

Crime prevention policy	
EU- priority	Trafficking in human beings (THB)
Country	The Netherlands
Year	2019

1. Overview of the field

Definition of trafficking in human beings

Article 273f of the Dutch Criminal Code

1.) Any person who:

1°. with the intention of exploiting another person or removing his or her organs, recruits, transports, transfers, accommodates or shelters that other person, including the exchange or transfer of control over that person, by means of duress, violence or another hostile act, or the threat of violence or other hostile act, or by means of extortion, fraud, deception or the abuse of power arising from a specific state of affairs, or by means of the abuse of a position of vulnerability, or by means of giving or receiving payments or benefits in order to obtain the consent of a person having control over that other person;

2°. recruits, transports, transfers, accommodates or shelters a person, including the exchange or transfer of control over that person, with the intention of exploiting that other person or removing his or her organs, if that person has not yet reached the age of eighteen years;

3°. recruits, takes away or abducts a person with the intention of inducing that person to make him or herself available for sexual acts with or for a third party for payment in another country;

4°. forces or induces another person by means referred to under 1° to make him or herself available for work or services or to make his/her organs available, or takes any action in the circumstances referred to under 1° which he knows or may reasonably be expected to know will result in that other person making him or herself available for work or services or making his or her organs available;

5°. induces another person to make him or herself available for sexual acts with or for a third party for payment or to make his or her organs available for payment, or takes any action in relation to another person which he knows or may reasonably be expected to know will result in that other person making him or herself available for these acts or making his or her organs available for payment, if that other person has not yet reached the age of eighteen years;

6°. intentionally profits from the exploitation of another person;

7°. intentionally profits from the removal of organs from another person, if he knows or may reasonably be expected to know that the organs of that person were removed under the circumstances

referred to under 1°;

8°. intentionally profits from the sexual acts of another person with or for a third party for payment or the removal of that person's organs for payment, if this other person has not yet reached the age of eighteen years;

9°. forces or induces another person by the means referred to under 1° to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs;

shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding twelve years or a fifth category fine.

2.) Exploitation shall include, at the minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced or compulsory labour or services, including begging, slavery or practices comparable to slavery or servitude, servitude or the exploitation of criminal activities .

3.) The following offences shall be punishable by a term of imprisonment not exceeding fifteen years or a fifth category fine:

1°. offences as defined in paragraph 1 if they are committed by two or more persons acting in concert;

2°. offences as defined in paragraph 1 if they are committed in respect of a person who is under the age of eighteen or in respect of a person whose position of vulnerability is being abused.

3°. offences as defined in paragraph 1 if they are preceded by, committed by use of or followed by violence.

4.) If one of the offences defined in paragraph 1 results in serious physical injury or threatens the life of another person, it shall be punishable by a term of imprisonment not exceeding eighteen years or a fifth category fine.

5.) If one of the offences defined in paragraph 1 results in death, it shall be punishable by a term of life imprisonment or temporary imprisonment not exceeding thirty years or a fifth category fine.

6.) A position of vulnerability includes a situation in which a person has no real or acceptable alternative but to submit to the abuse involved.

7.) Article 251 shall apply *mutatis mutandis*.

Assessment of trends and developments

The Netherlands is predominantly a country of destination of victims of trafficking in human beings (THB), but also to an increasing extent a country of origin as well as a country of

transit. The recently published Human Trafficking Victims Monitor 2013-2017 (Slachtoffermonitor Mensenhandel 2013-2017) of the Rapporteur (2018) shows that there were 958 victims of THB registered by CoMensha. Approximately 72% of the victims were female, 27% of the victims were male. The gender of the remaining 1% of the registered victims was unknown. On average, almost half of the registered victims is under the age of 23 years (45,9%). About 58% of the presumed victims were trafficked for the purpose of sexual exploitation; 21.7% were subjected to other forms of exploitation, outside of the sex industry. Roughly 36% of the victims were Dutch citizens. The majority of the foreign victims originated from EU countries (Romania, Bulgaria and Poland), followed by victims originating from countries in Africa and Asia (Nigeria, Uganda and Vietnam).

This Dutch Cabinet has the ambition to further intensify the approach to human trafficking. This will be done through the programme 'Together against human trafficking, published on the 13th of November 2018. This programme contains a plethora of action lines and projects to tackle human trafficking in an integrated manner.

Recent overview of statistics and research

Victims of human trafficking: periodical report 2012-2016, by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children.

<https://www.rijksoverheid.nl/documenten/rapporten/2018/11/13/tk-bijlage-4-slachtoffermonitor-mensenhandel> (Dutch)

<https://www.dutchrapporteur.nl/Publications/VictimsofHumanTraffickingPeriodicalReport20122016Summary/victims-of-human-trafficking-periodical-report-2012-2016-summary.aspx>
(English summary)

GRETA: Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands

<https://www.rijksoverheid.nl/onderwerpen/mensenhandel-mensensmokkel/documenten/rapporten/2018/11/13/tk-bijlage-2-greta-second-evaluation-convention-against-trafficking-in-human-beings-by-nl>

TNO System analysis of THB in the Netherlands commissioned by CoMensha, the coordination centre against THB (in Dutch):

<https://www.rijksoverheid.nl/documenten/rapporten/2018/11/13/tk-bijlage-1-systeemanalyse-mensenhandel-tno>

Trafficking in persons report 2018: The Netherlands has consistently been accredited a Tier 1 status.

<https://www.state.gov/documents/organization/282798.pdf>

The Global Slavery Index 2018 has given the Dutch government's response to THB an A-rating:

<https://www.globalslaveryindex.org/2018/data/country-data/netherlands/>

2. Crime strategy and coordination

Objectives of the crime strategy

The Dutch government has recently published its national action plan, on the 13th of November 2018, for an integrated approach to human trafficking 'Together against human trafficking'. This programme contains five lines of actions:

1. Further development of the basic approach to combating THB
2. Further development of the approach to combating labour exploitation
3. The prevention of victimhood and perpetrator
4. Strengthening the municipal approach to combating THB
5. Sharing knowledge and information

These lines of action should strengthen the Dutch approach. The goals are to get more victims of THB on our radar and provide them with the support and refuge they need. Furthermore we aim to combat and frustrate the perpetrators, both through criminal and administrative law, as well as through alternative interventions. We will also aim to equip more professionals with the necessary knowledge to be able to identify/report human trafficking. People need to become more aware of the different forms of exploitation. Municipalities should have a good and coherent human trafficking policy and should implement this in practice. The Dutch government, together with partners, is setting up a nationwide network of care coordinators. Last but not least, the programme also contains some objectives towards strengthening international cooperation.

Role of prevention in the crime strategy on state/regional/local level

The National Action plan contains an action line specifically aimed at the prevention of victimhood of THB as well as the prevention of perpetrators. In prevention, we do not only focus on the Netherlands, but also on countries of origin and transit. The programme can be found on the website of the Dutch government

(<https://www.rijksoverheid.nl/onderwerpen/mensenhandel-mensensmokkel/nieuws/2018/11/14/vuist-tegen-mensenhandel>). An English translation of the programme is currently in the works, when complete this document can be found on the national referral website (<https://english.wegwijzermensenhandel.nl/>).

Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

The programme *Together against human trafficking* was developed on behalf of the Minister for Migration, the Ministers of Health, Welfare and Sport (VWS); Social Affairs and Employment (SZW); Foreign Affairs (BZ); and Foreign Trade and Development Cooperation (BHOS), and the State Secretary of Ministry of Social Affairs and Employment (SZW). They will continue to monitor and ensure the proper implementation of this programme in the

coming years. The Minister for Migration acts as coordinating minister.

The commissioning authorities are supported by a high-level civil service task force in which all ministries will be represented at the level of the Director-General (DG). This task force will be fed by the members of the interdepartmental consultative body on human trafficking, in which the Ministries of Health, Welfare and Sport, SZW and BZ/BHOS are represented, under the coordination of the Ministry of Justice and Security.

The House of Representatives will be informed annually of progress in the implementation of the five Action Lines.

Stakeholders (working groups, specialised agencies, partners, etc)

National Referral Site for Human Trafficking:

<https://english.wegwijzermensenhandel.nl/>

<https://www.government.nl/topics/human-trafficking>

National Rapporteur:

<https://www.dutchrapporteur.nl/>

National coordination Centre against THB (CoMensha):

<https://www.comensha.nl/>

For a more complete overview of all active organizations in the Netherlands, please see <https://english.wegwijzermensenhandel.nl/>. This website contains all information on the approach of THB by the Dutch government as well as the responsible organization.

Participation in European/ international networks, working groups, etc.

Besides the many actions we are taking on a national level, the Dutch government also invests in the international and European approach.

European:

The Netherlands has been co-driver of the EMPACT THB project; the European Multidisciplinary Platform against Criminal Threats – Trafficking in Human Beings. We will remain co-driver for the following years, therefore contribute to the operational cooperation against human trafficking in Europe. In 2018, the Ministry of Justice and Security (JenV) made money available for the sub-projects Financial Investigation and Chinese Human Trafficking, which are led by the Dutch police. We are also working to make EMPACT THB more multidisciplinary; for example, we are involving municipalities in EMPACT activities and promoting cooperation with NGOs and shelter facilities.

For more information on the Dutch contribution to the European/International approach, please see our programme *Together against human trafficking* on the national referral site for human trafficking (wegwijzermensenhandel) or the website of the Dutch government.

3. Good practices

Overview of recent good practices, prevention programs, etc.
