



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

Human Trafficking Offenders Monitoring Report

2015–2019

Management Summary

trafficking
in
human
beings

Management summary

Human trafficking is a very serious offence that has major effects on the lives of its victims. Nevertheless, exploitation continues to take place on a daily basis. The National Rapporteur periodically publishes both a Human Trafficking Offenders Monitoring Report and a Human Trafficking Victims Monitoring Report. This is because the way offenders are tackled is inextricably linked to the protection of the victims. The Human Trafficking Offenders and Victims Monitoring Reports for 2015–2019 together provide a picture of the nature, scope and approach to human trafficking that is as comprehensive as possible. With this periodic insight, the National Rapporteur aims to stimulate the learning capacity of all stakeholders in the approach and thereby contribute to tackling offenders and protecting victims. The Human Trafficking Offenders Monitoring Report provides insight into the number of offenders of the various forms of human trafficking in the phases of the criminal justice approach between 2015–2019. In addition, the report provides an overview of recent developments in the approach to human trafficking as well as an overview of the personal characteristics of offenders.

Impact of COVID-19 on human trafficking

In this report, the National Rapporteur also discusses the impact COVID-19 has had on human trafficking since early 2020 as a phenomenon and on the approach to tackling it. The pandemic has, for example, identified certain factors that may be linked to the exploitation of vulnerable workers. In addition, it is highly likely that the demand for and the supply of sex currently intersect at less visible locations, such as online. Several organisations have reported increases in areas such as online sexual abuse, sextortion (extortion using nude images) and grooming. Improved monitoring and insight at the national as well as the local level are crucial if the right measures are to be taken. The National Rapporteur will continue to monitor the impact of the COVID-19 pandemic with increased attention.

Number of human trafficking offenders in the Netherlands

The National Rapporteur monitors the number of offenders of human trafficking at various stages of the criminal justice chain. This has yielded a number of findings.

Number of offenders unknown

There is currently no insight into the total number of offenders of the four types of human trafficking in the Netherlands, which makes it difficult to monitor the criminal justice approach to human trafficking. According to the Minister for Migration, there are no reliable methods available to estimate the prevalence of offenders. The National Rapporteur does, however, see a number of starting points for a feasibility study into an estimate of the number of potential offenders and is keen to revisit this matter with the Minister for Migration.

Fewer suspects in the picture

The annual number of incidents of human trafficking detected by the police showed an increase in the 2015–2019 period. In total, the police detected 3,420 incidents, with an average of 200 suspects per year. The fact that the police detected more incidents seems positive, but the number of suspects identified by the police decreased year on year, from 285 suspects in 2016 to 170 in 2019. This is a striking development. In addition to the number of incidents, the number of detected victims as well as the ratio of reported incidents similarly increased in recent years. The decrease of the number of suspects identified by police is worrying: in order to tackle offenders through the criminal justice approach, they must first be identified as suspects.

Higher case dismissal rate

Each year, the investigative authorities report an average of 180 suspects to the Public Prosecution Service. This number dropped considerably in recent years compared to preceding years. In 2019, some 153 suspects were identified. During the 2015–2019 period, the Public Prosecution Service brought approximately 60% of the registered cases to court. This means the dismissal of a large number of cases, which the Public Prosecution Service generally does due to a lack of evidence. This number of technical dismissals has been increasing. In 2016, some 27% of cases ended in a technical dismissal, with this percentage rising to a significant 41% in 2019. It would be prudent for the Public Prosecution Service to use previous cases to examine why cases increasingly end in a dismissal.

Fewer cases in court, harsher sentences

The number of offenders convicted by the court for human trafficking each year also decreased. In 2015, this related to 187 cases, whereas in 2019 this decreased to 101 cases. This is a logical consequence of the decrease in the number of suspects that were identified, detected and indicted. Since 2018, the court has convicted more often than in previous years in those cases that reach trial. The court sentenced the vast majority of offenders (90%) to a non-suspended prison sentence. In addition, the average duration of the sentence increased during this period.

Rehabilitation lagging and lack of data on recidivism

These sentences give the court a legal basis to place offenders under supervision. Nevertheless, the number of offenders placed under supervision seems to have dropped off considerably between 2015 and 2019, relating to some 25 unique offenders, compared to an average of 85 offenders who were handed a non-suspended or partially suspended prison sentence.

There is no data available on how often offenders of human trafficking offences reoffend. It is therefore not possible to examine how effective the criminal justice approach is in terms of one of the principal objectives of the integrated approach: the prevention of human trafficking in the form of repeat offenders. The National Rapporteur's recommendation on this matter in the previous Human Trafficking Offenders Monitoring Report has not yet been taken up. The National Rapporteur therefore reiterates the relevance of a study into recidivism.

Insight into offenders per type of human trafficking

Human trafficking is a complex offence. Within the approach to tackling human trafficking, there is significant variation in terms of the types of offenders and the authorities involved. That is why the National Rapporteur also identifies the characteristics of the offenders of the various forms of human trafficking.

Exploitation in the Netherlands: youngest offenders

Most human trafficking offenders in the Netherlands, roughly half, are guilty of sexual exploitation in the Netherlands itself. On average, they are also the youngest, with one in three being under the age of 23 at the time they offended. The fact that they commit such a serious offence at such an early age makes the need for more knowledge on the background of these offenders all the more urgent. It cannot be ruled out that these offenders may be dealing with multiple problems, as is the case with young victims of sexual exploitation in the Netherlands.

Cross-border sexual exploitation: fewer suspects

Just over a third of offenders in the criminal justice system are guilty of cross-border sexual exploitation. Far more often than in other types of human trafficking, the offenders come from

countries within the European Economic Area, primarily Hungary, Romania and Bulgaria. The number of investigations into cross-border sexual exploitation decreased in the 2015–2019 period. In addition, fewer suspects were indicted and tried. This is striking, given that the most recent Human Trafficking Victims Monitoring Report shows that the number of suspected victims of cross-border sexual exploitation increased dramatically in 2019.

Labour exploitation: approach is falling short

The data available on offenders of labour exploitation is limited, primarily as far as the stages of identification and detection are concerned. From the indictment stage onwards, it is striking that the ratio of offenders of labour exploitation offences continues to decrease. Of the 11% of indicted offenders, up to 6% are sentenced to a non-suspended prison sentence. As such, offenders of labour exploitation are relatively less likely to be convicted and are less likely to receive a non-suspended prison sentence. Furthermore, the lead time in cases of labour exploitation is much longer than in other human trafficking cases. The previous Human Trafficking Offenders Monitoring Report already revealed that trying labour exploitation cases is complex. Its definition in the Dutch Criminal Code is not as clear-cut as that of sexual exploitation. In addition, case law does not provide a clear answer to the question of where serious harm ends and human trafficking begins. This has an impact on the victims when it comes to protection, shelter and support. The COVID-19 outbreak has once again exposed this problem.

Criminal exploitation: hard to spot

Some 5% to 9% of offenders in the criminal justice system are offenders of criminal exploitation. On average, they are the youngest offenders, after offenders of sexual exploitation within the Netherlands. In the 2015–2019 period, the number of identified incidents of criminal exploitation saw an increase. In 2019, this number even quadrupled in respect of 2018. There is an increasing focus on and an increasing amount of knowledge available regarding the detection of criminal exploitation, for example by way of education and training courses for front-line police officers. This is crucial, given that these are serious problems which may be linked to other forms of crime, such as drug trafficking or drug production. In addition, the problem is difficult to identify, with victims often initially mistaken as offenders.

Concerns regarding approach

The approach to tackling human trafficking is on the agenda of a large number of parties at an international, national and local level. This is a positive development. Based on the findings in this monitor, however, the National Rapporteur has a number of concerns as to how effective the approach to tackling human trafficking is in combating the phenomenon itself.

Impact assessment and monitoring insufficiently in place

The intention has been expressed to intensify the criminal justice approach to tackling human trafficking. This is set out in the interdepartmental programme Together against Human Trafficking and in the Security Agenda 2019–2022 drafted by the Ministry of Justice and Security, the Public Prosecution Service and the police. The quantitative objective in the Security Agenda is an annual increase of the number of suspects of human trafficking reported to the Public Prosecution Service by the police. This report shows that the envisaged target will not be met in the first year of the Security Agenda, despite the many initiatives that were undertaken and considerable investment in the criminal justice approach. The National Rapporteur certainly welcomes the intensification of the approach to tackling human trafficking. While targets can be a key tool in this endeavour, they may not provide a complete picture, given that intensification can be measured in a variety of ways. It is critical that the Ministry of Justice and Security, the

police and the Public Prosecution Service analyse what is needed to meet the targets in the Security Agenda. The National Rapporteur encourages these parties to make the intensification aim part of a broader impact assessment framework. The social impact to be achieved should make clear what various objectives could contribute to success, as well as what activities should be undertaken and how the impact of those activities could be measured after the fact. Such activities may include the detection and prosecution of suspects, but also early intervention to prevent an exploitative situation or the referral of victims to care and welfare organisations and services. Such a framework will contribute to a system of (self-)monitoring for organisations within the criminal justice approach to human trafficking.

Limited visibility at local level

The visibility of victims and offenders of human trafficking at the local level remains largely unknown, although there have been a number of good initiatives. It is striking that there are many regional differences in the flow of offenders through the criminal justice chain. This also applies to the relationship between the size of the municipality and the local detection of human trafficking by the police. It is vital to gain a better understanding of how human trafficking occurs at the regional and local levels. This is necessary to be able to shape the comprehensive approach to dealing with human trafficking at a decentralised level and will require sustained political and administrative attention. Moreover, there is a task here for the Regional Information and Expertise Centres, the regional human trafficking platforms and the Houses of Care and Safety (Zorg- en Veiligheidshuizen).

Greater focus on prevention required

Furthermore, the approach includes just a few initiatives aimed at preventing people from becoming a victim or offender, despite the figures showing that both offenders and victims of human trafficking are relatively young. This is especially the case for offenders of sexual exploitation and criminal exploitation in the Netherlands itself. In addition, these offenders are often linked to other serious offences, such as other forms of subversive crime and sexual violence. Moreover, victims and perpetrator status may overlap, with young victims and offenders potentially suffering from various types of complex personal problems. This was also highlighted in a case study by the National Rapporteur into young victims of sexual violence and exploitation in Amsterdam. When young people become caught up in these types of exploitation, this is disruptive to their development and their future – whether they are offenders or victims. That is why every effort must be made to prevent this from happening. In the Human Trafficking Victims Monitoring Report 2015–2019, the National Rapporteur called for young people to be prioritised in the approach to tackling human trafficking. In this report, the National Rapporteur calls for insights to be gained into the risk factors and underlying problems facing young offenders or those at risk of offending. What makes them vulnerable? This knowledge must then be used to prevent young people from becoming offenders. This leads to the following recommendation:

RECOMMENDATION 1

Focus on preventing people from becoming offenders of human trafficking offences, specifically young people

Research needed into effective rehabilitation

The figures show that there is relatively little rehabilitation supervision of offenders of human trafficking offences. Rehabilitation is key to preventing offenders from reoffending and thereby also to preventing people from becoming repeat victims. The offenders of a serious offence such as human trafficking are relatively young. An approach that aligns with this specific group of offenders is critical to successful rehabilitation. For that reason, the National Rapporteur concludes that more knowledge is needed regarding the nature of these offenders, the underlying problems they face and the type of assistance and guidance that suits them best. This insight must not only come about at the national level, but also at the regional and local levels. The National Rapporteur therefore also recommends:

RECOMMENDATION 2**Examine whether the approach to rehabilitation is suited to the offenders of human trafficking in order to prevent repeat offending***Targeted approach to labour exploitation*

It is well known that there is a large group of vulnerable workers at the bottom of the Dutch labour market and that they regularly face egregious abuses. This was demonstrated yet again during the COVID-19 pandemic. However, it is unclear as to how often such abuses take the form of labour exploitation. This is principally because the scope of labour exploitation is not yet clear from a criminal law perspective. There is, however, a reasonable understanding of the mechanisms that make workers and industries vulnerable to abuses such as exploitation. The question is whether that knowledge is being leveraged sufficiently to identify victims and offenders of labour exploitation. At the local level, the industries and workers that are particularly vulnerable to exploitation must be identified and labour exploitation must be proactively tackled on that basis, with breaking down the dependencies and business models that underpin labour exploitation the key priority. The National Rapporteur therefore also recommends:

RECOMMENDATION 3**Identify vulnerable industries and workers at the local level in order to manage and calibrate the approach to tackling labour exploitation**



Who is the National Rapporteur?

The National Rapporteur is Herman Bolhaar. The Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children consists of the National Rapporteur and a team of enthusiastic employees with a multidisciplinary background.

What does the National Rapporteur do against human trafficking and sexual violence against children?

The National Rapporteur investigates the nature and extent of human trafficking and sexual violence against children in the Netherlands. In the annual monitoring reports and the thematic studies, the emphasis is on monitoring and improving the strategies for tackling human trafficking and sexual violence against children.

Based on information from a wide range of sources, the National Rapporteur advises national and local government, other administrative bodies, international organisations and professionals who provide help and support, on how to prevent and combat human trafficking and sexual violence against children.

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