2 Summonses, by most serious offence (2007-2011)

Human trafficking (unqualified or qualified) was the most serious registered offence for which charges were brought in 82% of the cases. Where there was also suspicion of a more serious offence than human trafficking, it was generally a form of sexual violence (11% of the total in the five years). This would mainly have been offences such as rape or sexual intercourse with a person under the age of 16.

6 Number of summonses: 2007: 136 , 2008: 186, 2009: 118, 2010: 155, 2011: 189.

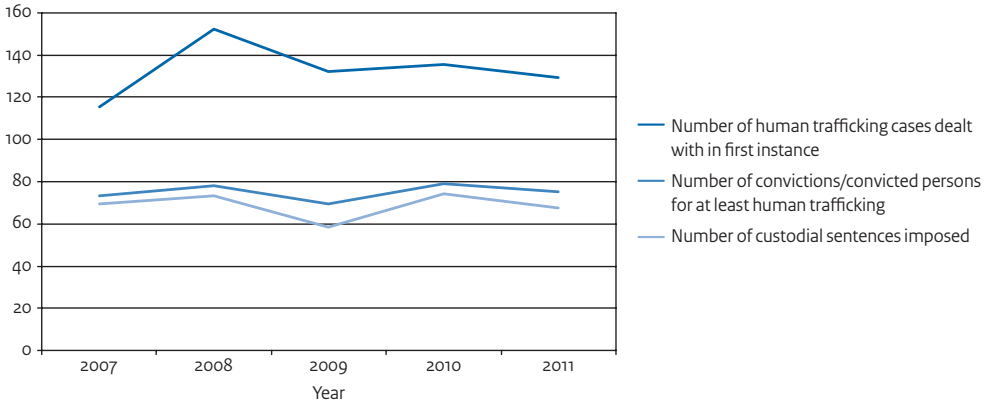
6.3 Trial in first instance

6.3.1 Human trafficking cases dealt with in first instance

Number of cases dealt with in first instance

Figure 6.3 shows the trend in the number of cases dealt with in first instance (top line).

Figure 6.3 Number of cases dealt with in first instance (2007-2011)

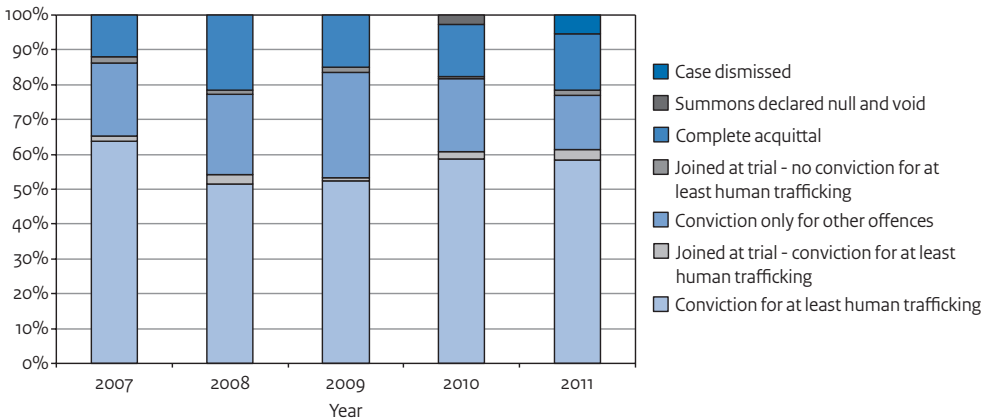


In the period from 2007 to 2011, the courts of first instance disposed of 663 human trafficking cases, which represent an average of just over 130 cases a years. The three most recent years only diverge by a maximum of 4% from this average. The number of cases dealt with each year ranges from 115 in 2007 to 152 in 2008.

Cases dealt with in first instance, by method of disposition

Figure 6.4 shows the decisions made by the courts of first instance in the 663 cases.⁷

Figure 6.4 Cases dealt with in first instance, by disposition (2007-2011)



On average, only slightly more than half (56%) of the human trafficking cases heard in first instance led to a conviction for offences including human trafficking.⁸ In 38% of all cases heard, defendants were acquitted on all the human trafficking offences charged (22% involved acquittal for all human trafficking offences, but conviction for offences other than human trafficking, and 16% involved a complete acquittal). Previous statistical reports produced by the National Rapporteur have shown that the percentage of convictions for human trafficking declined by no less than 25% in the period 2004 to 2009. In 2010, for the first time there was a distinct relative increase to 59%, and the figure remained roughly the same in 2011 (58%). Despite this recent increase, the proportion of convictions remains low. This shows that it is still difficult to secure a conviction for human trafficking. The qualitative analysis in the case law study by the Bureau of the National Rapporteur suggests several reasons for this. In that report the National Rapporteur recommended that public prosecutors and judges who hear human trafficking cases should be specialised in that field.⁹

6.3.2 Convictions for human trafficking in first instance

The trend in the annual *number* of convictions for human trafficking in first instance is shown in Figure 6.3 (middle line); the trend in the *percentage of convictions* is presented in Figure 6.4 (the bottom segment of the columns). The total number of cases in which there were convictions for at least human trafficking in first instance was 374 in the period 2007-2011.

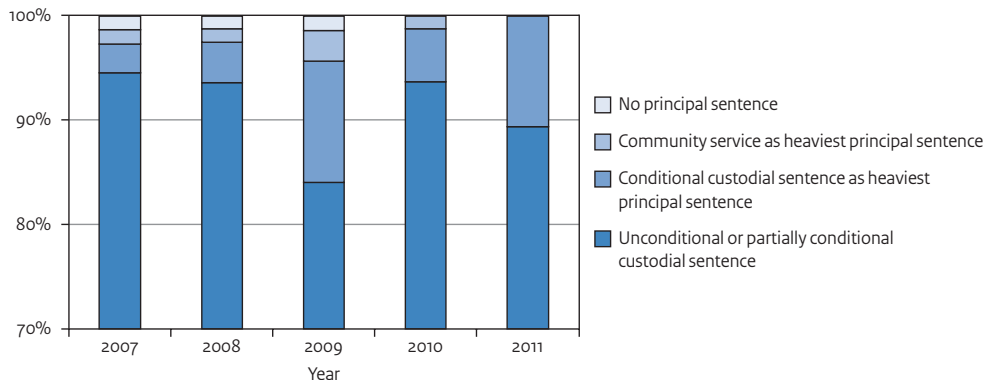
Convictions in first instance, by sentence imposed

Figure 6.5 provides an overview of the heaviest principal sentences imposed in 374 cases in which there were convictions in any case for human trafficking in first instance.¹⁰ The sentences imposed are not always handed down exclusively for the proven human trafficking offences. Other offences in addition to human trafficking are regularly declared proven, sometimes even offences with a higher maximum sentence than human trafficking (in an average 8% of the cases).

8 There could also have been acquittals for human trafficking offences among this 56%, since, if a human trafficking offence is declared proven there is a conviction for at least human trafficking, but it is possible that the suspect was acquitted of other human trafficking offences at the same time. For information about 'full' and 'partial' convictions for human trafficking, see National Rapporteur on Trafficking in Human Beings 2012d, p. 37, Table 2.

9 National Rapporteur on Trafficking in Human Beings 2012d, p 175.

10 Number of cases: 2007: 73, 2008: 78, 2009: 69, 2010: 79, 2011: 75.

Figure 6.5 Convictions in first instance, by principal sentence imposed (2007-2011)

In the period shown, on average, in 91% of the human trafficking convictions, the heaviest principal sentence imposed was an unconditional or partially conditional custodial sentence, ranging from 84% in 2009 to 95% in 2007. A community service sentence was the heaviest principal sentence imposed in 1% of cases on average, but was imposed in a total of 13% of cases, including those in which it was imposed in combination with a custodial sentence, either unconditional or (partially) conditional). On four occasions, a fine was imposed in combination with an unconditional or (partially) conditional custodial sentence, and in three cases, no principal sentence was imposed at all. The three most common combinations of principal sentences imposed were an entirely unconditional custodial sentence (56%), a partially conditional custodial sentence (27%) and a partially conditional custodial sentence in combination with community service (7%).

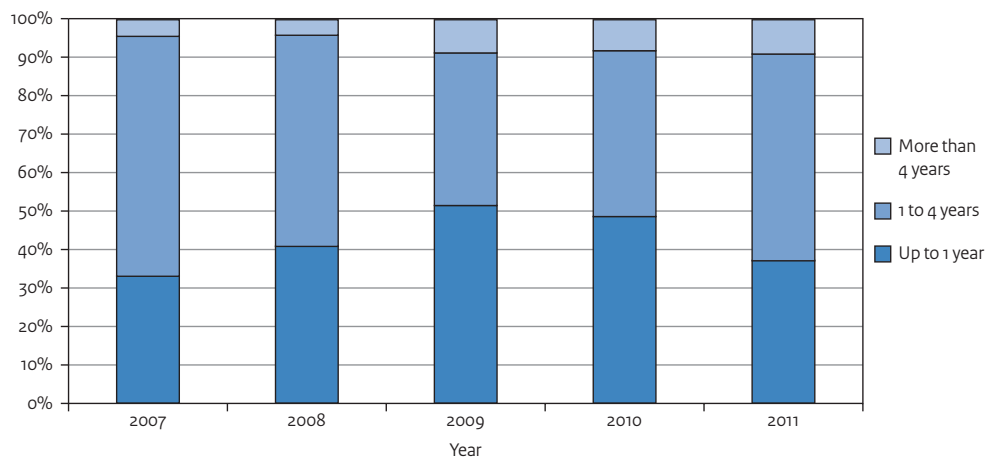
6.3.3 Custodial sentences imposed for human trafficking in first instance

The trend in the annual *number* of unconditional or partially conditional custodial sentences imposed for human trafficking in first instance is shown in Figure 6.3 (bottom line) and the trend in the *percentage* of custodial sentences imposed is shown in Figure 6.5 (the bottom segment of the columns). The total number of cases in the period 2007-2011 in which an unconditional or partially conditional custodial sentence was imposed for at least human trafficking in first instance was 341.

The length of the unconditional part of the prison sentences imposed in first instance

Figure 6.6 provides an overview of the length of the unconditional part of the 341 unconditional or partially conditional custodial sentences imposed.¹¹

11 Number of sentences: 2007: 69, 2008: 73, 2009: 58, 2010: 74, 2011: 67.

Figure 6.6 Custodial sentences imposed in first instance, by category of duration (2007-2011)

In 42% of the cases, the length of the unconditional part of the custodial sentences was not longer than one year. Custodial sentences of more than four years were almost never imposed (7% over the five years).¹² The figure shows that there were relatively more custodial sentences of up to a year in 2009 and 2010 than in the two preceding years (49%-52% compared with 33%-41%). In the two more recent years, custodial sentences of over four years were also imposed more often (8%-9% compared with 4%). In 2011, a sentence of up to one year was imposed less often (37%) and sentences of more than four years were imposed more often (9%).

The average length of the unconditional part of the custodial sentences ranged from 617.1 days¹³ in 2010 to 749.1 days¹⁴ in 2011. Earlier statistical publications by the National Rapporteur show that the current custodial sentences are shorter than they were formerly (the average in the period 2000-2008 was 759.7 days,¹⁵ and in the period covered here (2007-2011) it was 665.4 days¹⁶). However, with the sharp increase in the average number of days imposed in 2011 – probably as a result of the increase in the statutory

12 The qualitative analyses in the case law study by the Bureau of the National Rapporteur show that sentences in similar human trafficking cases vary. In the interests of consistent sentencing, the National Rapporteur has recommended formulating orientation points for the judiciary (National Rapporteur on Trafficking in Human Beings 2012d, pp. 175-176).

13 SD: 562.5 days.

14 SD: 656.4 days.

15 SD: 714.9 days. See National Rapporteur on Trafficking in Human Beings 2010, p. 125, footnote 163.

16 SD: 596.0 days.

sentences for human trafficking offences committed after July 2009¹⁷ – the sentences imposed by the courts seem to correspond with the seriousness of the offence of human trafficking that the legislature wanted to emphasise.

6.4 Characteristics

For the development of the annual *number* of suspects of human trafficking registered by the PPS, see §6.2.1. There was a total of 1,106 suspects in the period 2007–2011. The development in the *number* of persons who were convicted of human trafficking at first instance every year is shown in Figure 6.3 (middle line). The total number of persons convicted during the period 2007–2011 was 374, ranging from 69 persons convicted in 2009 to 79 persons convicted in 2010 (with an average of roughly 75 convictions a year).

6.4.1 Gender, age and country of birth of suspects and convicted offenders

The suspects (N: 1,106) and convicted offenders (N: 374) in the period 2007–2011 were overwhelmingly men (82% and 85%, respectively). The average age of the suspects and convicted offenders at the time of the first human trafficking offence of which they were suspected was 31.3 years¹⁸ and 30.5 years, respectively.^{19,20} Among suspects, the proportion aged up to and including 25 years declined almost every year, from 42% in 2007 to 25% in 2011. Among convicted offenders, there was a gradual decline in that respect, from 42% in 2007 to 29% in 2010, with a slight increase to 32% observed in 2011. Minors accounted for 3% of suspects and 4% of convicted offenders, and roughly a fifth (20% of the suspects and 18% of the convicted offenders) were older than 40 years.

17 The Dutch legislature's current perception of the seriousness of the offence led to the maximum sentences for human trafficking being increased with effect from July 2009 (from six to eight years' imprisonment for unqualified human trafficking, from eight to twelve years for human trafficking by two or more persons acting in concert or committed against a person younger than sixteen years, from twelve to fifteen years for human trafficking that results in serious physical injury or threatens the life of another person and from fifteen to eighteen years for human trafficking resulting in death) (Bulletin of Acts, Orders and Decrees. 2009, 245). The higher sentences only apply for offences committed after July 2009. The human trafficking cases heard by the courts of first instance in 2009 and 2010 usually related to human trafficking committed before July 2009. Note: a new bill to increase the maximum sentences was submitted at the end of February 2012. The bill proposes increasing the maximum term of imprisonment for unqualified human trafficking from eight to twelve years. Under this proposal, the maximum sentence for human trafficking resulting in a person's death would be life imprisonment or a term of imprisonment of 30 years (Parliamentary Documents II 2011/12, 33 185, no. 2). [This proposal entered into force in April 2013] (Bulletin of Acts, Order and Decrees. 2013, 84 and Bulletin of Acts, Order and Decrees. 2013, 108)].

18 SD: 10.7 years. On the basis of N: 1,085 (1,106 – 6 legal entities – 15 whose age was unknown).

19 SD: 10.0 years. On the basis of N: 374.

20 The average age of the suspects ranged from 29.3 years (N: 267; SD: 9.4 years) in 2007 to 33.7 years (N: 247; SD: 11.7 years) in 2011 that of convicted offenders from 28.0 years (N: 78; SD: 8.2 years) in 2008 to 34.3 years (N: 79; SD: 11.8 years) in 2010.

The 1,106 suspects were born in 59 different countries;²¹ the 374 convicted offenders in 37 different countries²². For both for the suspects and the convicted offenders, the top five countries of birth were the Netherlands, Bulgaria, Hungary, Turkey and Romania – although for convicted offenders the order was slightly different and Turkey shared fifth place with Surinam. The largest group of suspects (37%) and convicted offenders (35%) were born in the Netherlands. The percentage of suspects and convicted offenders born in Hungary increased every year (from 1% in 2007 to 11%-12% in 2011), and the proportion of suspects born in Bulgaria doubled in relative terms in 2011 (14%) compared with the preceding years (6%-8%).

6.4.2 Top eight countries of birth of suspects by country of residence and age²³

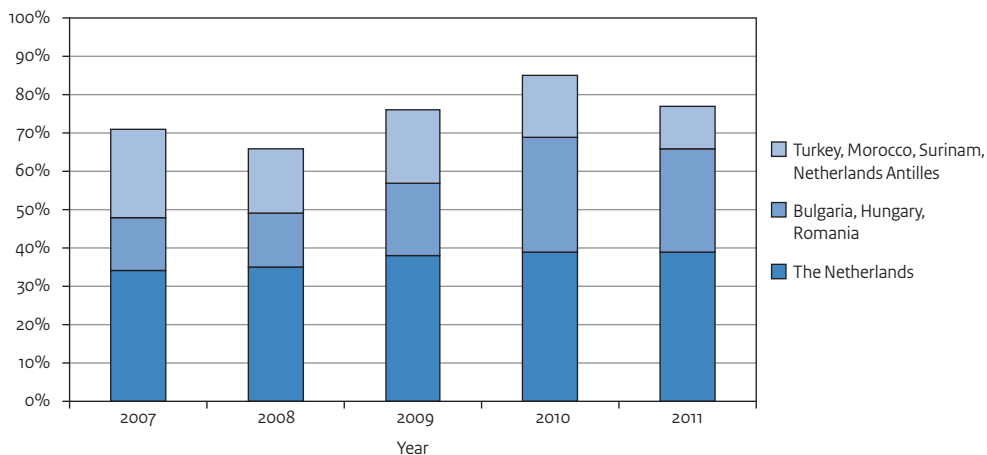
Three-quarters (75%, =828) of all suspects registered by the PPS for offences including human trafficking in the period 2007-2011 (N: 1,106) were from one of the top eight countries of birth, i.e. the Netherlands, Bulgaria, Hungary, Turkey, Romania, Morocco, Surinam and the former Netherlands Antilles. These eight countries are divided into three categories in this section:

- 21 1 in Afghanistan, 12 in Albania, 1 in Algeria, 1 in Australia, 2 in Bangladesh, 4 in Belgium, 3 in Brazil, 95 in Bulgaria, 1 in Cameroon, 24 in China (including Hong Kong), 3 in Congo (including former Zaire), 7 in Czechoslovakia (present-day Czech Republic and present-day Slovakia), 1 in Dahomey (present-day Benin), 1 in Denmark, 3 in the Dominican Republic, 1 in Egypt, 1 in Estonia, 1 in Ethiopia, 5 in France, 27 in Germany (including the former West and East Germany), 3 in Ghana, 2 in Greece, 1 in Guyana, 1 in Haiti, 1 in Honduras, 82 in Hungary, 6 in India, 6 in Indonesia (including the former Dutch East Indies), 10 in Iran, 10 in Iraq, 1 in Israel, 4 in Italy, 1 in Ivory Coast, 2 in Latvia, 2 in Lebanon, 2 in Lithuania, 53 in Morocco, 1 in Mongolia, 406 in the Netherlands, 36 in de Netherlands Antilles (the present-day Aruba, Curaçao and Sint Maarten and the current special Dutch municipalities: Saba, Sint Eustatius and Bonaire (Caribbean Netherlands)), 28 in Nigeria, 1 in Pakistan, 2 in the Philippines, 20 in Poland, 2 in Portugal, 56 in Romania, 1 in Saudi Arabia, 8 in Sierra Leone, 8 in Somalia, 2 in South Africa, 12 in the Soviet Union (present-day Russia and fourteen other independent states), 1 in Sri Lanka, 1 in Sudan, 39 in Surinam, 4 in Thailand, 1 in Tunisia, 61 in Turkey, 2 in Vietnam and 16 in Yugoslavia (the current Serbia and the current Montenegro) (exclusive of 6 legal entities and 11 persons whose country of birth is unknown).
- 22 2 in Albania, 2 in Belgium, 1 in Brazil, 29 in Bulgaria, 1 in Cameroon, 4 in China (including Hong Kong), 6 in Czechoslovakia (present-day Czech Republic and present-day Slovakia), 1 in Dahomey (present-day Benin), 1 in Ethiopia, 1 in France, 6 in Germany (including the former East Germany), 1 in Ghana, 26 in Hungary, 6 in India, 2 in Indonesia, 5 in Iran, 4 in Iraq, 1 in Italy, 1 in Ivory Coast, 1 in Latvia, 1 in Lithuania, 16 in Morocco, 130 in the Netherlands, 19 in the Netherlands Antilles (present-day Aruba, Curaçao and Sint Maarten and the current special Dutch municipalities: Saba, Sint Eustatius and Bonaire (Caribbean Netherlands)), 5 in Nigeria, 1 in Pakistan, 10 in Poland, 1 in Portugal, 27 in Romania, 2 in Sierra Leone, 1 in Somalia, 6 in the Soviet Union (present-day Russia and fourteen independent states), 21 in Surinam, 2 in Thailand, 21 in Turkey, 8 in Yugoslavia (present-day Serbia and present-day Montenegro) and 1 in Zaire (present-day Congo) (excluding 1 person whose country of birth is not known).
- 23 This subsection is based on information gathered by S.L.J. Heerdink (a researcher at the Bureau of the National Rapporteur) for her PhD dissertation on young human traffickers who grew up in the Netherlands.

- 1) The Netherlands (37%, =406)
- 2) Bulgaria, Hungary and Romania (21%, =233)²⁴
- 3) Turkey, Morocco, Suriname and the former Netherlands Antilles (17%, =189)²⁵

Figure 6.7 shows the annual trends in these three categories, although these eight countries do not also form the top eight in each individual year.

Figure 6.7 Trends in the three categories of the top eight countries of birth of suspects (2007-2011)²⁶



The proportion of suspects born in the Netherlands ranged from 34% in 2007 to 39% in 2010 and 2011, representing 37% of all suspects, on average. The category Bulgaria, Hungary and Romania almost doubled in relative terms in the period shown, from 14% to 27%. For Turkey, Morocco, Surinam and the former Netherlands Antilles, the opposite applies: the share of this category fell by half, from 23% to 11%.

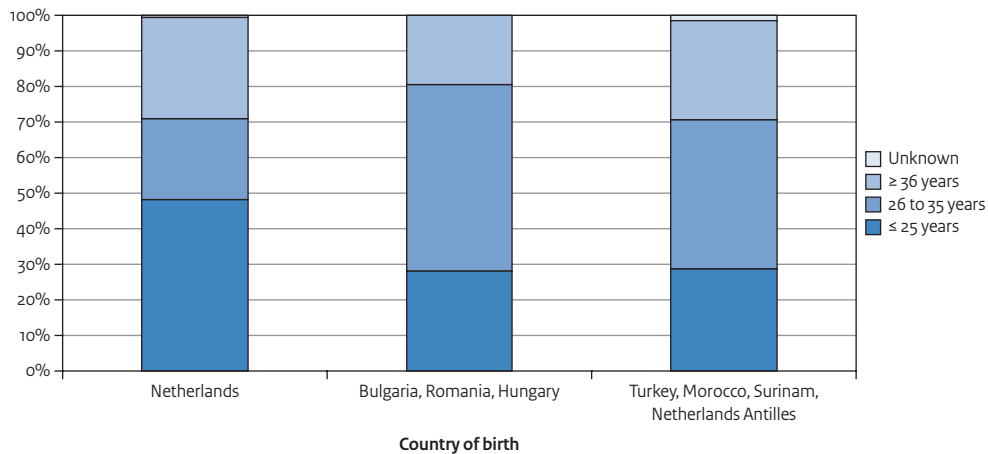
The suspects born in Turkey, Morocco, Surinam and the former Netherlands Antilles often lived in the Netherlands (87%). Far fewer (1%) lived in their country of birth than the suspects born in Bulgaria, Hungary and Romania (72% of whom lived in the Netherlands and 15% in their country of birth).

In Figure 6.8, the three categories of countries of birth are broken down by the age of the suspects at the time they first committed a human trafficking offence of which they were suspected. The age is divided into three categories (up to and including 25, 26-35 years and older than 35 years).

24 All three are countries in Central and Eastern Europe.

25 The other four countries of birth are grouped together for the purposes of creating three more or less comparable categories in terms of size. These four countries have little in common geographically (but are quite often mentioned as countries of birth of Dutch suspects in relation to the 'loverboy problem').

26 Number of suspects: 2007: 199, 2008: 143, 2009: 107, 2010: 182, 2011: 197.

Figure 6.8 Three categories of countries of birth of suspects by age group (2007-2011)

While almost half (48%) of the suspects born in the Netherlands were younger than 26 years, this applies for less than 30% of the Central and Eastern European suspects and suspects born in Turkey, Morocco, Suriname and the former Netherlands Antilles. In the two latter groups of suspects, the largest group (42%-52%) were between 26 and 35 years of age, which was the smallest age group among suspects born in the Netherlands (23%). Of the suspects born in the Netherlands and in Turkey, Morocco, Surinam and the former Netherlands Antilles, 28% fell into the oldest age group (older than 36 years); 20% of the suspects from Central and Eastern Europe fell into this age group.²⁷

27 These differences are very significant: χ^2 : 64.88; df: 4; p: 0.00.

7 International data collection

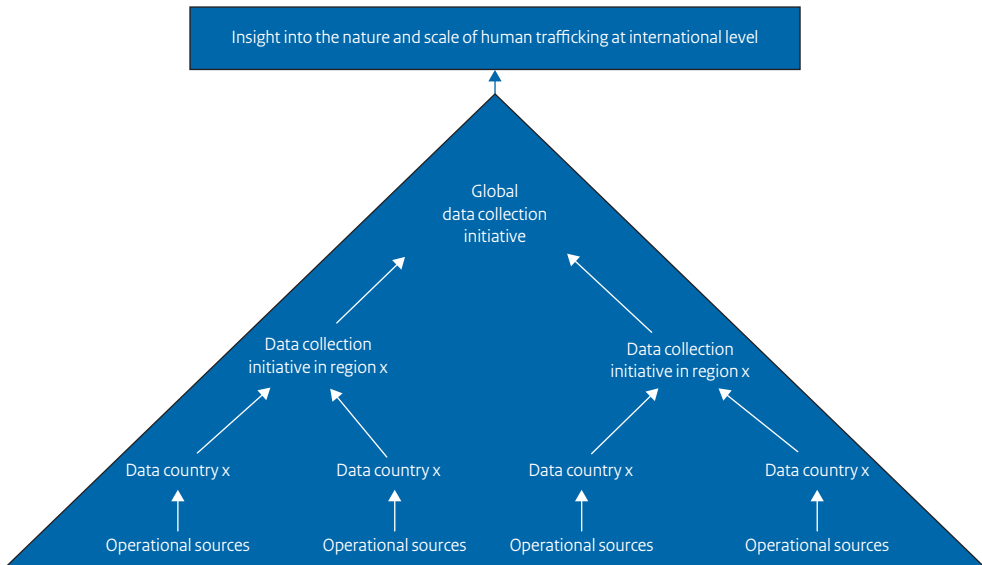
7.1 Introduction

The transnational dimension of human trafficking means that data collected exclusively at national level is insufficient, since such data fail to provide any insight into cross-border movements by victims and offenders. The need to generate internationally comparable quantitative data has received a lot of attention. The importance of collecting harmonised international data about human trafficking has been underlined in various international instruments, for example. The first such call was made in The Hague Declaration of 1997¹ and it was repeated in the Action Plan Implementing the Stockholm Programme in April 2010.² The importance of collecting statistics about criminal offences such as human trafficking is also widely acknowledged by the EU member states and the European Commission (EC) and has been mentioned in strategy documents such as *Developing a comprehensive and coherent EU Strategy to measure crime and criminal justice: An EU Action Plan*³ and *The EU Strategy towards the eradication of trafficking in human beings (2012-2016)*.^{4,5}

Nevertheless, the principal responsibility for producing accurate and reliable data – data that can be built on to produce harmonised international data – lies with the individual countries. In Figure 7.1, this is shown in diagrammatic form.

- 1 *The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation*, The Hague 24-26 April 1997.
- 2 *Action Plan Implementing the Stockholm Programme*, 20 April 2010, COM(2010)171 def.
- 3 This strategy document refers to human trafficking as a priority (*Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. Developing a comprehensive and coherent EU Strategy to measure crime and criminal justice: An EU Action Plan*, 7 August 2006, COM(2006)437 def).
- 4 *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016*, 19 June 2012, COM(2012)286 def.
- 5 In the Third Report, the National Rapporteur recommended strengthening international cooperation in scientific research and data collection with a view to international harmonisation of data on human trafficking (National Rapporteur on Trafficking in Human Beings 2004, recommendation 53).

Figure 7.1 Pillars of international data collection initiatives



Initiatives for international data collection rely mainly on the data collected at the national level. For example, the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (hereinafter the ‘EU Directive on Human Trafficking’) refers to the responsibility of member states to appoint national rapporteurs or establish similar mechanisms, one of whose tasks should be to collect and analyse data.⁶ Accurate and reliable data at the national level will foster international initiatives on data collection.

This chapter examines the issue of international data collection. In §7.1.1, we discuss a number of factors that complicate the process of collecting and analysing international data on human trafficking. In the subsequent sections, a number of international (mainly European) data-collection initiatives designed to overcome the problems referred to in section §7.1.1 are addressed:

- In §7.2, a number of data-collection initiatives that have already been completed are discussed. Duplication of such initiatives by other agencies could be avoided by building on the lessons that have been learned from earlier data-collection initiatives at the international level.⁷
- In §7.3, three current initiatives to improve data collection at the European level, in which the Bureau of the National Rapporteur is directly involved, are discussed.⁸ These are initiatives by DGHome/

6 Directive 2011/36/EU of the European Parliament and of the Council replacing Council Framework Decision 2002/629/JHA of the Council, 5 April 2011. The directive was published in the Official Journal of the European Union on 5 April 2011 (OJ 2011, L 101/1) and must be transposed into Dutch legislation before 6 April 2013.

7 See also EU Strategy towards the eradication of trafficking in human beings (2012-2016), Par. 1.

8 There are many more international initiatives relating to data collection.

Eurostat for the collection of human trafficking statistics (§7.3.1); by the International Victimology Institute Tilburg (Intervict), of the University of Tilburg aimed at verifying the validity and usefulness of the statistics collected by Eurostat (§7.3.2); and a national initiative by the *National Commission for Combating Trafficking in Human Beings* (NCCTHB) in Bulgaria to improve methods of data collection and analysis in that country.

The chapter concludes with a summary of the main findings in §7.4.

7.1.1 Reservations

As mentioned in the introduction, the data at the national level serve as the pillars for international data-collection initiatives. The availability and volume of data at international level depends, among other things, on the political and public priority given to combating human trafficking in individual countries, which has an influence on the degree to which data-collection initiatives are encouraged.

There are a number of further problems that can complicate the collection and analysis of international data.⁹

- Despite the internationally accepted legal definition of human trafficking laid down in the United Nations' Palermo Protocol in 2000,¹⁰ there is no universally agreed international interpretation of what constitutes human trafficking, which could be one reason for the absence of comparable, reliable and validated data about the *phenomenon*. Varying cultural, religious and political views could also have an effect on the availability of data.¹¹ By way of illustration, in some countries moral attitudes dictate that prostitution is, by definition, regarded as human trafficking *per se*. Consequently, the data that are collected might be based on a wider interpretation of human trafficking than is adopted in the Netherlands, for example. On the other hand, some countries actually limit the definition of human trafficking to purely transnational situations and disregard exploitation that occurs within the country's own borders. Such differences of interpretation can also mean that the statistics on human trafficking collected by different countries are not comparable.
- In addition to differences in the definition of human trafficking, disparities between the policies and institutions of different countries can affect the availability of data. For example, a country's actual capacity to combat human trafficking can have an impact on the extent to which resources are made available to collect and analyse statistics. It is conceivable that the greater the number of people assigned to collecting and analysing the statistics, the larger the volume of data that will be produced at the national level. All of the statistics that are collected must therefore also be placed within the policy and institutional context in which they were collected.
- Pursuant to the EU Directive on Human Trafficking, EU member states must appoint a national rapporteur or establish a similar mechanism to monitor and report on their efforts to combat human

9 For an academic reflection on the problems in national and international research into human trafficking see, for example, the following articles: Young 2009; Aromaa 2007; Gozdziaik & Collett 2005; Laczko 2005; Tyldum & Brunovskis 2005.

10 United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime, *Bulletin of Treaties*. 2001, 68.

11 See also Young 2009, p. 2.

trafficking.¹² Practically every EU member state now has a mechanism in place to perform this task, usually as part of a ministry. As Figure 7.1 shows, in many countries there are numerous operational sources that could provide relevant data, and generally speaking, the data relating to offenders will be easily available or can easily be provided to monitoring mechanisms that have been established within a ministry. The situation is different with respect to the data about victims, which is generally sensitive and which non-governmental organisations (NGOs) are often reluctant to share with government agencies. Protecting the privacy of victims is an important factor in that regard, as is uncertainty about the security of the information.¹³ This is not a problem in the Netherlands; that can be attributed to the National Rapporteur's independent position¹⁴, which guarantees the protection of sensitive data not only about victims, but also about suspects and perpetrators. This independence can help to ensure access to sufficient data for analysis as well as, by extension, ensuring that effective policy is formulated.

- A final problem that can arise in relation to the collection and comparison of international data is the disparity in the research methods used by different countries and their research facilities. Data collected at the national level might not be entirely comparable because of differences in research methods. For example, improved records in a particular country could lead to a higher number of registered victims in that country,¹⁵ which makes it difficult to compare the data with those of countries where registration has not similarly improved. Differences in research facilities can also have an impact on the quantity and quality of the data. The absence of the necessary software to collect and analyse data can prevent trends from being monitored at a national level, for example. This can also have an impact on the volume of data in a particular country, compared with other countries, and represents a problem in comparing the data between countries.

7.2 Completed initiatives in international data collection

A number of initiatives have already been taken to acquire comparative international data concerning human trafficking practices.¹⁶ The Bureau of the National Rapporteur was a partner in several of these

12 See Directive 2011/EU/36, Article 19 and recital 27 in the preamble. Article 19 reads: “Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.”

13 This emerged, for example, during the international expert meeting *Making prevention work: Addressing the root causes of human trafficking in Europe*, 4-5 December 2012, Sofia, Bulgaria.

14 Inherent to this independence is the fact that no coordinating or executive tasks have been delegated to the National Rapporteur. See also National Rapporteur on Trafficking in Human beings 2010, §1.2 and §2.1.

15 At first glance, the figures in Chapter 3 might lead to the assumption that human trafficking is on the increase in the Netherlands. However, an increase in the number of victims does not necessarily imply that there is more human trafficking. More likely, the reporting/registration of victims has improved. See also Chapter 3.

16 See also National Rapporteur on Trafficking in Human Beings 2009, §3.2 and National Rapporteur on Trafficking in Human Beings 2010, §3.2.1.

projects.¹⁷ In this section, the key aspects of some of these projects are described. The European Commission provided co-financing for almost all of them.¹⁸

*Development of Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators*¹⁹

This project by the Austrian Ministry of the Interior and the International Organisation for Migration (IOM) yielded guidelines for developing national data-collection and monitoring systems. The guidelines were drawn up by a multidisciplinary team of experts, comprising representatives from various EU member states. They also drew up a list of indicators on which, as a minimum, data should be collected. The seventeen guidelines that were formulated are designed to enhance the effectiveness of national data-collection systems and lay the basis for a single EU system for the collection and exchange of data.

*Programme for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management (DCIM I)*²⁰

The aim of this project was to improve and harmonise the collection of data on human trafficking in ten countries in South-East Europe.²¹ The result was a handbook on data collection in South-East Europe, comprising a list of indicators for data collection for a database on victims and a database on perpetrators.

*Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems (DCIM-EU)*²²

This project was a follow-up to the DCIM-I project and was aimed at setting up a transnational information management system and formulating generally accepted and comparable indicators. Innovative software was developed to facilitate the collection of statistics on human trafficking by the participating countries.²³ A handbook was also written for government agencies that collect data about victims and offenders.

17 *Data Collection and Information Management I (DCIM I), Data Collection and Information Management EU (DCIM EU) and the European Delphi Survey, which are discussed in §7.2.*

18 Apart from the DCIM I and DCIM EU projects. See also National Rapporteur on Trafficking in Human Beings 2010, §2.3.4 and §3.2.1.

19 *Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators (IOM) (Aronowitz 2009).* See also National Rapporteur on Trafficking in Human Beings 2009, §3.2 and National Rapporteur on Trafficking in Human Beings 2010, §3.2.1.

20 *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria (ICMPD) (Surtees 2008).* For a brief description, see National Rapporteur on Trafficking in Human Beings 2009, §3.2 and National Rapporteur on Trafficking in Human Beings 2010, §3.2.1.

21 Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Moldavia, Montenegro, Romania and Serbia.

22 *Anti-trafficking Data Collection and Information Management in the European Union – a Handbook, the situation in the Czech Republic, Poland, Portugal and the Slovak Republic (ICMPD) (Surtees 2009).*

23 Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia.

*European Delphi Survey – a Practical Exercise in Developing Indicators of Trafficking in Human Beings*²⁴

The pretext for this project was the sense that some of the key terms in the UN Palermo Protocol were vague and needed further elaboration. As part of the EU Action Plan 2006-2010, the European Commission established an Expert Group to advance the development of harmonised definitions of human trafficking. Using the Delphi method,²⁵ the experts reached consensus on four lists of operational indicators of human trafficking. Each indicator is categorised as ‘weak’, ‘medium’ or ‘strong’. Assessing the presence or absence of a combination of these indicators determines whether a human trafficking situation exists. The International Labour Organization (ILO) has been promoting this indicator-based method of collecting data on human trafficking since 2009, when it started providing technical assistance to countries in developing their own national statistics.²⁶

*Model for monitoring trafficking in human beings, sexually exploited and missing children (MONTRASEC project)*²⁷

The model developed in the MONTRASEC project seems to be a promising advanced system for data collection at the European level.²⁸ The system would be capable of producing internationally comparable, integrated and up-to-date data by automatically uploading data from existing registration systems with the help of advanced software. This would obviate the need for additional operational efforts at national level. The MONTRASEC project could provide a solution for some of the problems with international data collection mentioned above (§7.1). For example, the problem arising from differences in the national definitions of human trafficking within the EU could be overcome by breaking them down into detailed elements that could then be reconstructed into EU-wide definitions. There is, however, another reservation that needs to be expressed in relation to the different definitions of human trafficking between countries: countries with a broader definition of human trafficking will have data that cannot be incorporated into the MONTRASEC system and countries with a stricter definition of human trafficking will not possess comprehensive data according to the definitions that apply within the EU. These differences will make it more difficult to compare the scale (but not the nature) of human trafficking between member states. The MONTRASEC system has not yet been implemented, partly because a number of essential conditions cannot be met, such as the need for an independent mechanism for monitoring national data

24 *European Delphi survey on indicators of trafficking in Human Beings jointly implemented by the European Commission and the ILO (ILO 2008) and Operational indicators of trafficking in human beings, results from a Delphi survey implemented by the ILO and the European Commission (ILO, 2009).* For a brief description, see National Rapporteur on Trafficking in Human Beings 2009, §3.2 and National Rapporteur on Trafficking in Human Beings 2010, §3.2.1.

25 This is a method that was developed in the 1950s and has since been used in social, medical and political science. The aim of the Delphi method is to arrive at an outcome based on consensus among a large group of experts from different disciplines (see also National Rapporteur on Trafficking in Human Beings 2009, §3.2).

26 Young (2009, p. 15).

27 *The MONTRASEC demo, A benchmark for member state and EU automated data collection and reporting on trafficking in human beings and sexual exploitation of children (IRCP)* (Vermeulen and Paterson 2010).

28 The MONTRASEC project is a follow-up to the SIAMSECT project: *The SIAMSECT files, Standardised templates and blueprint for EU-wide collection of statistical information and analysis on missing and sexually exploited children and trafficking in human beings* (Vermeulen, Balcaen, Di Nicola and Cauduro 2006).

and protecting personal information. Some countries whose registration systems are not sufficiently developed would also be unable to implement the advanced system in its present form.

A common feature of these projects is that information has had to be provided by the countries themselves. This once again highlights the importance of enhancing data collection at the national level. It is not without reason that the EU Directive on Human Trafficking refers to the responsibility of the member states to collect quantitative data on human trafficking. Another feature of these initiatives is that many of them propose that data should be collected on a large number of variables, but it is not yet possible to collect data on all of the proposed indicators, even in the Netherlands. Experience has shown that if the volume of data to be collected is too great, it will, in practice, affect the quality of the data. There would therefore be no harm in adopting the principle of 'less is more' in this instance.²⁹ Once accurate and reliable information about the most basic indicators of human trafficking is available, it would be possible to progress towards a more advanced system.

7.3 Current initiatives in international data collection

As mentioned above, there are various international initiatives aimed at enhancing data collection. Germany's *Bundeskriminalamt* published a useful document with a lot of information about a great many of these initiatives in 2009.³⁰ This publication contains an analysis of a wide range of national and international activities carried out in the previous decade to combat human trafficking in the sex industry. In this section, two current initiatives designed to improve the collection and comparability of data on human trafficking at the international level are reviewed. In §7.3.1 a review is presented of the first initiative by the European Commission to enhance the collection of human trafficking statistics at the European level. This is a project of the Directorate-General for Home Affairs (DGHome) and Eurostat. In §7.3.2, there is a discussion of a project by Intervict,³¹ which is intended to build on the initiative of DG-Home/Eurostat. In §7.3.3, a project at national level in Bulgaria to improve data collection and analysis is described. The Bureau of the National Rapporteur is directly involved in each of these initiatives.³²

7.3.1 DGHome/Eurostat

In response to the European Commission's five-year plan to develop a comprehensive and coherent EU strategy to measure crime and criminal justice,³³ the DGHome Expert Group on Policy Needs for Data on Crime and Criminal Justice launched a programme for the collection of data on human trafficking, with

29 See also National Rapporteur on Trafficking in Human Beings 2010, p. 88.

30 *Bundeskriminalamt* (2009). See also National Rapporteur on Trafficking in Human Beings 2010, p. 38.

31 Intervict is an international, multidisciplinary research institute at the University of Tilburg conducting research into security issues in post-conflict situations and legal and psycho-social aspects of victimisation in international offences in a multidisciplinary framework (www.tilburguniversity.edu/research/institutes-and-research-groups/intervict/).

32 In addition to these projects, the Bureau of the National Rapporteur also provides data to the Group of Experts on Action Against Trafficking in Human Beings (GRETA), the United Nations Office on Drugs and Crime (UNODC) and the US Department of State for the Trafficking in Persons (TIP) report.

33 COM(2006)437 def.

the involvement of Eurostat to collect crime statistics. The aim of the initiative is to provide an overview of comparable data and to identify trends at the national and EU level. It is the first project undertaken by the European Commission in relation to the collection of international data concerning human trafficking.³⁴

DGHome and Eurostat will shortly publish a selection of the most reliable and robust data that they collected from each member state in the period 2008-2010.³⁵ To guarantee the availability and quality of the data, the European Commission formulated a short list of general indicators. Based on the results of this first data collection initiative by DGHome/Eurostat, the Commission and the member states will collaborate in collecting comparable and reliable data for the years 2011 and 2012.³⁶

Initial results from the statistics compiled by DGHome and Eurostat, as mentioned in the EU Strategy towards the eradication of trafficking in human beings (2012-2016), are presented below.^{37,38} Figure 7.2 shows the proportion of male and female victims as well as the proportion of underage victims.

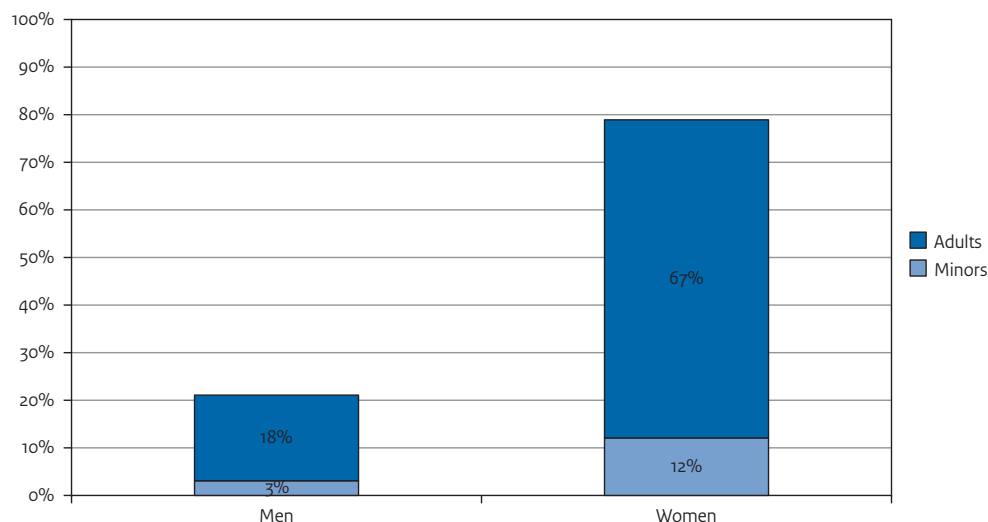
34 The Commission has financed a large number of data-collection initiatives in the past. See, for example, Bundeskriminalamt 2009 and §7.2.

35 DGHome, Eurostat – *Trafficking in Human Beings in Europe. Collection of statistical data for the years 2008, 2009 and 2010* (received from DGHome on 14 November 2012). See also EU Strategy towards the eradication of trafficking in human beings (2012-2016), par. 1.

36 DGHome/Eurostat will continue collecting statistics on human trafficking in the period 2011-2015. This is in response to the EU's new five-year plan *Measuring Crime in the EU: Statistics Action Plan 2011-2015* (COM/2011/0713 def.). See also EU Strategy towards the eradication of trafficking in human beings (2012-2016), par. 2.5.

37 On possible reservations about these quantitative data, see the forthcoming report by DGHome/Eurostat on the human trafficking statistics collected at EU level. The percentages in that report may differ from the percentages mentioned in this report. Reference is also made to that report for the correct use of the human trafficking statistics collected at EU level.

38 Because various countries report identified and/or probable victims to Eurostat, the figures presented in §7.3.1 represent an aggregate of identified and probable victims.

Figure 7.2 Gender and age of identified and possible victims in EU member states (2008-2010)³⁹

As Figure 7.2 shows, 21% of the registered identified and probable victims were male, 3% of whom were minors. The proportion of registered female victims was far larger (79%), and 12% of them were minors. This corresponds with the records of possible victims in the Netherlands registered by the Coordination Centre for Human Trafficking (CoMensha), although the ratio of male to female victims is slightly different in the Netherlands: 89% female and 11% male.⁴⁰

Most member states reported that the majority of the victims came from EU member states such as Romania, Bulgaria, Poland and Hungary. Victims from outside the EU came primarily from Nigeria, Vietnam, Ukraine, Russia and China.⁴¹ According to the EU Strategy towards the eradication of trafficking in human beings (2012-2016), the causes of human trafficking include vulnerability to poverty, lack of democracy, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, and discrimination.⁴² For Dutch victims in the Netherlands, there are also other factors that make people vulnerable to exploitation, such as having run away from a juvenile care facility, having a drug addiction or reduced mental capacity.⁴³

³⁹ The statistics collected by Eurostat provide an overview of the data received for the period 2008-2010 from the 27 member states, 21 of which were able to provide gender-specific information for that period. The data in Figure 7.2 are taken from the EU Strategy towards the eradication of trafficking in human beings (2012-2016), p. 3, which only gives percentages.

⁴⁰ In the period 2008-2010 2,727 possible victims were reported to CoMensha. 89% (=2,428) were female and 11% (=297) were male (Source: CoMensha database). See also Chapter 3.

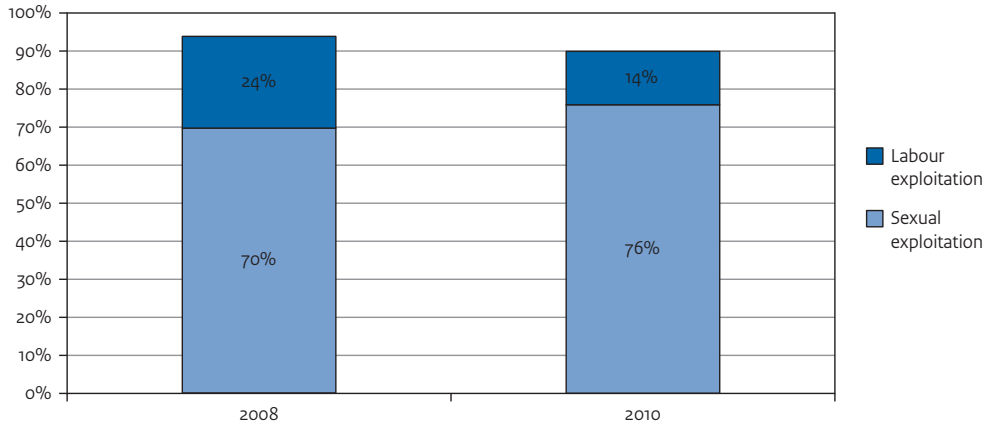
⁴¹ EU Strategy towards the eradication of trafficking in human beings (2012-2016), p. 3.

⁴² EU Strategy towards the eradication of trafficking in human beings (2012-2016), p. 3.

⁴³ See also National Rapporteur on Trafficking in Human Beings 2012d, §6.4.1.

The following figure shows the sectors in which identified or probable victims were exploited in the EU member states in 2008 and in 2010.

Figure 7.3 Sectors in which victims were exploited in EU member states (2008 and 2010)⁴⁴



The figure above shows that the vast majority of the known (possible) victims in the EU member states (70% in 2008 and 76% in 2010) were exploited in the sex industry. Almost a quarter of cases in 2008 involved labour exploitation (24%), but this proportion declined to 14% in 2010.⁴⁵ The remainder fall into categories such as ‘forced begging’ and ‘domestic servitude’ or are unknown. If this is compared with the victims reported to CoMensha, it can be seen that the proportion of victims in cases of sexual exploitation also increased significantly in the Netherlands (from 57% in 2008 to 75% in 2010.⁴⁶ In contrast to the decline in the proportion of victims of labour exploitation at the EU level, the proportion of victims exploited in sectors other than the sex industry actually increased in the Netherlands⁴⁷ (from 6% in 2008 to 13% in 2010).⁴⁸

44 The statistics collected by Eurostat provide an overview of the data from all 27 member states for the period 2008-2010. The data in Figure 7.3 are from the EU Strategy towards the eradication of trafficking in human beings (2012-2016), pp. 2-3, which only reports percentages.

45 This is exclusive of forced begging and domestic servitude (EU Strategy towards the eradication of trafficking in human beings (2012-2016), pp. 2-3).

46 In 2008 826 possible victims were reported to CoMensha and 57% (=473) was sexually exploited. In 2010 993 possible victims were reported to CoMensha and 75% (=749) was sexually exploited. The increases are partially due to improvements in CoMensha’s records. See also Chapter 3 (Source: CoMensha database).

47 This is inclusive of ‘domestic servitude’.

48 In 2008 826 possible victims were reported to CoMensha and 6% (=52) was exploited outside the sex industry. In 2010 993 possible victims were reported to CoMensha and 20% (=128) were exploited outside the sex industry. The increases can be partially explained by the fact that other forms of exploitation were criminalized later. The increases are also partially due to improvements in CoMensha’s records. See also Chapter 3 (Source: CoMensha database).

In addition to information about victims, Eurostat also collects statistics on suspects and persons who have been prosecuted and convicted at the EU level. To illustrate, a provisional database compiled by DGHome/Eurostat shows that as regards the number of Dutch suspects in other countries and Dutch nationals who were prosecuted in other countries⁴⁹ in the period 2008-2010, there were dozens in Belgium and, in exceptional cases, also in Finland, Italy, Germany and Austria.⁵⁰

As with every data-collection initiative, the extent to which the problems relating to the collection and analysis of international data on human trafficking have been resolved will have to be constantly monitored. While the European Commission seems to have made some progress in that respect, the results in the forthcoming report from DGHome/Eurostat will give a clearer impression of the extent to which the data on human trafficking collected at EU level are comparable and can be used to formulate national and international policies on human trafficking.⁵¹ The next section explains how Intervict is trying to build on the results produced by DGHome/Eurostat.

7.3.2 Intervict

Intervict's intention is to provide more depth to the data-collection initiative of DGHome and Eurostat.⁵² In the project *Tools for the validation and utilisation of EU statistics on human trafficking* (TRAFSTAT), which was co-financed by the EU, the methodology of the *European Sourcebook of Crime and Criminal Justice Statistics*⁵³ was applied to the statistics collected by DGHome/Eurostat.⁵⁴

The aim of the methodology in the European Sourcebook is to present comparable information about statistics on crime and criminal justice in Europe using a system of peer review to validate national statistical data. The reason for this was because national definitions are often not similar. The methodology is different to that of DGHome/Eurostat, which is based on information delivered by national sources that had been asked to follow standard definitions.⁵⁵

The aim of TRAFSTAT is to enhance the comparability of European statistics on human trafficking by using a system of validation by experts from the national rapporteurs (hereinafter "correspondents").⁵⁶ The project will further the implementation of the EU Directive on Human Trafficking, which states that the EU should continue to develop its methodologies and data-collection methods to produce comparable statistics.⁵⁷ Intervict intends to investigate the extent to which the EU statistics on human trafficking are comparable and

49 See Chapter 6 for the (characteristics of the) Dutch suspects and offenders in the Netherlands.

50 Received from DGHome/Eurostat in July 2012. It is very likely that the EU member states will make changes or additions to the data. For the correct use of the human trafficking statistics collected at EU level, reference is therefore made to the forthcoming report of DGHome/Eurostat.

51 At the time of writing, the report of DGHome/Eurostat had not yet been published.

52 See §7.3.1.

53 See www.europeansourcebook.org.

54 For a detailed description of the project, see Programme *Prevention of and fight against crime, targeted call for proposals, Trafficking in Human Beings* (Action Grants 2011, Home/2011/ISEC/AG/THB); Tilburg University, *Trafstat – A brief note on objectives and activities* (received from Intervict on 24 October 2012).

55 See Killias, Aebi et al. (2010).

56 These are the 27 national rapporteurs or correspondents of the EU member states.

57 2011/EU/36, par. 28 of the preamble.

can be used to formulate policies at the EU level. Intervict's initiative differs from that of DGHome/Eurostat in that Intervict does not collect its own statistics, but analyses the significance of the statistics already collected by Eurostat. For example, in the data collected by DGHome/Eurostat, the 'identified' victims are victims who have been identified by the police. In a number of countries, however, the police force is not the only authority that identifies victims. In Austria, for example, victims are identified by the police and an NGO, with the result that both authorities keep records of victims. Because they do not share their information, duplication in the data supplied to Eurostat is inevitable.⁵⁸ Once the results of the projects of DGHome/Eurostat and Intervict are published, it will become clearer how these initiatives complement one another.

There are two stages to the TRAFSTAT project. First, detailed operational definitions of the requested statistics will be drafted on the basis of a questionnaire in which the correspondents can explain to what extent the statistics on human trafficking for Eurostat correspond with the established standards. They will also be asked for feedback on the policy-related and institutional context in which the statistics have to be interpreted. This first phase will produce three results: a set of operational standard definitions, a report on the initial statistics produced by DGHome/Eurostat for all the member states for the period 2008-2010, and recommendations for changes to or refinement of the European Commission's guidelines. In the second stage, Intervict will draw up quantitative indicators, based on the EU statistics, which could provide guidelines for monitoring national and EU policies on human trafficking. Intervict will also make proposals for the responsible use of the statistics in formulating policies on human trafficking at the EU level. These proposals could lead to an international standard for the use of such statistics.

7.3.3 National initiative: Bulgaria

In August 2012, the National Commission for Combating Trafficking in Human Beings (NCCTHB)⁵⁹ in Bulgaria launched a data-collection and analysis project: *Improvement of National Anti-traffic Policy through Transfer of Know-How, Experience and Good Practices*.⁶⁰ The aim of the project is to improve efforts to combat human trafficking in Bulgaria, with the emphasis on developing a methodology for data collection and analysis. The Bureau of the National Rapporteur has served as a consultant on the monitoring of human trafficking policies and the collection and analysis of data. On completion of the project, the intention is that three reports will be published: (1) a comparative analysis of the monitoring of human trafficking

58 Tilburg University, *Trafstat – A brief note on objectives and activities* (received from Intervict on 24 October 2012).

59 The NCCTHB was established and its tasks laid down in the *Combating trafficking in human beings Act* (Republic of Bulgaria, Council of Ministers – National Commission for Combating Trafficking in Human Beings, *State Gazette* 46/20.05.2003, amended SG 86/28.10.2005, effective 29.04.2006, supplemented, SG No. 33/28.03.2008, amended, SG No. 74/15.09.2009, effective 15.09.2009). See Article 4 for the establishment of the National Commission and Article 7 for the description of the tasks of the NCCTHB, which include promoting "the research, analysis and statistical reporting of human trafficking data" (Article 7 (4)).

60 Partnership Agreement Project *Improvement of National Antitrafic Policy through Transfer of Know- How, Experience and Good Practices*. Operational Programme *Administrative Capacity*, co-financed by the European Social Fund (received from NCCTHB on 25 November 2012, unpublished).

and the processing of statistical data; (2) a methodology for data collection and analysis in Bulgaria; and (3) a report on the monitoring and analysis of current human trafficking policy in Bulgaria.⁶¹

NCCTHB has adopted the DCIM I system for a victim-oriented database.⁶² Nevertheless, NCCTHB faces a number of obstacles in data collection because of a lack of data and the failure of authorities to share data at the operational level.⁶³ With the current project, NCCTHB hopes to improve data collection and analysis by sharing best practices with the Bureau of the National Rapporteur in order to gain an insight into the scale and nature of human trafficking in Bulgaria. Although the system from the International Centre for Migration Policy Development (ICMPD) that it is using contains both a victim database and offender database, in principle NCCTHB wants to focus mainly on the collection of data about victims.⁶⁴

Besides generating information about the nature and scale of human trafficking at the national level in Bulgaria, on the basis of the data collected and analysed, the NCCTHB's project could contribute in two ways to international efforts to combat human trafficking. First, the results of the collection and analysis of data about victims and offenders from Bulgaria could also be relevant for the Netherlands in view of the growing number of Bulgarian victims of human trafficking and offenders⁶⁵ in the Netherlands since 2008. Table 7.1 shows the number of Bulgarian victims in the Netherlands registered by CoMensha. The collaboration between the National Commission in Bulgaria and the Bureau of the National Rapporteur also furthers the EU Strategy towards the eradication of trafficking in human beings (2012-2016), which refers to the need for cooperation between the countries of origin, the countries of transit and the countries of destination.⁶⁶

61 Partnership Agreement Project 'Improvement of National Antitrafic Policy through Transfer of Know-How, Experience and Good Practices'. Operational Programme 'Administrative Capacity' co-financed by the European Social Fund (received from NCCTHB on 25 November 2012, unpublished).

62 Written information from NCCTHB on 30 August 2012. See also *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria* (ICMPD) (Surtees 2008). See §7.2 for a brief description of DCIMI.

63 Written information from NCCTHB on 25 November 2012.

64 Written information NCCTHB on 25 November 2012.

65 Source: CoMensha database; PPS database; Bureau National Rapporteur, police investigation study. See also Chapters 3, 5 and 6.

66 EU Strategy towards the eradication of trafficking in human beings (2012-2016), par. 1 and par. 2.4. See also Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions. *The global approach to migration and mobility*, 18 November 2011, COM(2011)743 def.

Tabel 7.1 Number/share of Bulgarian victims registered in the Netherlands (2007-2011)

	Bulgarian victims in the Netherlands		Total number of victims in the Netherlands	
	N	%	N	%
2007	50	7%	716	100%
2008	32	4%	826	100%
2009	39	4%	909	100%
2010	46	5%	993	100%
2011	73	6%	1.222	100%
Total (2007-2011)	240	5%	4.666	100%

Source: CoMensha database

A second way in which the project of the National Commission in Bulgaria can contribute to international efforts to combat human trafficking is connected with the responsibility of each individual state to collect and analyse data about human trafficking. As Figure 7.1 shows, in principle, statistics collected at the international level are based on data collected at the national level. The reliability and validity of the results of international initiatives, such as those of DGHome/Eurostat and Intervict,⁶⁷ therefore depend greatly on the data collected at the national level and the policy-related, institutional or methodological context of the data collection. Given the wide range of mechanisms that exist at the European level alone, the European Commission stresses the importance of effective mechanisms for monitoring and evaluation in order to prevent duplication. For example, in the EU Strategy, the member states are urged to arrange effective monitoring of human trafficking policy at the national level (policy that is based on data on human trafficking).⁶⁸ Bulgaria seems to be making progress in that direction.

7.4 Summary

In this chapter, we have discussed a selection of international data-collection initiatives that have been undertaken in the past decade.⁶⁹ The Bureau of the National Rapporteur has been involved as a partner in a number of these projects. Despite these initiatives, there are still no reliable and comparable statistics on human trafficking in the EU. This is due, for example, to discrepancies in the definitions adopted at the national level, differences in policies and institutions and political and social priorities and differences in the methodologies used and the research facilities available for collection and analysis of data.

Nevertheless, such initiatives remain essential to compile harmonised international data in order to support effective international efforts to combat human trafficking. The results of the on-going data-collection initiatives by DGHome/Eurostat and Intervict described in this chapter could represent progress towards accomplishing this goal.

67 See §7.3.1 and §7.3.2.

68 EU Strategy towards the eradication of trafficking in human beings (2012-2016), par. 3.

69 See §7.2 for an overview of some data-collection initiatives that have already been completed: *Development of Guidelines for the Collection of Data on Trafficking in Human Beings, including Comparable Indicators* (IOM); DCIM I; DCIM-EU; European Delphi Survey; and the MONTRASEC project.

Section C Conclusions and recommendations

Chapter 8 Conclusions and recommendations: no effective policies without proper registration

8 Conclusions and recommendations: no effective policies without proper registration

Human trafficking is a serious, frequently transnational, problem that is usually hidden, but effective policies cannot be implemented in the dark. To address the problem of human trafficking, we have to turn on the light: Where does human trafficking occur? How large is the problem? What form does it take?

The Coordination Centre for Human Trafficking (CoMensha) wants to know whether all known victims are actually registered. And do the characteristics of registered victims correspond with those of the probable population? The police want to know where they should be looking for human traffickers. Where do offenders usually put their victims to work? The Minister of Security and Justice wants to know how great the chance is of a human trafficker actually being caught. How many human traffickers are there in the Netherlands?

But sometimes it is even difficult to see who is fighting the problem. Various agencies are engaged with different aspects of human trafficking, but ultimately have to produce a joint solution. For effective coordination, it is important that every agency knows what it is doing and what the other agencies are doing. That is not necessarily the case.

This report has one key message:

To tackle human trafficking effectively, it must be made visible. Human trafficking that is hidden must be revealed – and once revealed, it must be better registered.

Since 2000, the National Rapporteur has been conducting research into the nature and scale of human trafficking in the Netherlands. Slowly but surely, successive reports have shed a little more light on the subject. This report lifts the veil a little further: with an analysis of quantitative data on human trafficking, from the registration of victims to the trial of offenders, it gives an impression of victims and offenders and of policy.

8.1 Conclusions: what stands out?

This report describes human trafficking on the basis of estimates of the unknown component of the problem (the ‘dark number’) (Chapter 2), the registration of victims by CoMensha (Chapter 3), access to the B9 scheme for non-Dutch victims (Chapter 4), investigations by the police (Chapter 5), the handling

of human trafficking cases by the public prosecution service (PPS) and the judiciary (Chapter 6) and international data-collection initiatives (Chapter 7). Fortunately, as the size of this report illustrates, a lot of good information is already registered.

8.1.1 Unknown human trafficking

For the first time in a report by the National Rapporteur, there is a critical analysis of some of the estimates of the scale of human trafficking, both national and international. These estimates are very important: the vast majority of victims/perpetrators/investigations referred to in this report relate to cases of sexual exploitation and only a minority to exploitation in sectors other than the sex industry ('other forms of exploitation'). But does this mean that there are far more victims of sexual exploitation in the Netherlands than are exploited outside the sex industry? That is unknown. The registered human trafficking cannot be regarded as representative of all human trafficking. Further research into the size and nature of the so-called 'dark number' is needed.

But, as shown in Chapter 2, there are number of problems with existing estimates that make them unreliable. In the Crime Projection Analysis (CBA) of sexual exploitation in 2012, for example, it was assumed, without further substantiation, that a constant share of 5% of human trafficking is known to the police.

8.1.2 Victims

Chapter 3 contains data on the registration of victims by CoMensha, and Chapter 4, information on the registration of victims by the Immigration and Naturalisation Service (IND) in the context of B9 applications.

A number of points stand out in CoMensha's figures: the number of reported victims of human trafficking rose sharply between 2007 and 2011 (from 716 to 1,222), and the proportion of male victims actually trebled (from 7% to 19%). One aspect that has remained constant is that the largest group of victims (39%) is young: between 18 and 23 years of age. While a third of all registered victims has Dutch nationality, the majority of registered underage victims are Dutch, but not all underage victims are reported to CoMensha (see recommendations). A growing proportion of the victims registered with CoMensha is exploited outside the sex industry (up from 6% in 2007 to 20% in 2011). The characteristics of victims of sexual and other forms of exploitation differ in a number of important respects. Victims of sexual exploitation are more often female, they are younger, they come more often from Africa and less frequently from Central and Eastern Europe. In addition, the willingness to report the offence among this group of victims is slightly higher than among victims of other forms of exploitation, although this is slightly less true among victims with Dutch nationality.

Chapter 4 analyses the B9 regulation. Victims of human trafficking who cooperate with an investigation are eligible for a B9 residence permit for the duration of the investigation. The B9 permit not only grants temporary residence status for the victim, but is also an important instrument for an investigation since it means that victims and witnesses remain available to the police and the PPS. The data in Chapter 4 provide information about all the victims who have taken advantage of the reflection period and/or have made a B9 application. Among this group, 38% requested a B9 residence permit without first availing of the reflection period, while 40% used the reflection period and then applied for a B9 permit. Finally, 22% used the reflection period but ultimately did not apply for a B9 permit. While this might indicate that these victims did not cooperate with a police investigation, it is also possible that they did cooperate but then returned to their country of origin or were still awaiting another immigration procedure.

The number of B9 permits granted between 2007 and 2011 almost trebled. The proportion of Bulgarian and Romanian victims that were granted a B9 residence permit declined in the period 2007-2011, although CoMensha did not report a similar decline in the number of victims from those countries. Bulgaria and Romania joined the European Union (EU) in 2007, and therefore the nationals of those countries can live legally in the Netherlands. However, the B9 residence permit entitles the recipient to more than just temporary residence: it also provides access to facilities that could assist victims of human trafficking. The proportion of B9 residence permits granted to victims from Poland and Hungary has not in fact declined since those countries joined the EU in 2004.

In the period 2009-2011, 31 applications for B9 permits (3%) were denied. One of the grounds on which an application can be rejected is a person's criminal antecedents, such as a record for shoplifting. However, a B9 application should, in principle, be granted to every victim of human trafficking who cooperates with the police, regardless of his or her criminal antecedents. A B9 permit only grants temporary residence, after all, and is important not only for the victim but also to enable the police and the PPS to investigate and prosecute the offence of human trafficking.

8.1.3 Offenders

Chapters 5 (investigation) and 6 (prosecution and trial) give an impression of the characteristics of suspected offenders, as registered by the police and the PPS.

Offenders are generally male (80%), around 30 years of age on average (only occasionally are they minors or older than 50) and born in the Netherlands (37%), Bulgaria, Hungary or Romania (21%) or Turkey, Morocco, Surinam or the former Netherlands Antilles (17%). Offenders from Africa (with the exception of Morocco) appear less frequently in the statistics on prosecutions, which is noteworthy given the fact that offenders and victims often come from the same region and Africa is the main region of origin of registered victims of sexual exploitation.

No two human trafficking investigations are the same. Chapter 5 contains a study of all 55 investigations completed by the police and sent to the PPS in 2009. These investigations could be broken down into three types of human trafficking: domestic small-scale sexual exploitation, European sexual exploitation and international large-scale exploitation outside the sex industry. In the investigations involving domestic small-scale sexual exploitation (N: 27), the victims were mainly from the Netherlands and the offenders were generally from the Netherlands or from Turkey, Morocco, Surinam or the former Netherlands Antilles. The number of victims and offenders in each investigation was small and the exploitation was almost exclusively sexual in nature. The second type (N: 22) encompassed only sexual exploitation and involved a slightly larger number of victims and offenders who came mainly from Central and Eastern Europe. The third type (N: 6) mainly involved other forms of exploitation. These were larger investigations, the victims were generally from Asia, and the offenders were from Asia and the Netherlands. It is worth noting that the recruitment of victims by feigning a loving relationship tends to be connected with domestic small-scale sexual exploitation, but it is not confined to that type of case. However, if the police are confronted with an Asian victim of exploitation outside the sex industry, they might be more inclined to start a large-scale investigation than they would if they were confronted with a Dutch victim of sexual exploitation.

Chapter 5 also answers the following question: are different roles (recruiters, transporters, pimps, bodyguards, sex business operators and facilitators) in the human trafficking process performed by different

types of offenders? The answer is yes. Pimps, for example, are more likely to have criminal antecedents and to be male, sex business operators are generally older while bodyguards are younger, and recruiters are less often from Asia, although that last point could also merely imply that Asian recruiters are not well known to the police.

Chapter 6 contains an analysis of cases registered by the PPS. The maximum sentence for human trafficking was increased in 2009, which expanded the scope for the application of pre-trial detention. Nevertheless, that instrument was not used more often. A striking statistic is that 22% of the cases brought by the PPS ended with an unconditional decision not to prosecute, with one-fifth of those cases involving a policy waiver. Of the suspects who were charged, only just over half were convicted, and the average length of the unconditional part of the custodial sentences imposed was shorter than previously. But the recent sharp increase in the average length of custodial sentences (749.1 days in 2011) seems to suggest that, in practice, the sentences imposed by the courts reflect the increase in the maximum sentences prescribed by law since July 2009, with which the legislature wanted to emphasise the serious nature of the offence of human trafficking.

Appeals were filed by the PPS in 28% of the cases in 2010, twice as many as in 2007. In that context, it is noteworthy that the total number of human trafficking cases heard on appeal (114) in the period 2007-2011 is far smaller than the number of the human trafficking cases dealt with in first instance and heard on appeal (312). Although these cases do not constitute a cohort, a difference of around 200 cases can be described as remarkable.

8.1.4 International aspects

Human trafficking is not just a national problem. For example, only a minority (40%) of the registered suspects of human trafficking in the Netherlands also come from the Netherlands. Cooperation between countries is therefore essential if the problem is to be tackled effectively. And that includes cooperation in collecting data in order to chart the scale of transnational human trafficking.

In Chapter 7, some international initiatives to enhance data collection are discussed. It is not always clear what the purpose of these initiatives is. International data-collection initiatives are only relevant if they provide insight into something that cannot be understood at the national level; the movements of suspects and victims between countries of origin, transit and destination, for example.

The collection of internationally comparable data is complicated by differences between countries in their definitions of human trafficking, in their policies and in their research methods and research facilities. Nevertheless, harmonised international data are badly needed. A first step could be taken by collecting data on the most basic indicators. After all, in practice, collecting too much information about human trafficking could also affect the quality of the data. After positive evaluations of the results of the initial dataset, it could possibly be expanded with additional indicators for the purposes of the prevention and suppression of human trafficking at the international level.

8.2 Recommendations: What is lacking?

The summary above shows that there is already a lot of information available about the visible face of human trafficking. That is good news: the National Rapporteur has pointed out on previous occasions that combating human trafficking effectively calls for accurate information and, therefore, proper registration.

There is still room for improvement, however. The key message of this report is therefore:

To tackle human trafficking effectively, it must be made visible. Human trafficking that is hidden must be revealed – and once revealed, it must be better registered.

Although this report provides a reasonably detailed portrait on the basis of available data, it also reveals a number of important gaps. That observation leads to some specific recommendations, all of them derived from the key message.

To ascertain the true scale of human trafficking, the dark number has to be estimated accurately. Reliable estimates are important for formulating policy in relation to police investigations, for example, but at the moment there are no reliable estimates. Such estimates are also difficult to produce and, apart from extensive statistical expertise, require data that are not available at the moment; for example a national survey that measures the actual number of victims and perpetrators of human trafficking. In addition, it is important to have the most accurate information possible about the nature of the portion that is already registered and visible, since that affects the reliability of the estimate.

Recommendation 1: The government should endeavour to produce accurate estimates of the scale of human trafficking. In addition to complete and reliable data collection, this calls for statistical expertise.

In the data from CoMensha (Chapter 3), the proportion of underage victims seems relatively small. However, this category is probably under-reported. Many underage victims who do not have Dutch nationality are known to NIDOS, which does not report to CoMensha. The Youth Care Agency also does not always notify CoMensha about victims. The figures from CoMensha therefore give an overly optimistic impression of the number of possible underage victims. Even agencies that are required to report victims to CoMensha (the police, the Royal Netherlands Marechaussee and the Inspectorate of the Ministry of Social Affairs and Employment) do not always appear to comply with that obligation. There are therefore probably victims of human trafficking who are known but are not reported to CoMensha. Furthermore, the information provided to CoMensha is not always complete.

Recommendation 2: All victims known to agencies must be reported to CoMensha. Agencies with a duty to report must comply consistently with their obligation; agencies that do not have such a duty should nevertheless report all victims known to them.

This recommendation was made previously in the Seventh report (recommendation 42), but deserves to be repeated here.

Underage victims are also not always registered as minors, often because they are adults by the time they are registered with CoMensha. Without information about their age when they first became victims, it is impossible to build up a complete picture of the underage victims of human trafficking.

Recommendation 3: Because it is not known how old persons are when they become victims, the proportion of underage victims may be underestimated. CoMensha should therefore also register the age of victims at the time they first became victims.

In the interests of police investigations, it is important to know which types of victims are more likely to cooperate with an investigation. For example, is there a difference between victims of sexual and other forms of exploitation in that regard? Availing of the B9 regulation could be an indication of this, since cooperation with an investigation is a requirement for being granted a B9 residence permit. The IND, however, does not register whether an applicant is a victim of sexual or another form of exploitation. The B9 permit not only gives the victim the right to temporary residence, but is also an instrument in the investigation and prosecution of offenders. It is therefore important to know whether the B9 regulation is effective and whether it is equally effective for different types of exploitation.

Chapter 5 shows that police investigations relating to sexual exploitation are often smaller in scale than investigations concerning other forms of exploitation, and the characteristics of offenders and victims (particularly the regions of origin) are different. Does this also have implications for prosecution and trial? That is unknown: even the PPS does not register whether a case is related to sexual or other forms of exploitation. It is, in fact, difficult to do so, since the text of the relevant article of the Dutch Criminal Code makes it impossible to make a distinction between them on the grounds of the sections and subsections. The new GPS registration system, however, creates a possibility.

Recommendation 4: Parties throughout the chain should register whether a human trafficking case involves sexual exploitation or exploitation in other economic sectors ('other forms of exploitation') or whether it is for the purpose of organ removal. The IND and the PPS, in any case, do not currently do so.

As previously recommended by the National Rapporteur, criminal antecedents should not, in principle, be a ground for rejecting a B9 application, since the interests of investigation and prosecution and of protecting the victim should prevail. It is, after all, a temporary residence permit, which serves a dual purpose. The situation could be different with regard to the permit on the grounds of the B16 regulation. Not enough is known about the process after a B9 residence permit has been granted. The IND does not keep a record of the number of victims with a B9 permit that then submit a B16 application. This makes it difficult to monitor how many B9 residence permits ultimately lead to continued residence.

Recommendation 5: The IND should keep records in such a way that all victims of human trafficking can be monitored during immigration law procedures.

In Chapter 5, only the 55 completed police investigations that were surveyed manually were discussed. This is because the police records do not provide reliable data on human trafficking: suspects of the various human trafficking offences and people smuggling are often registered under the same code.

Recommendation 6: The police should make a distinction between human trafficking and people smuggling in their records.

Chapter 7 discusses current initiatives to enhance international data collection. As mentioned there, it is very important, but also very difficult, to compile uniform international data. The national data on human trafficking are essential pillars for international data-collection initiatives. Nevertheless, most countries do not have reliable data on human trafficking at the national level, which impairs the generation of harmonised international data.

The EU Directive on Human Trafficking refers member states to their responsibility to appoint national rapporteurs or equivalent mechanisms, part of whose task is to collect and analyse data at the national level. The EU is investing in projects designed to improve data collection and analysis at the national level, such as the project of the National Commission for Combating Trafficking in Human Beings (NC-CTHB) in Bulgaria, a project in which the Bureau of the National Rapporteur is a partner. International cooperation is essential in this respect.

Given the many international data-collection initiatives, a recommendation is to build on existing initiatives. International cooperation could also prevent duplication of initiatives (see also National Rapporteur on Trafficking in Human Beings 2004, recommendation 53). Collaboration at an international level can also enhance the quantity and quality of data on human trafficking, by enabling countries to share best practices, for example.

Recommendation 7: The Dutch government should continue to press for international cooperation, in the interests of improving data collection and analysis at both the national and international level.

To be continued ...

The results of quantitative studies often provide a searchlight, which scans the environment and reveals its topography. If something stands out, it is advisable to zoom in and investigate it more closely. The same applies here. The statistical portrait of registered human trafficking in the Netherlands presented in this report naturally raises new qualitative issues. This report therefore ends with a list of possible ingredients for future reports by the National Rapporteur. The following striking findings in this report deserve further research:

- Chapter 2 shows the importance of conducting a national survey of victims of human trafficking. No such study has ever been made in the Netherlands. Is it possible?
- The data in Chapter 3 suggest systematic under-reporting of underage victims from the Netherlands and other countries to CoMensha. How would the situation appear if these victims were included?
- In addition to research into B9 residence permits, in this report the Bureau of the National Rapporteur was, for the first time, able to investigate the number of victims who had taken advantage of the reflection period. A notable finding is that a fifth of the victims who use the reflection period do not ultimately apply for a B9 permit. Why not?
- Although the increase in the maximum sentences for the offence of human trafficking has expanded the scope for the application of pre-trial detention, there was no increase in its application in the period 2007-2011. Why not?

- In one-fifth of the human trafficking cases that resulted in unconditional decisions by the PPS not to prosecute, the decision was based on a policy waiver. That is a very high percentage. On what grounds does the PPS decide on a policy waiver?
- Willingness to report offences varies from one group of victims to another. What are the reasons?
- Suspects born in Africa (with the exception of Morocco) appear relatively infrequently in the figures for prosecutions, which is striking because offenders and victims are often from the same region and Africa is the main region of origin of registered victims of sexual exploitation. What is the explanation for this?

Human trafficking is a multifaceted and largely invisible problem. In this report, we have analysed various aspects of the problem using statistics. These statistics are very important for guiding further research and for evaluating and, if necessary, adjusting policies. It is therefore essential that the relevant agencies register the relevant information as accurately and completely as possible. In that way, we can shed a little more light on hidden face of human trafficking.

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