



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

*Summary*

# Human Trafficking Offenders Monitoring Report

## 2017–2021

trafficking  
in  
human  
beings

## Summary

This Offender Monitoring Report provides a numerical update of the nature and scope of the group of human trafficking offenders in the Netherlands over the period 2017–2021. In addition, the Monitoring Report describes relevant developments in policy. The figures regard the various phases in the criminal justice system: identification, investigation, prosecution and trial and regard repeat offenders. In doing so, the National Rapporteur distinguishes, insofar possible, between four forms of human trafficking: domestic sexual exploitation, international human exploitation, labour exploitation and criminal exploitation. A separate form of human trafficking is forced organ removal. This form is identified and detected occasionally.

### *Few suspects identified by the police, decrease in identification Royal Netherlands Marechaussee*

The number of potential human trafficking incidents identified by the police peaked in 2019, but has returned in 2020 and 2021 to virtually the level of the preceding years. The police mostly identify sexual exploitation: in total 76% of the registered incidents. The majority of these regard international sexual exploitation. This form of human trafficking is identified twice as often as domestic sexual exploitation. Another 10% of the incidents regard criminal exploitation. Of the 3,925 total incidents, only 19% has a registered suspect. This means that in over four in five human trafficking incidents registered by the police have no identified suspect. The Royal Netherlands Marechaussee identifies a total of 540 human trafficking incidents over the period 2018–2021. In 2020 and in 2021, the number of registrations decreases significantly. It is unknown what type of human trafficking is committed in these incidents. The Royal Netherlands Marechaussee indicates they predominantly have insight into (international) sexual exploitation and less so into criminal exploitation and labour exploitation. In total, the Royal Netherlands Marechaussee have arrested 22 suspects for these incidents.

### **NO FULL OVERVIEW OF CRIMINAL JUSTICE APPROACH**

The numbers on the phases in the criminal justice approach for human trafficking offenders have several limitations. For example, relevant information is missing in some cases, such as the specific form of human trafficking. The quality of registration data also depends on the registration method of the operational organisations (in the various regions). Also, the numbers of reports registered by the police, the Royal Netherlands Marechaussee and the Netherlands Labour Authority (NLA) cannot be properly compared. This makes it difficult to identify any blind spots or points for improvement in the identification process. The implementation of new automated software to detect signs of human trafficking in police reports should lead to more clear and detailed registration. The plan is to use this software, not only with the police, but also with the Royal Netherlands Marechaussee and the NLA. This would make data from the investigative authorities more complete and better comparable, which would improve insight in human trafficking. The Centre of Expertise on Human Trafficking and Migrant Smuggling (EMM) is also working on new developments to improve registration. Furthermore, the prosecution phase lacks a full overview of the differences between human trafficking forms and the specific bottlenecks of each form. Based on the categorisation of the Public Prosecution Service, about three quarters of the registered human trafficking cases can be distinguished into sexual or non-sexual exploitation. Distinguishing between specific forms of human trafficking, such as criminal exploita-

tion or domestic sexual exploitation, is entirely impossible. The National Rapporteur has pointed out repeatedly that completeness of information is of great importance to effectively combat human trafficking.

#### *Premature qualification of reports impedes criminal justice approach of labour exploitation*

The NLA is responsible for the criminal investigation of labour exploitation. As such, it is remarkable that relatively few reports of potential labour exploitation come from the NLA itself. It identifies labour exploitation predominantly based on incoming reports of, for example, the police, civilians and municipalities. According to the National Rapporteur a proactive role of investigative and supervisory authorities is essential for identification. After all, human trafficking victims rarely report themselves. A criminal investigator substantiates received reports with information from open and/or sealed sources. They are then assessed on potential labour exploitation as described in 273f of the Dutch Penal Code and on whether there is any basis for criminal procedure for further investigation. If the answer is ‘yes’ to both questions, investigative detectives take on the report under criminal law. The next step is an intake interview with potential victims, including any time for reflection, after which victims can make the – informed – decision to press charges or not. Received reports that are not marked as potential labour exploitation, but for example as potential serious disadvantage, are generally taken up administratively by the supervisory branch of the NLA. Significantly more reports are marked as serious disadvantage than as labour exploitation: almost three times as much.

However, there is no clear framework for the distinction between serious disadvantage and labour exploitation. Case law shows that the scope of the term ‘labour exploitation’ is not always clear in the phases of prosecution and trial. During the identification phase, when not all relevant information is available, it is even more difficult to make that distinction. NLA’s criteria for the two forms have considerable overlap. It may well occur that important information emerges only after an informative interview with and report by a victim, which contributes to the investigation and any prosecution of human trafficking. However, a victim will never actually reach that step if the report is qualified as serious disadvantage. On the one hand, this means that potential victims of labour exploitation are not recognized and protected as such. On the other hand, there is a chance that human trafficking offenders are not identified as such and cannot be prosecuted and brought to trial. This leads to the following recommendation.

## RECOMMENDATION 1

### Adjust the identification process of the Labour Authority

**The National Rapporteur advises the Minister of Social Affairs and Employment to establish the investigation process of labour exploitation of the Netherlands Labour Authority in such a way that reports are not marked as serious disadvantage or labour exploitation, at least until after potential victims had access to the informative interview, time to reflect and subsequently the possibility to press charges.**

#### *Decrease in number of criminal investigations and less identification of suspects*

If there are sufficient bases and possibilities for further investigation, the police, the NLA and in some cases the Royal Netherlands Marechaussee institute a criminal investigation. The police are accountable for about 95% of the criminal investigations. Over the period 2017-2021, a



total of 893 criminal investigations into human trafficking were instituted, with an average of 179 investigations per year. After a slight increase in 2018, the number of investigations decreases year on year to 148 investigations in 2021. Of the investigations, 82% is aimed at sexual exploitation. However, although more signals of international sexual exploitation are registered than of domestic sexual exploitation, fewer criminal investigations are instituted for international sexual exploitation in comparison. Possible causes are the higher degree of complexity of international human trafficking and a lack of jurisdiction if the exploitation did not take place in the Netherlands and the victim has no permanent residence in the Netherlands.

The already low number of criminal investigations into criminal exploitation saw a sharp decrease in the years 2020-2021. After a peak of 19 investigations in 2019, the number drops to 6 investigations in 2021. This is despite the number of registered incidents of criminal exploitation in the years 2019-2021 actually being higher than in the preceding years. The same applies to criminal investigations into labour exploitation. These numbers are lower for the years 2019-2021 than the preceding years. It is worrisome that the sometimes hundreds of reports per year lead to only a few criminal investigations into labour exploitation. The number of suspects, witnesses and the number of other persons present in criminal investigations also sharply decreases between 2017 and 2021. Further research is required to uncover what drives this development and which choices at what moments in the criminal investigations contribute to it.

#### **Notably higher number of registered cases at the Public Prosecution Service**

In total, 916 cases are registered with the Public Prosecution Service in the period 2017-2021, for an average of 183 cases per year. After years of a downward trend, the number of registered cases at the Public Prosecution Service significantly rose since 2019, with about 30% per year. In 2021, the target figure from the Security Agenda for new cases registered was reached for the first time. A notable development, as the number of criminal investigations over the same period decreases. Also striking is that the higher number of registered cases is paired with a decreasing number of cases that results in a writ of summons. Almost four in ten cases end in a so-called technical dismissal, usually due to insufficient evidence. This trend can be noted since 2011 and has continued over the last five years. It is important to gain more insight into the reasons for these dismissals, as it is inconsistent with the number of registered human trafficking reports. In addition, it is shown that suspects of non-sexual exploitation appear before the court relatively less often than suspects of sexual exploitation, 56% versus 65%.

#### **The courts impose (partially) non-suspended sentence on most offenders**

As a logical consequence of the decreasing number of cases at the Public Prosecution Service, the number of cases resolved by the court decreased again, with 71 cases in 2020 as low point. However, an increase can be seen starting in 2021. This increase is expected to continue, in view of the rising number of cases registered with the Public Prosecution Service. The court arrives at a conviction for human trafficking in 7 out of 10 cases. Of the convicted offenders, 95% is imposed a (partially) non-suspended prison sentence. In addition, it is notable that they are more often imposed a long non-suspended prison sentence (two years or longer) or a short one (one day to six months) than a sentence with a duration in between. Relatively more short prison sentences were imposed over the last years. The duration of the imposed non-suspended prison sentences differs per form of human trafficking. Both forms of sexual exploitation are punished more or less equally. Labour exploitation receives relatively light punishment, with a sentence of no more than six months as most prevalent category. The court often punishes cases of criminal exploitation either very harshly or relatively mildly. This is related to the severity of the ancillary offence.

### *Cases of labour exploitation take the longest*

The average processing time at the Public Prosecution Service in 2017–2021 is identical to the periods of the previous two Human Trafficking Offenders Monitoring Reports. The processing time at the court over the same period are 40 days shorter than over the period 2015–2019. With an average duration of over 15 months, however, the processing time at the court is still long. Still, a shortening of the processing time can be seen in 2020 and 2021. Cases of domestic sexual exploitation are processed the fastest, relatively. Nonetheless, a case takes over 15 months from registration with the Public Prosecution Service to judgment. For cases of international sexual exploitation, this duration is more than double as long. This is mostly due to the long time needed by the court to arrive at a judgment. With almost 39 months from registration with the Public Prosecution Service to judgment, a case of labour exploitation takes the longest on average.

### *Domestic sexual exploitation offenders reoffend often, suitable rehabilitation required*

Domestic sexual exploitation offenders who reoffend are relatively often male and under 23 years of age. Within two years, over a third (36%) of the domestic sexual exploitation offenders reoffend with any offence, while the overall reoffending percentage of adult criminal offenders is generally around 26% after two years. The reoffending percentage of domestic sexual exploitation offenders increases to 58% within 5 years and to 65% within 7 years. Domestic sexual exploitation offenders often reoffend with serious offences. Within 5 years, 28% has committed a property offence, 25% a violent offence, 12% a drug offence and almost one in ten offenders has repeated human trafficking.

Previous research by the National Rapporteur shows that relatively few supervisory processes are started by the probation services for human trafficking offenders. Furthermore, there is currently no specific rehabilitation programme for domestic sexual exploitation offenders. The reoffending numbers underline the importance of suitable rehabilitation for these offenders. In addition to the three probation services, it is also important for the youth probation service to make progress in this matter. Especially in view of the many young domestic sexual exploitation offenders. This leads to the following recommendation.

## RECOMMENDATION 2

### **Offer domestic sexual exploitation offenders suitable rehabilitation**

**The National Rapporteur recommends the Minister for Legal Protection and the Minister for Migration, together with the three probation services and the youth probation service, to develop a suitable rehabilitation that aligns with the background of the domestic sexual exploitation offenders and to consistently apply this rehabilitation in practice.**



#### **Who is the National Rapporteur?**

The National Rapporteur is Conny Rijken. 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 scope of human trafficking and sexual violence against children in the Netherlands and the impact of policy measures on these issues. 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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August 2023