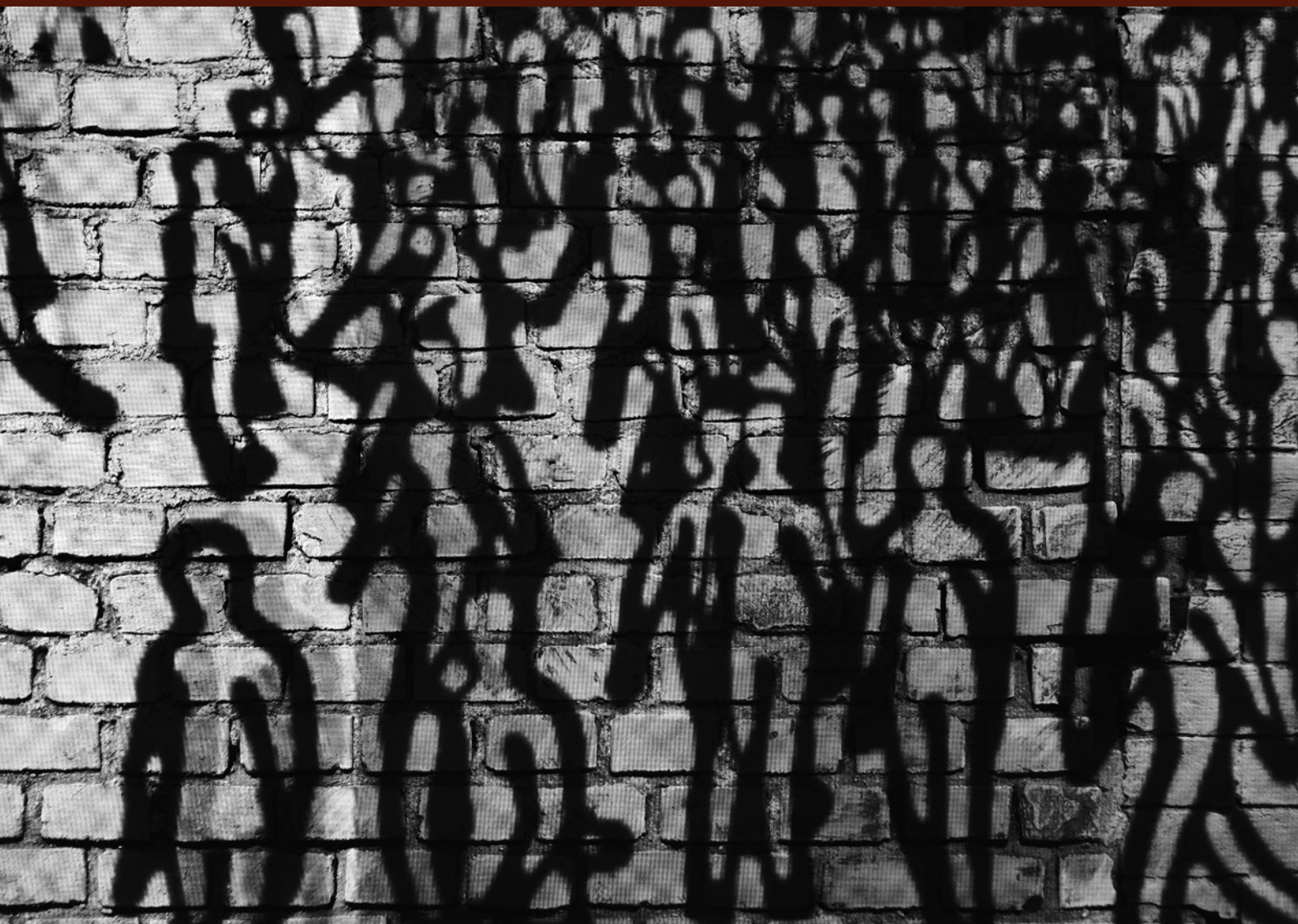




National Rapporteur on Trafficking in  
Human Beings and Sexual Violence  
against Children

# Trafficking in Human Beings: Visible and Invisible II

*Summary of the quantitative report 2008-2012*





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## Colophon

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## Foreword



“Trafficking in Human Beings: Visible and Invisible II” provides an overview of what is known about human trafficking in the Netherlands in the period 2008-2012. The existing statistics also provide an insight into the measures currently being taken to combat human trafficking, as well as information that can be used to enhance anti-trafficking efforts. The figures allow the organizations responsible for protecting victims, investigating human trafficking and prosecuting offenders to reflect critically on their role in suppressing human trafficking. What do the statistics imply for the fight against human trafficking? What subjects require further research? Where is there room for improvement? Better registration is essential to make human trafficking more visible and to facilitate an information-driven approach.

This summary presents the key figures for the period 2008-2012 and the related conclusions and recommendations from ‘Trafficking in Human Beings: Visible and Invisible II’. I have also recently published the latest key figures on human trafficking in separate quantitative updates, which reveal that there has been a substantial decline in the number of registered possible victims (1,437 in 2013 compared with 1,711 in 2012). As in previous years, the largest group of possible victims (almost a third of the total (32%)) had Dutch nationality. The figures show a slight increase in the number of underage victims, however, because the guardianship agency Nidos, the institution responsible for acting as guardian to unaccompanied minor aliens, has started reporting foreign minors who are possible victims. The number of registered suspects also declined in 2013, although suspects were convicted more often in 2013 than in previous years and the trend towards heavier sentences that has been evident since 2010 continued. These new statistics will be presented and analysed in the next issue of ‘Trafficking in Human Beings: Visible and Invisible’.

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

## Summary

What emerges from “Trafficking in Human Beings: Visible and Invisible II” is that a lot of statistics are already available about who possible victims are and what use they make of the facilities and resources that exist to protect them. However, in order to identify victims, agencies must know where to look and what to look for, and to provide effective help they must know to which victims the assistance has to be tailored. And effective investigations depend on knowing who the human traffickers are and how they operate. Prosecution and trial are the cornerstones of efforts to combat human trafficking, but who are the persons that ultimately appear in court and are sentenced?<sup>1</sup> International statistics on human trafficking are relevant: they give us an idea of what is happening in other countries and of developments that cannot be discerned at the national level, such as the movement of victims and offenders across borders. They can also serve as an early warning system: what is happening in other countries – such as trafficking for the purpose of organ removal, forced begging and criminal exploitation – could also appear in the Netherlands, so the information gathered about these phenomena in other countries can be extremely relevant in shaping anti-trafficking policies in the Netherlands. And vice versa, the knowledge that has been gained in the Netherlands can be of benefit to other countries in their efforts to combat human trafficking.<sup>2</sup>

The figures also illuminate bottlenecks in the approach taken in this country, including a number of notable aspects that deserve further investigation by the agencies concerned. Where possible, explanations were sought for these issues and they are analysed in the report. A number of questions have not yet been answered, however, and those questions are central to the conclusions in “Trafficking in Human Beings: Visible and Invisible II”. The answers to those questions could help to improve efforts to combat human trafficking in terms of both policies and their implementation.

In light of these observations, the key message from “Trafficking in Human Beings: Visible and Invisible II” is as follows:

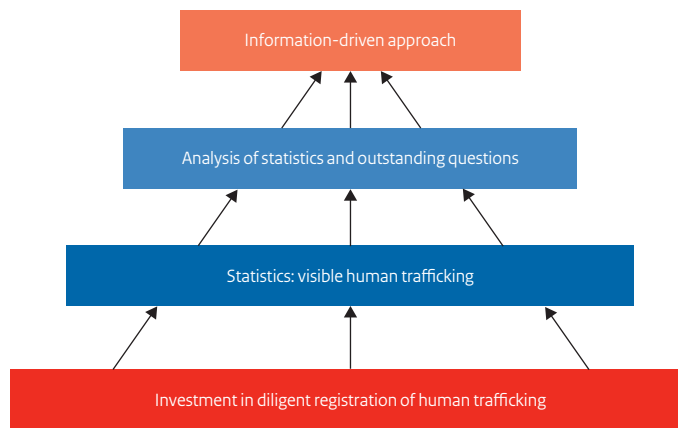
**Statistics hold a mirror up to organizations, revealing the human trafficking that is visible and the measures being taken to combat it, and guiding the strategy for tackling human trafficking.**

This key message formed the basis for the recommendations in the report. But reliable and accurate statistics depend on good and consistent registration, which is the foundation for the information on the actual state of affairs that the National Rapporteur presents in her reports. In 2012, it was decided to publish a separate report based on this quantitative information, entitled “Trafficking in Human Beings: Visible and Invisible”. “Trafficking in Human Beings: Visible and Invisible II” expands on that original report and as in the previous edition, most of the recommendations relate to improvements in registration.

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1 The figures were acquired from various organizations, including the Rapporteurs’ regular partners, the Coordination Centre for Trafficking in Human Beings (CoMensha), the Royal Dutch Marechaussee, the National Police, the Inspectorate of the Ministry of Social Affairs and Employment, the Immigration and Naturalization Service, the Public Prosecution Service and the Ministry of Justice and Security’s Research and Documentation Centre. Data were also received from Nidos, Jade Zorggroep, the Central Agency for the Reception of Asylum Seekers, NL Confidential, the Central Fines Collection Agency and the Violent Offences Compensation Fund. See the Dutch version of the full report “[Mensenhandel in en uit beeld II](#)” for a complete quantitative overview, the research methodology and the notes to the figures and tables.

2 See the Dutch version ([National Rapporteur 2014a, Chapter 9](#)) for a commentary on the usefulness of international statistics on human trafficking.



**Figuur 1** From investment in good, reliable registration to an information-driven approach

#### *Invisible human trafficking: what do we not see?*

“Trafficking in Human Beings: Visible and Invisible II” does not show the full scale of human trafficking. What remains invisible is the ‘dark number’ – the human trafficking situations that are not known to the relevant agencies and for which there are no reliable figures. The dark number, and hence the full scale of human trafficking, can only be estimated. Such estimates are very important for formulating policies with respect to investigation, for example: where, on the basis of the estimates, should the authorities be looking for the human trafficking that is still invisible? As explained in the previous edition of “*Trafficking in Human Beings: Visible and Invisible*” (2012), earlier estimates have tended to be unreliable, often because of methodological shortcomings and inaccurate data.<sup>3</sup> That situation has not changed, so existing estimates are not useful for designing anti-trafficking policies. At the time of the first issue of “*Trafficking in Human Beings: Visible and Invisible*” the National Rapporteur recommended that the government should endeavour to produce accurate estimates of the scale of human trafficking, which calls for complete and reliable data collection and the expertise of statisticians, in addition to that of human trafficking experts.<sup>4</sup>

#### *Visible human trafficking: what do we see?*

A substantially higher number of possible victims (1,711) were registered in 2012 than in 2011 (1,222). The number of suspects in registered human trafficking cases also rose, from 257 in 2011 to 311 in 2012. What does this mean? There are a number of possible explanations; for example, it might be attributable to greater awareness on the part of various agencies, enabling them to recognize more signs of human trafficking. Alternatively, it could be that more resources are being devoted to investigating human trafficking, so more situations are being uncovered? Provisional figures show that there was a substantial drop in the number of registered possible victims in 2013, and the number of registered suspects also declined in that year. These are noteworthy developments, but, as with an increase, they are not necessarily related to the actual scale of human trafficking. Looking for explanations for a change in the numbers is what interpreting the figures is all about. The terms ‘possible victims’ and ‘suspects’ imply that the data for the number of registered victims and the number of registered offenders in the records of the Public Prosecution Service (PPS) could include false positives (persons who are registered as a victim or an offender, but in reality are not). Because there are different interpretations of who is a victim or an offender, it is difficult, and perhaps even impossible, to check for false positives in the analyses. There can also be false negatives: persons who are not registered as victims or offenders, even though they are known to particular agencies.

The figure below illustrates the aspects of human trafficking and the measures taken to combat it that are covered in this quantitative analysis.

<sup>3</sup> National Rapporteur 2012a, Chapter 2.

<sup>4</sup> National Rapporteur 2012a, Recommendation 1.

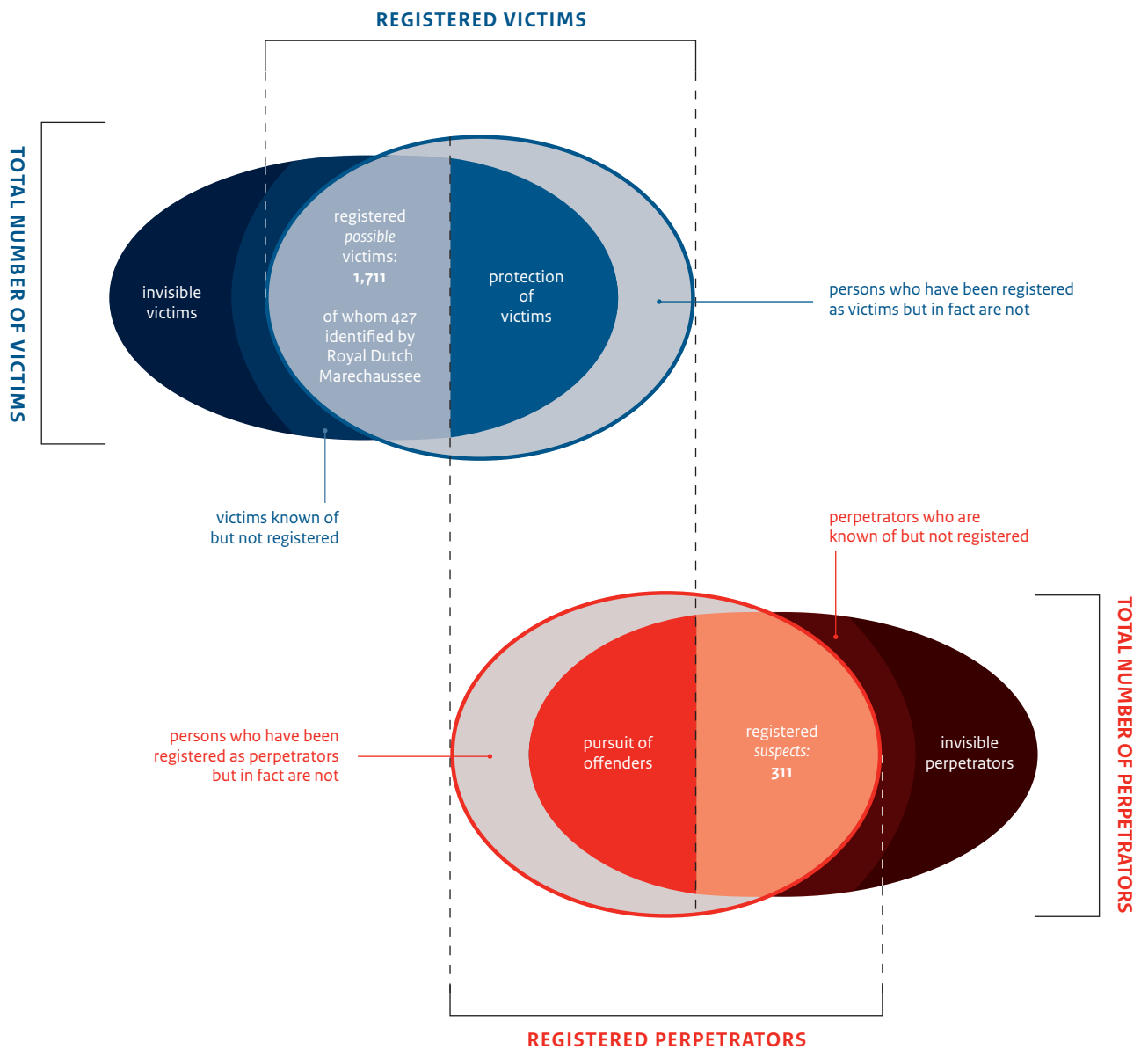


Figure 2 Visible and invisible human trafficking in 2012

## 2.1 Visible victims

Recognizing and promptly identifying victims, protecting them and providing help for them should be central elements of the policy to combat human trafficking. The national referral mechanism, which is being developed on the recommendation of and with the involvement of the National Rapporteur,<sup>5</sup> is an instrument designed to ensure that possible victims are identified early on and receive protection and assistance. The additional questions prompted by the figures in the report, and the answers to them, will have to be incorporated in the design of the national referral mechanism.

### *Which agency reports which victims, and when?*

CoMensha is the body responsible for registering possible victims of human trafficking for the purposes of the National Rapporteur’s mandate. However, it does not conduct a formal assessment, as in the case of a

5 See NRM9, §2.5 for more about the national referral mechanism and the associated recommendation.

conviction in a criminal trial, to establish that the person is actually a victim.<sup>6</sup> In 2012, CoMensha registered 1,711 possible victims, a substantial increase compared with previous years (there were 826 possible victims in 2008). The number of possible victims registered by CoMensha, and who they are, depends on which agencies have reported them to it, and to what extent they are obliged to do so. The National Police and the Royal Dutch Marechaussee are required to report possible victims to CoMensha,<sup>7</sup> and consequently reported the most possible victims: together they accounted for 80% of the possible victims reported in 2012.<sup>8</sup> Other agencies, including government bodies, have no such duty to report.

Because the Royal Dutch Marechaussee reported substantially more possible victims to CoMensha than in previous years, it was decided to further analyse these reports.<sup>9</sup> From a sample of the reports it was found that the Marechaussee reported mainly Bulgarian, Hungarian and Romanian possible victims that they encountered on arrival at airports or at the internal borders. This is obviously a reflection of more intensive efforts by the Royal Dutch Marechaussee to tackle human trafficking in border areas, and a number of projects have been launched in border regions to enhance the identification of human trafficking. The Marechaussee employ the barrier model. Possible victims who are being brought to the Netherlands from other countries have to cross the border, which very often represents the first opportunity to identify them in the Netherlands. In particular, these might be persons who match the profile of possible victims of the offence defined in Article 273f (1), opening lines and subsection 3 of the Dutch Criminal Code (DCC) (see text box below). This form of trafficking differs from the other forms defined in Article 273f DCC, in part because the cross-border aspect is not a requirement with the other forms of trafficking and because under subsection 3, there is no requirement of coercion or exploitation as there is with the offences under subsections 1 and 4. The background to and scope of subsection 3 is further explained below.

#### *Background and scope of subsection 3*

Under subsection 3, ‘any person who recruits, takes with him or abducts a person with the intention of inducing that other person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country’ is committing a criminal offence. The offence under subsection 3 ensues from the Geneva Convention of 11 October 1933 (Bulletin of Treaties 1935, 598) for the suppression of the traffic in women of full age. That convention obliges the signatories to make it a punishable offence to procure an adult woman, even with her consent, for immoral purposes to be carried out in another country.<sup>10</sup> This relates to cross-border trafficking of women, where the consent of the woman, even if she is an adult, is not relevant. In other words, even if the woman goes voluntarily, the mere act of taking or recruiting is a criminal offence. Domestic human trafficking is intentionally disregarded in this context. Subsection 3 also reflects the Netherlands’ respect for the criminal-law regimes regarding prostitution in other countries.

At the same time, the exploitation of prostitution is legal in the Netherlands and prostitution is a legal profession. Particularly in light of the abolition of the ban on brothels in 2000, the offence created with subsection 3 prompted considerable debate at the end of the 1990s. The proposal to abolish the ban on brothels at the time (which would mean that exploitation of voluntary prostitution would no longer be a criminal offence in the Netherlands) was regarded as inconsistent with subsection 3. The criminal provision was retained, however, because an amendment to remove the inconsistency would be in conflict with the 1933 Convention. The text of subsection 3 was therefore retained, even during the debate on the implementation of the EU Framework Decision 2002 and the UN Palermo Protocol in 2000, which form the basis of the current human trafficking article.<sup>11</sup>

6 See also [National Rapporteur 2014a](#), Chapter 3 (Dutch version).

7 See also [National Rapporteur 2014a](#), Chapter 3 (Dutch version); [National Rapporteur 2012a](#), pp. 47-48; NRM9, p. 135.

8 [National Rapporteur 2014a](#), Chapter 2 (Dutch version).

9 [National Rapporteur 2014a](#), Chapter 3 (Dutch version).

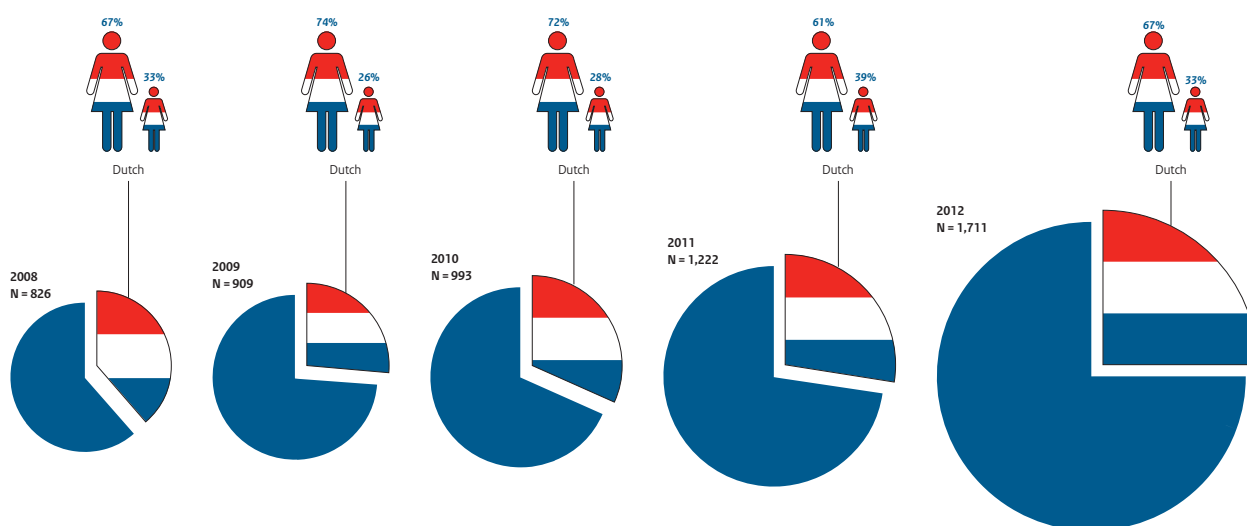
10 Article 1 of the Convention reads: “Whoever, in order to gratify the passions of another person, has procured, enticed or led away even with her consent, a woman or girl of full age for immoral purposes to be carried out in another country, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries. Attempted offences, and, within the legal limits, acts preparatory to the offences in question, shall also be punishable.” On this provision, see also [NRM7](#), p. 409, 428.

11 See also [National Rapporteur 2014a](#), Chapter 3 (Dutch version).

Because of the major differences between the forms of human trafficking, indications of one form do not necessarily also constitute signs of others. For example, a study of case files showed that the arrival of a Bulgarian woman (without a companion) at an airport might be an indication of a possible offence under subsection 3, but such a sign is a long way from meeting the requirements of coercion and exploitation for human trafficking under subsections 1 and 4.<sup>12</sup> This underscores the importance of making a distinction between signs of different possible forms of human trafficking when reporting an offence. It is only then that registration of the report can also provide an insight into the forms of human trafficking that have occurred.

#### *Who are the possible victims?*

Over the entire period 2008-2012, the vast majority of the registered possible victims were women (87%) and 15% were minors. The largest group of possible victims in the period were aged between 18 and 24 (38%). In each year, the largest group of possible victims were Dutch, often followed by Bulgarians, Hungarians, Romanians and Nigerians (with the order changing from one year to another).<sup>13</sup> In all, 30% of the possible victims in the period 2008-2012 were from Central and Eastern Europe and 24% were from African countries. The figure below shows the proportion of Dutch minors and adults who were possible victims in that period in relation to the total in each category.<sup>14</sup>



**Figure 3** Dutch underage and adult possible victims in relation to the total number of underage and adult possible victims (2008-2012)

Figure 4 shows the number of possible victims who were reported to CoMensha in 2012 and the numbers that were reported in connection with sexual exploitation or exploitation outside the sex industry or who had not yet been put to work at the time of the notification.

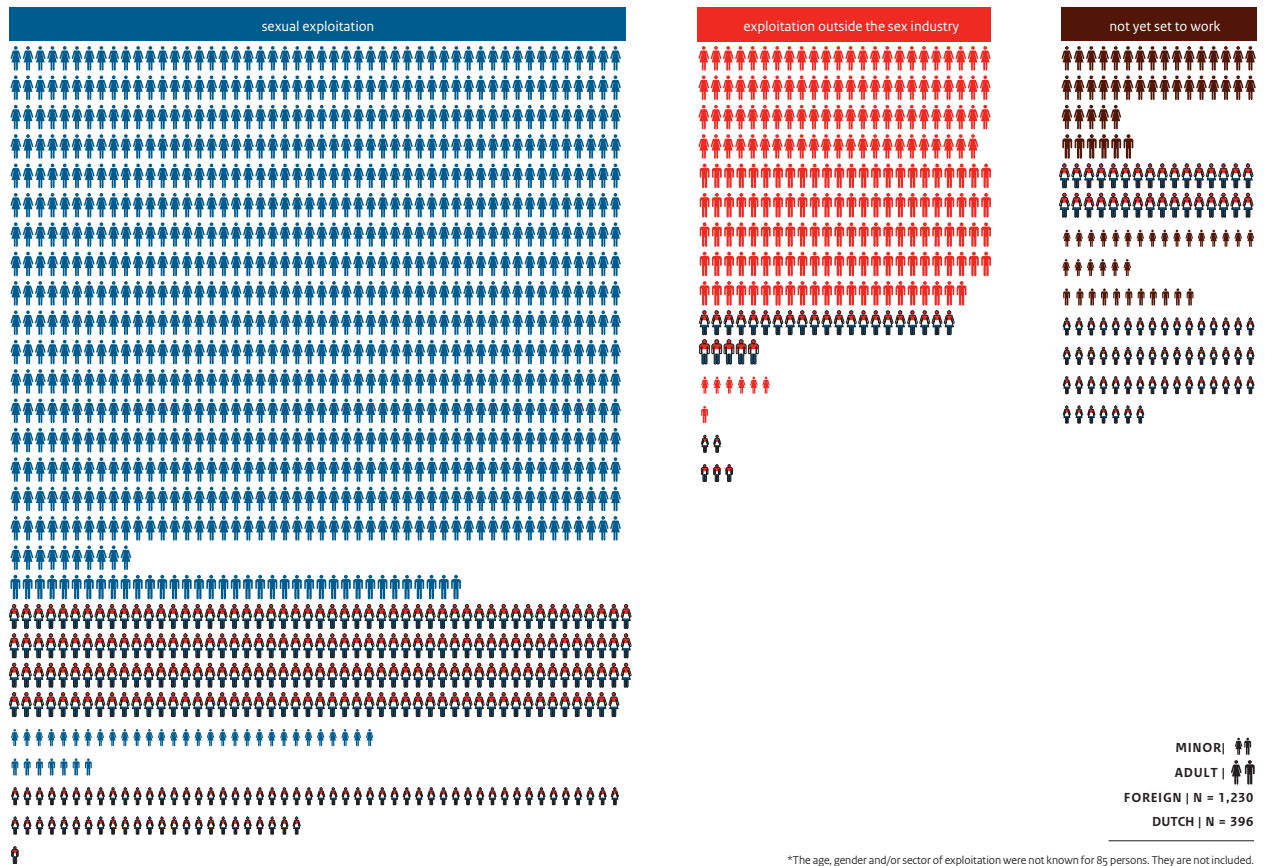
12 Article 273f (1) opening lines and subsection 1 DCC reads as follows: 'Any person who by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding twelve years and a fifth category fine [...]' (Article 273f DCC, valid from 15 November 2013). Article 273f (1) opening lines and subsection 4 DCC reads as follows: 'Any person who forces or induces another person by the means referred to under (a) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding twelve years and a fifth category fine [...]'

13 *National Rapporteur 2014a*, Chapter 3 (Dutch version).

14 The National Rapporteur has recently published new key figures. These new figures will be further presented and analysed in a later edition of "Trafficking in Human Beings: Visible and Invisible".



FORMS OF EXPLOITATION BROKEN DOWN BY GENDER, AGE AND NATIONALITY (N= 1,711 IN 2012\*)



\*The age, gender and/or sector of exploitation were not known for 85 persons. They are not included.

Figure 4 Forms of exploitation broken down by gender, age and nationality (2012)

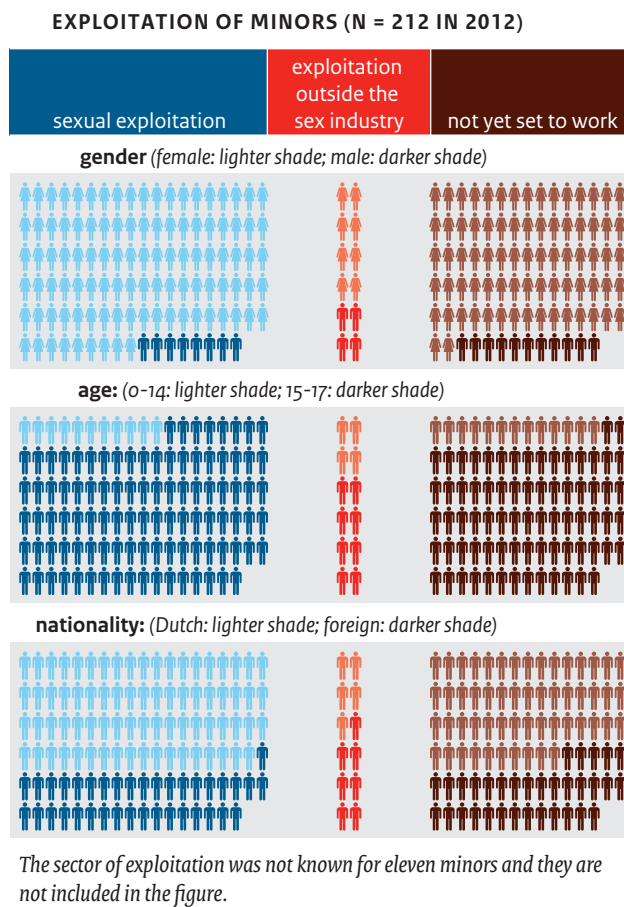
There is no such thing as a stereotypical victim. The report shows that it is not always possible to assign victims to a specific category in terms of their personal characteristics and the help they need.<sup>15</sup> For example, possible victims originally from Africa would be generally trafficked for sexual exploitation, regardless of their gender and age, but that does not apply to those from other regions. Possible victims up to the age of 30 from Central and Eastern Europe, for example would be generally sexually exploited, while most of the possible victims from the same region over the age of 30 would be generally exploited outside the sex industry. This finding confirms the potential diversity in the profiles of possible victims. And even if some possible victims can be divided into categories, that does not necessarily mean that they are also similar in other respects. Take Dutch possible victims and possible victims from certain countries in Africa, for example. The two groups display strong similarities in terms of gender (mainly women), age (average age 22.9) and the sector in which they are exploited (almost always the sex industry), but they clearly differ with regard to aspects such as the use of shelter and whether or not they file a complaint. It is also apparent that possible victims who have not yet been put to work are generally the youngest. Might they need a different type of help? That is something that agencies such as the Youth Care Agency and the guardianship agency Nidos have to consider. In short, a tailored approach is required in designing policies for specific groups: it is essential to consider the individual characteristics of possible victims and the specific help they require, which can be different for each one.

*Is more already known about underage victims?*

Because minors are a group that demand special attention in efforts to combat human trafficking, the National Rapporteur has repeatedly drawn attention to the need to report underage possible victims. In response to the findings in the Ninth report, the Youth Care Agency has already taken the first steps by establishing a

committee that will focus on developing expertise in relation to human trafficking and the registration of victims. Nidos, the institution that exercises guardianship over unaccompanied minor aliens, has been reporting possible victims to CoMensha since 2013, which prompted the National Rapporteur to perform a baseline measurement of the number of unaccompanied minor aliens that were placed in protected shelters as a result of suspicions of human trafficking in the period 2008-2012. Many of these minors are from Guinea, Sierra Leone and Nigeria, although there were also substantial numbers of Indian, Chinese and Angolan children in specific years.

The figure below shows the form of exploitation experienced by the minors who were reported to CoMensha in 2012 and who had already been put to work, broken down by gender, age and nationality.



**Figure 5** Forms of exploitation of minors broken down by gender, age and nationality (2012)

In themselves, CoMensha's records provide no insight whatever into the full scale of human trafficking, but they are extremely relevant for gaining the clearest possible impression of the types of situations that can occur in the Netherlands, for example by highlighting new forms of human trafficking or revealing the willingness of possible victims to make a complaint at the start of the protection chain (when they are reported to CoMensha). This information can guide measures to address the phenomenon. Although the National Police and the Royal Dutch Marechaussee are the two principal groups of notifiers of possible victims, there are signs that they do not always comply with their duty to report possible victims to CoMensha. For example, it emerged from an analysis of 77 criminal investigations<sup>16</sup> that only just over half of the possible victims concerned (N = 249) were known to have been reported to CoMensha. Reporting by other agencies is also inadequate. To form the clearest possible impression of who possible victims are, it is important for every

agency to report them to CoMensha at the slightest indication. The national referral mechanism is an important instrument in this regard, which leads to the following recommendation:

**RECOMMENDATION 1**

**It is recommended that the Minister of Security and Justice include a provision in the national referral mechanism requiring all possible victims to be reported to CoMensha. Agencies with a duty to report must comply with it consistently; agencies that do not have such a duty should nevertheless report all possible victims known to them.**

## 2.2 The protection of victims

The protection of victims and the investigation of human trafficking are two sides of the same coin. Protecting the victim must be central to efforts to combat human trafficking and should extend from their identification to the provision of after-care. This would also benefit investigations: statements by victims are an important element of the process of gathering evidence in order to frustrate the human trafficking process. Furthermore, close cooperation between care providers and investigative agencies is important to prevent re-victimization. The figures in “[Trafficking in Human Beings: Visible and Invisible II](#)”<sup>17</sup> raise the following questions regarding the protection of victims which need to be considered in drafting the national referral mechanism.

### *What happens when unaccompanied minor aliens leave protected shelter?*

Unaccompanied minor aliens who are suspected of being victims or who are particularly vulnerable to human trafficking are placed in a protected shelter, which is provided by a consortium of the Central Agency for the Reception of Asylum Seekers, the implementing organization Jade Zorggroep and the guardianship agency Nidos. Most unaccompanied minor aliens are identified immediately on arrival in the Netherlands and are then placed in a protected shelter. They can also be discovered elsewhere in the country, by the police for example. The figures also show that a small number of unaccompanied minor aliens were already staying in one of the Central Reception of Asylum Seekers’ regular shelters for unaccompanied minors and had been relocated to a protected shelter. A team of guardians from Nidos conducts an intake interview to determine whether there are signs that a minor is a possible victim of human trafficking and whether he or she should therefore be placed in a protected shelter.<sup>18</sup>

According to “[Trafficking in Human Beings: Visible and Invisible II](#)”,<sup>19</sup> an unaccompanied minor alien who was placed in a protected shelter in the period 2008-2012 spent an average of four to six months. A substantial number of unaccompanied minor aliens were almost eighteen years of age when they were placed in a protected shelter, while the largest group was between the ages of fifteen and seventeen. What stands out is that unaccompanied minor aliens were often still minors when they left the protected shelter again: the average age on departure was 16½. When they left the protected shelter, most appear to have been relocated to an asylum centre (a special centre for unaccompanied minors if they are still underage). A large proportion appear to have been placed in small residential units or a small communal group. In the period 2008-2012, a substantial number left these latter locations for an unknown destination (representing 23% of the total number of unaccompanied minor aliens who left with an unknown destination). It is possible that if these minors were victims of human trafficking, a number of them will have returned to the traffickers. What facilities are there to protect unaccompanied minor aliens against human traffickers when they leave a protected shelter? The National Rapporteur is conducting further research into the level of protection for this category of possible victims.

### *Why do some victims use the right of temporary residence while others do not?*

By virtue of Chapter B8/3 of the Aliens Act Implementation Guidelines, possible victims of human trafficking are entitled to a reflection period and temporary residence (Regulations on Residence for Victims of Human

17 National Rapporteur 2014a, Chapters 4, 5 and 8 (Dutch version).

18 See also NRM9, §2.6.4.

19 National Rapporteur 2014a, Chapter 4 (Dutch version).

Trafficking).<sup>20</sup> Possible victims who made use of the right of temporary residence in the period 2008-2012 were generally women (80%) and adults (93%) and had Nigerian (24%), Sierra Leonean (10%), Guinean (8%), Chinese (7%) or Hungarian (5%) nationality. The figure below shows which victims used the reflection period (with or without a subsequent application for temporary residence) and which victims were granted temporary residence in 2012.<sup>21</sup>

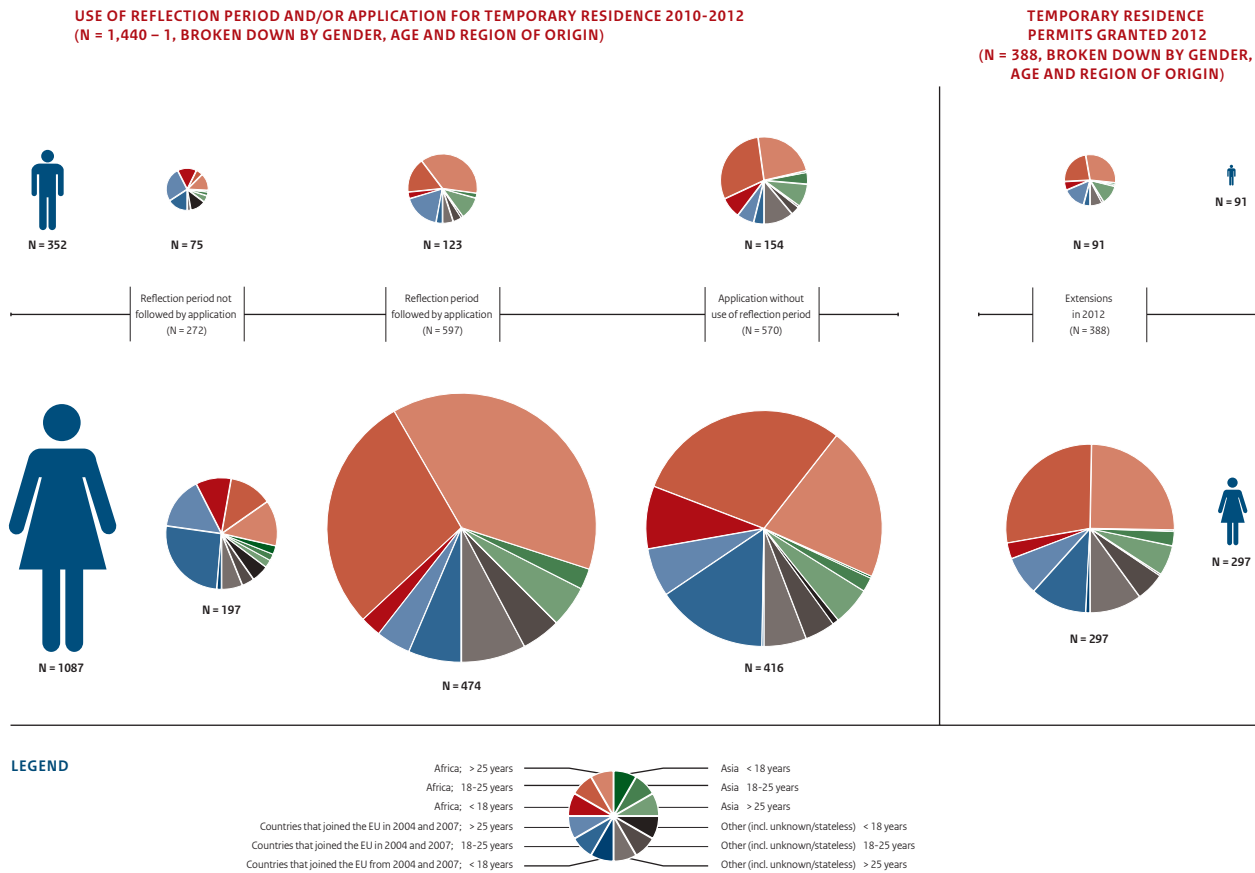


Figure 6 Right of temporary residence for victims of human trafficking

Interestingly, certain groups of victims make scarcely any use of the right of temporary residence. One such group is non-Dutch minors. Only 7% of the total number of victims who were granted temporary residence in the period 2008-2012 were minors. Another group of victims who make relatively little use of the right of temporary residence are victims from Central and Eastern Europe, who are also entitled to the facilities connected with temporary residence, such as shelter and legal advice, insofar as they do not already enjoy those rights under European legislation, although a significant proportion of these victims did in fact take advantage of the reflection period. It is not clear from the figures why some victims make use of the right of temporary residence and others do not. It is a subject that deserves further research.

*An application for temporary residence is not immediately dealt with: what are the consequences for the victim?*

The report also shows that, on average, a victim makes a complaint or otherwise cooperates with the investigation or prosecution just over a month and a half after the start of the reflection period.<sup>22</sup> It is notable that a temporary residence permit is granted, on average, thirteen days after the possible victim agrees to cooperate. The Immigration and Naturalization Service generally makes a decision on an ap-

20 See also: <https://ind.nl/EN/organisation/themes/human-trafficking/residency-regulation-human-trafficking>.  
 21 National Rapporteur 2014a, Chapter 5 (Dutch version).  
 22 National Rapporteur 2014a, Chapter 5 (Dutch version).

plication within the target deadline of 24 hours, so it appears that applications for temporary residence are not submitted to the Immigration and Naturalization Service immediately after the possible victim has agreed to cooperate with the investigation or prosecution. Why this is, and whether it has negative consequences for the victims, is not apparent from the figures and therefore requires further investigation. An application for temporary residence should be sent immediately to the Immigration and Naturalization service.

*How can victims who have received compensation be protected against individuals who want to take the money from them?*

There are various ways in which victims can secure compensation for damages resulting from a human trafficking situation. The report<sup>23</sup> reviewed the number of orders to pay compensation that were imposed and it was found that number was higher in 2012 (35) than in preceding years, which is very probably connected with the increase in the number of human trafficking cases disposed of by the PPS. The Victims' Status (Legal Proceedings) Act [*Wet ter Versterking van de positie van het slachtoffer in het strafproces*] provides that eight months after a judgment has become final and irrevocable, the State will advance the amount of compensation awarded that has not yet been paid to the victim. The advance payment scheme is used frequently (with respect to 86% of the total number of compensation orders in 2011 and 77% 2012), with the result that the victim receives a large sum of money at once. Although the advance payment scheme does ensure that the victim is not left empty-handed if the convicted person fails to pay the compensation awarded, at the same time there is a risk of the victim being revictimized, if someone, including the human traffickers, wishes to take the money from them. To prevent that, the possibility of providing after-care for victims should receive special attention in developing the national referral mechanism.

**RECOMMENDATION 2A**

**It is recommended that the Minister of Security and Justice devote special attention in designing the national referral mechanism to the protection of foreign victims, with particular attention to the protection of unaccompanied minor aliens after their departure from protected shelter, matching the right of temporary residence for victims of human trafficking to the needs of victims, and accelerating the procedures under the Regulations on Residence for Victims of Human Trafficking.**

**RECOMMENDATION 2B**

**It is recommended that the Minister of Security and Justice devote special attention in designing the national referral mechanism to after-care for victims, particularly victims who have received compensation, in order to prevent their re-victimization.**

## 2.3 The investigation of human trafficking

The importance of effective protection of victims has been stressed above. How closely linked the protection of victims is to effective investigation follows from an analysis of 77 investigations that the National Police, Royal Dutch Marechaussee and the Inspectorate of the Ministry of Social Affairs and Employment sent to the PPS for prosecution in 2012.<sup>24</sup> This analysis covered a sample of the total number of investigations (probably more than 100). The figure below provides an overview of the number of investigations carried out in connection with each form of exploitation and the number of victims and suspects involved.

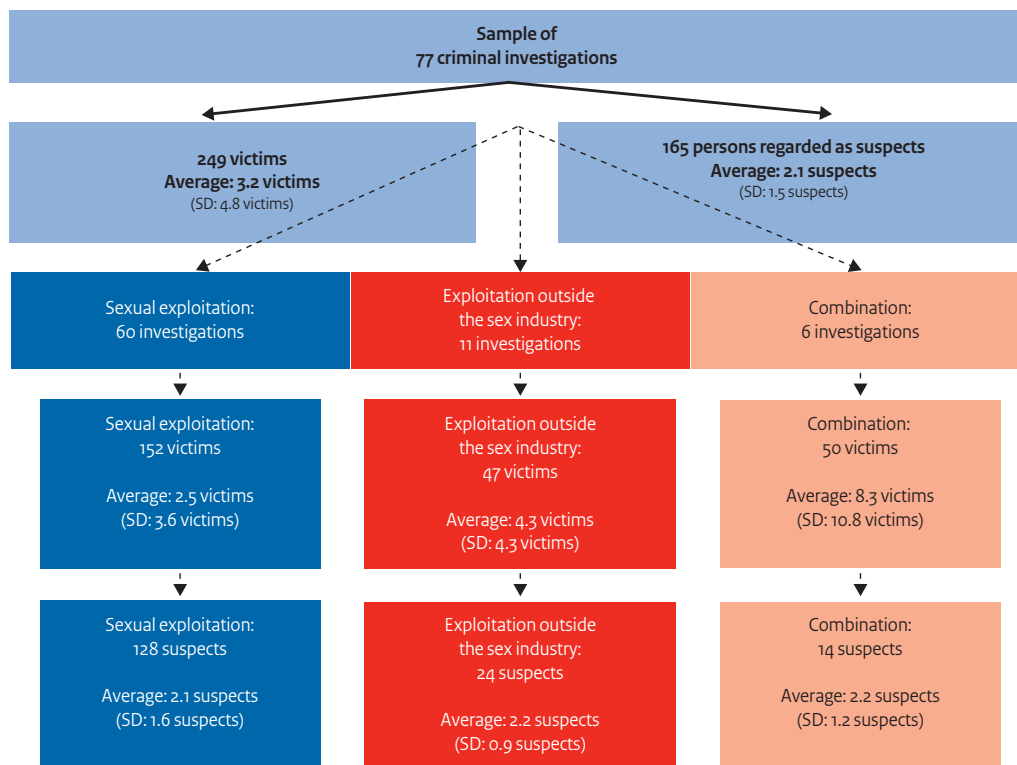


Figure 7 Overview of criminal investigations

The analysis of the investigations raised a number of questions. They are discussed below.

### *Where can existing barriers be strengthened and new barriers erected to prevent human trafficking?*

To answer this question, it is relevant to consider where victims are recruited. On the basis of the 77 investigations, a rough distinction can be made between situations where victims are recruited in the Netherlands (N = 40) and situations where they are recruited in another country (N = 37).

## HUMAN TRAFFICKING STRUCTURES BY COUNTRY WHERE THE VICTIMS WERE RECRUITED (N = 77)

At least one victim was recruited in the Netherlands



At least one suspect was from Central and Eastern Europe



At least one victim was from the Netherlands



At least one victim was from Central or Eastern Europe



At least one suspect was from Turkey, Morocco or Surinam



At least one suspect was from the Netherlands



Cases involving human trafficking and other criminal activities



Figure 8 Recruiting practices as derived from the investigations (N = 77), broken down by recruitment in the Netherlands and recruitment in another country<sup>25</sup>

Victims who are recruited in the Netherlands are usually from the Netherlands, but not necessarily – a number of victims from Central and Eastern Europe and from Asia were also recruited in the Netherlands. Searching for the recruiters in the regions of origin of the victims is therefore not always the most logical step to take. In the Netherlands, victims were usually recruited in the hospitality sector, via internet, at school or in prostitution zones, which is where potential barriers could be erected or – if they already exist – strengthened. This is a subject that deserves further research. In the case of investigations in which victims were usually not recruited in the Netherlands, both victims and suspects most often came from Central and Eastern Europe. None of the Dutch victims were recruited abroad.

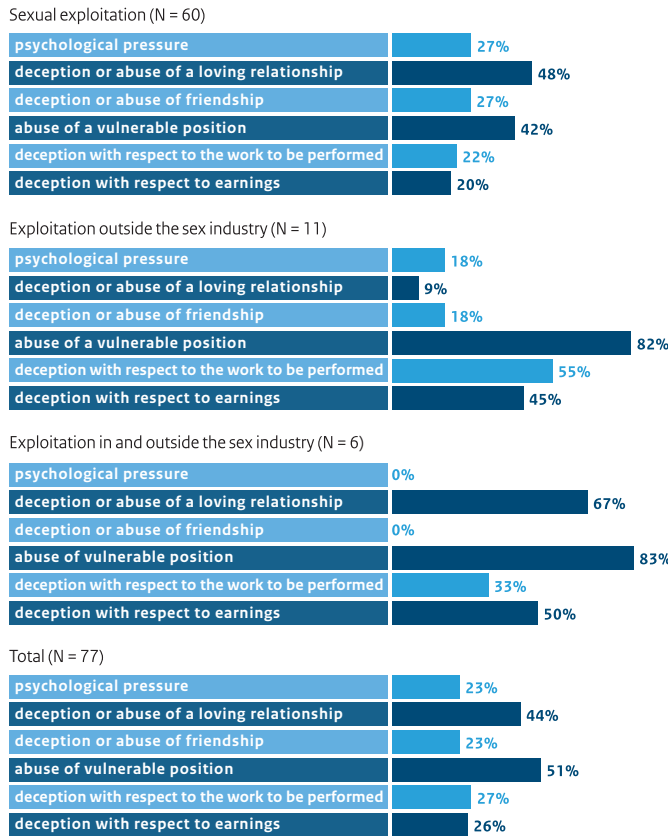
*Victims are subjected to physical or mental pressure: what does this imply for the investigation and prosecution?*

The analysis of the investigations showed that violence is not usually used in the recruitment of victims. The figure below shows the most common recruiting methods for each form of exploitation.

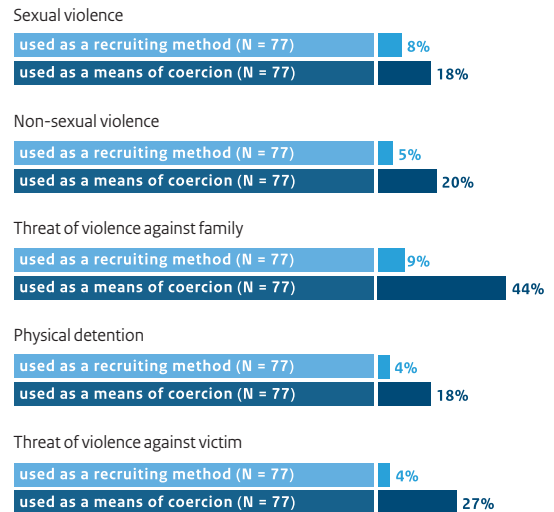
<sup>25</sup> A statistical analysis (cluster analysis) was performed to break down the 77 investigations into groups that were as different as possible (heterogeneity) and which displayed the greatest possible similarities (homogeneity).

**RECRUITING PRACTICES AS DERIVED FROM THE INVESTIGATIONS (N = 77)**

**MOST COMMON METHOD OF RECRUITMENT FOR EACH FORM OF EXPLOITATION**



**(THREAT OF) VIOLENCE USED AS A METHOD OF RECRUITMENT AND/OR AS A MEANS OF COERCION**



**Figure 9 Most common methods of recruitment by form of exploitation<sup>26</sup>**

Instead of violent methods of recruitment, human traffickers more often seem to exert pressure by abusing a victim’s vulnerable economic, psychological or social position and making him or her feel dependent on the perpetrator. Other frequently used methods of recruitment are deception or abuse of a loving relationship, deception about the nature of the work and the working conditions or about who will receive the earnings, deception with regard to friendship and the exertion of psychological pressure. Notably, violence or the threat of violence is frequently used more during the human trafficking situation than in the recruitment phase. Nevertheless, even then the pressure exerted by the suspect is generally of a psychological nature. Victims can continue to experience this psychological pressure even after the human trafficking situation has ended, which can affect their decision on whether or not to make a complaint and the quality of the complaint. A formal complaint is important for the successful prosecution of human trafficking, so it is important for the psychological pressure the victim might be experiencing to be taken into account during the investigation and prosecution. To what extent can making a complaint be postponed if that would be in the interests of the quality of the complaint?

*What follow-up is there for human trafficking situations where victims are afraid or unwilling to make a complaint?*

The analysis showed that criminal investigations rely to a large extent on the statements of victims. In almost half (49%) of the investigations, a complaint or an incriminating statement was one of the factors in the decision to launch an investigation into human trafficking. Frequently, further complaints and incriminating

26 A statistical analysis (cluster analysis) was performed to break down the 77 investigations into groups that were as different as possible (heterogeneity) and which displayed the greatest possible similarities (homogeneity).



statements are made by victims in the course of the investigation. In practically every case (95%), at least one of the victims in the investigation made a complaint or a statement. And in the majority of the investigations (78%), every victim made an incriminating statement, in the form of a complaint or otherwise. Little is known at the present time about what further action is taken to prosecute suspects and protect victims in human trafficking situations where victims are afraid or unwilling to make a complaint.

#### *How can the investigation be expanded?*

A broad investigation is necessary. It is important that an investigation into human trafficking is not confined to a particular suspect, but also focuses on other aspects of the trafficking process. Three topics deserve special attention. First, financial investigations can help in the process of gathering evidence and, hence, help to reduce the reliance on victims' statements. Financial investigations are also an effective instrument for securing orders for the confiscation of criminal earnings. Investing in financial investigations, therefore, could also lead to more confiscation orders, which were only imposed in 3% of all human trafficking cases in the period 2010-2012<sup>27</sup>. Second, human traffickers seldom act alone (the average number of suspects in each of the investigations studied was two). It is therefore important to endeavour to apprehend other links in the network. It was found, for example, that in 38% of the 77 investigations studied, the National Police, the Royal Dutch Marechaussee and the Inspectorate of the Ministry of Social Affairs and Employment had uncovered 'criminal cooperatives' comprising more than two members. Although the terms do not entirely overlap, it is still remarkable that charges are seldom brought for membership of a criminal organization (within the meaning of Article 140 DCC).<sup>28</sup> Finally, legal organizations that facilitated human trafficking were identified in 43% of the investigations. At least 69 such facilitators were discovered, but only 12% were charged under criminal law and 3% under administrative law. In other words, despite the awareness of additional links in the human trafficking process, little action seems to be taken against them.

These findings are relevant for developing an effective, information-driven approach to investigations. These findings could only be arrived at by studying the 77 investigations individually, because, in relation to human trafficking in any case, the police records do not provide a national overview that could be used for such an analysis. Furthermore, the distinct offences of human trafficking and people smuggling are often registered under the same code. The absence of proper police registration forms an obstacle to an information-driven investigation, which leads to the following recommendation.

#### RECOMMENDATION 3

**It is recommended that the Minister of Security and Justice design the police registration systems in such a way that they show at least how many human trafficking situations the police are aware of at the national level and the forms of human trafficking they involve.**

## 2.4 Suspects and perpetrators

"*Trafficking in Human Beings: Visible and Invisible II*"<sup>29</sup> provides an insight into the prosecution and trial of human trafficking cases in the period 2008-2012. In 2012, the PPS registered the largest ever number of suspects (311) and disposed of the largest ever number of human trafficking cases (338).<sup>30</sup> In the period 2008-2012, most suspects (82%) and convicted perpetrators (86%) were male and, on average, they were aged between 30.1 and 33.7 (suspects) and between 28.0 and 34.1 (perpetrators). Most were from the Netherlands, with a substantial number also from Central and Eastern European countries, Turkey, Morocco and Surinam.

Just as there is no such thing as a stereotypical victim, there is no typical offender. This becomes clear by studying the roles that suspects perform in the human trafficking process, which was done for 165 persons

27 [National Rapporteur 2014a](#), Chapter 8 (Dutch version).

28 [National Rapporteur 2012b](#), Chapter 3.

29 [National Rapporteur 2014a](#), Chapter 7 (Dutch version).

30 The National Rapporteur has recently published new key figures. The new figures will be presented and analysed in a future edition of "*Trafficking in Human Beings: Visible and Invisible*".

who were regarded as suspects in the investigations that were forwarded to the PPS in 2012.<sup>31</sup> Most of the investigations involved sexual exploitation, which would explain the fact that the largest group of suspects were pimps. Many of the others were recruiters. Other suspects were frequently persons who provided accommodation or who transported victims to the Netherlands from another country. There seems to be a link between the personal characteristics of a suspect and the role he or she plays in the human trafficking process. Recruiters and pimps, for example, appear to have a criminal record more often than other suspects. On average, the persons who provide documents are the oldest suspects and often come from Central or Eastern Europe. The suspects who transport victims to the Netherlands from other countries are more often from Central and Eastern European countries than other suspects. This is important information for helping the Royal Dutch Marechaussee to identify human trafficking in the border regions and it is relevant for determining which agencies can identify which suspects and where.

#### *How are human trafficking cases disposed of?*

The conviction rate for human trafficking was significantly higher in 2012 than in previous years, as the figure below shows.<sup>32</sup>

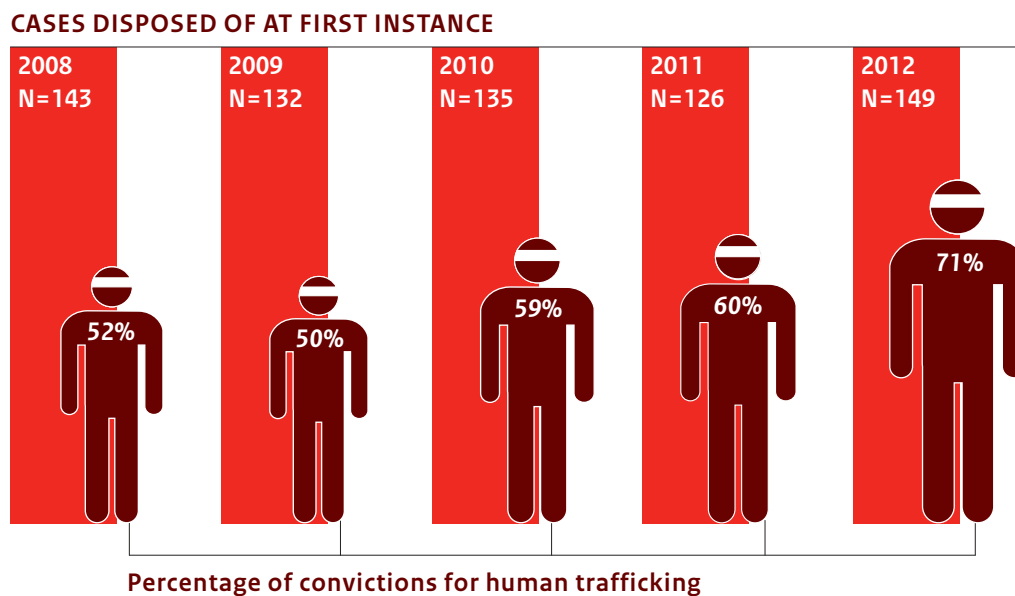


Figure 10 Cases disposed of at first instance and conviction rates for human trafficking (2008-2012)

There has also recently been a trend towards heavier sentences. In 2012, the average length of the unconditional custodial sentences that were imposed was 781.0 days, compared with 616.3 days in 2010.<sup>33</sup> This seems to reflect the raising of the maximum statutory sentences with effect from July 2009.

<sup>31</sup> National Rapporteur 2014a, Chapter 6 (Dutch version).

<sup>32</sup> The National Rapporteur has recently published new key figures. The new figures will be presented and analysed in a future edition of "Trafficking in Human Beings: Visible and Invisible".

<sup>33</sup> Idem.

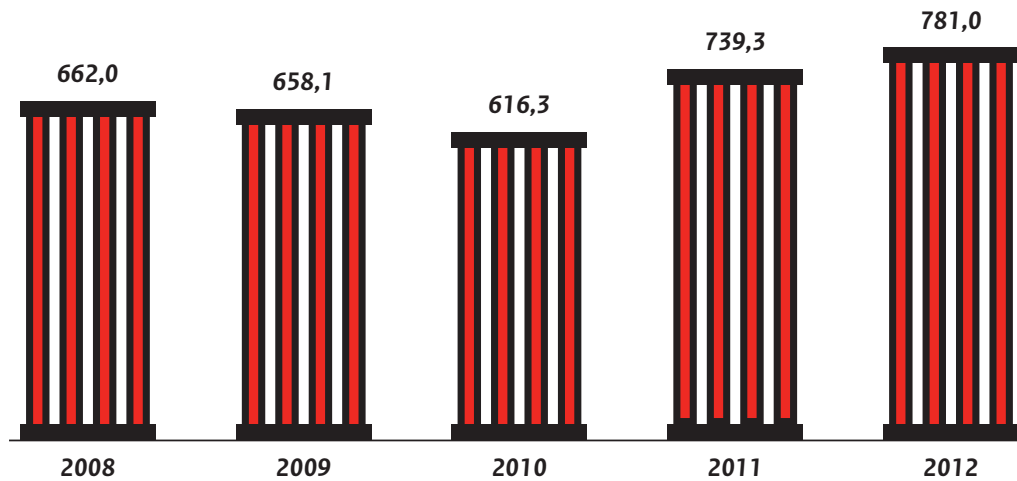
**AVERAGE LENGTH IN DAYS OF UNCONDITIONAL CUSTODIAL SENTENCES**

Figure 11 Average length in days of unconditional custodial sentences imposed (2008-2012)

The PPS usually (in 70% of cases) issued a summons for human trafficking, but approximately a quarter of cases were unconditionally dismissed. Remarkably, a fifth of the dismissals were discretionary, which requires further elaboration. It is not known whether the decisions not to prosecute involved sexual exploitation or exploitation outside the sex industry because that information is not registered by the PPS and can only be ascertained by studying the case files. This handicaps efforts to form a clear impression of the nature of human trafficking cases and, by extension, the effectiveness of the fight against the offence.

The Rapporteur had earlier recommended that agencies throughout the chain should register whether a human trafficking case they dealt with involved sexual exploitation, exploitation in other sectors or human trafficking for the purpose of organ removal.<sup>34</sup> The Immigration and Naturalization Service has already taken steps in response to that recommendation, but the PPS has not yet done so. It is therefore impossible to tell from the figures how often the various manifestations of human trafficking appear in criminal cases. The importance of being able to do so is even greater now that the EU Directive refers to the necessity of investigating new forms of human trafficking. This leads to the following recommendation.

**RECOMMENDATION 4**

**It is recommended that the Public Prosecution Service register the type of human trafficking cases they deal with: sexual exploitation, exploitation outside the sex industry or other forms of human trafficking.**

## 2.5 African victims: invisible?

A large number of the complaints received by the National Police, particularly from possible victims from Africa, mainly West Africa, contain few if any leads for an investigation. A survey by the National Rapporteur showed that there were probably more than 200 such complaints in 2012.<sup>35</sup> These are usually complaints made by persons who are entitled to a temporary residence permit for victims of human trafficking. These complaints must always be documented and must also be sent to the PPS, even if there is no known suspect or leads for an investigation. The PPS does not assign a case number to these complaints and consequently the records do not show how they have been dealt with, but the PPS does notify the possible victim if the case

<sup>34</sup> National Rapporteur 2012a, Recommendation 4.

<sup>35</sup> National Rapporteur 2014a, Chapter 7 (Dutch version).

is not being prosecuted. Objections can be made to a decision not to prosecute by filing an application under Article 12 of the Dutch Code of Criminal Procedure, and they regularly are. In short, the possible victim suffers legal consequences from the complaint, but elucidating them is extremely difficult.

In light of the large number of complaints, it is remarkable that the visibility of possible victims from African countries seems to be steadily declining. For example, there are fewer registered possible victims with Nigerian nationality in CoMensha's records, in both relative and absolute terms. Only 6% had Nigerian nationality in 2012, compared with 11% in 2011. In 2012, 17% of the registered possible victims were nationals of African countries, compared with 28% the previous year (even without the possible victims reported by the Royal Dutch Marechaussee the figure would have fallen to 22%).<sup>36</sup> The question is whether there actually are fewer Nigerian victims in the Netherlands or whether they are becoming less visible than previously. Or is the decline due to less attention being devoted to identifying and reporting Nigerian victims? It is also worth taking a look at the situation in other countries in this context: what is known about human trafficking situations involving possible victims from Africa in those countries? Another question that arises is to what extent the smaller number of registered possible victims from African countries is connected with the discussion about improper use of the temporary right of residence. Victims with Nigerian nationality have made the most frequent use of the right of temporary residence, but their number has also declined: the proportion of Nigerian victims that were granted temporary residence in 2012 was 19% (N = 75), compared with 27% (N = 108) in 2011.<sup>37</sup> Of the total number of victims granted temporary residence, 57% came from Africa, compared with 67% in 2011. There are indications from the shelter and aid organizations that victims in this category are being informed less often than previously about their entitlement to a reflection period with the aim of preventing abuse of the temporary residence scheme. African victims seem to be losing out in a number of respects: for example, the figures for applications for financial compensation from the Violent Offences Compensation Fund show that a relatively larger number of applications from possible victims from Africa are rejected.<sup>38</sup> No clear explanation could be found for these findings.

Relatively little is known about human trafficking situations involving possible victims from Africa, apart from the fact that their formal complaints reportedly contain few leads for further investigation. It is important to carry out a national analysis of these complaints in order to expose trends in and links between possible human trafficking situations. After all, the absence of further leads does not necessarily mean that there was no human trafficking. The *Koolvis* investigation into a large Nigerian human trafficking network is just one of the examples that showed how Nigerians could well be victims. However, it is not possible at present to perform a national analysis of these complaints because there is no system for structurally and uniformly registering the complaints that are sent to the PPS. This leads to the following recommendation.

#### RECOMMENDATION 5

**It is recommended that the Public Prosecution Service register, in a structured and uniform manner, those complaints with respect to which it is decided almost immediately not to prosecute and to which no case number is assigned, for example by assigning a case number to them.**

## 2.6 Conclusion

This report summarizes a quantitative analysis of the efforts to combat human trafficking in the Netherlands. Accurate registration of data about human trafficking by the relevant agencies could produce an even clearer picture of the situation and so facilitate an information-driven approach to the problem. With this report, parliament will also be able to better perform its task of scrutinizing government policy, since in addition to policy reports, members of parliament now also possess verified data. The five recommendations in "Trafficking in Human Beings: Visible and Invisible II" make proposals for measures that will enable us to learn more about human trafficking and measures that can be taken to combat it.

36 National Rapporteur 2014a, Chapter 2. (Dutch version)

37 National Rapporteur 2014a, Chapter 5. (Dutch version)

38 National Rapporteur 2014a, Chapter 8. (Dutch version)

## Literature

### National Rapporteur 2012a

National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2012). *Trafficking in Human Beings: Visible and Invisible. A quantitative report 2007-2011*. The Hague: National Rapporteur.

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### NRM9

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See *National Rapporteur 2014a (Dutch version)* for a full list of the literature consulted for “*Trafficking in Human Beings: Visible and Invisible II*”.

# The National Rapporteur reports on the nature and scale of human trafficking and sexual violence against children in the Netherlands

## What does the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children do?

The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children reports on the nature and scale of human trafficking and sexual violence against children in the Netherlands. The Rapporteur monitors the effects of policy conducted in these domains, identifies bottlenecks and makes recommendations to improve the measures taken to address these themes. The National Rapporteur has no investigative powers and is not a complaints agency. The National Rapporteur has a unique, independent position in relation to the government and is both a national and international authority.

## Who is the National Rapporteur?

The National Rapporteur is Corinne Dettmeijer-Vermeulen. She is assisted by a team of researchers from various disciplines, including law, criminology, anthropology, political science, philosophy and social psychology.

## What activities does the National Rapporteur carry out?

The National Rapporteur publishes reports on human trafficking and sexual violence against children in the Netherlands. The reports contain recommendations for improving the measures taken to combat human trafficking and sexual violence against children, information about relevant legislation and regulations, prevention, the detection and prosecution of perpetrators and care for victims. The National Rapporteur collects quantitative and qualitative data by means of independent research, through intensive contact with other bodies and by organizing and participating at meetings and conferences. The Rapporteur is a member of numerous task forces and groups of experts in the fields of human trafficking and sexual violence against children. The National Rapporteur is also active internationally. She is a member of a network of rapporteurs that advises on European policy against human trafficking.

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