

TEMPLATE POLICY PAGE

Category:	Prostitution and Trafficking for Sexual Exploitation
Country:	The Netherlands
Year:	/

Main policy page:	<p><i>Cross-border trafficking in human beings (THB)</i> Cross-border THB is closely linked to the issue of migration. Many victims of trafficking in human beings are migrants who end up in a situation in which they are exploited (particularly in unofficial sectors of the economy for which there are no legal rules or registration procedures). The prevention of cross-border THB is therefore a matter of removing or reducing 'push and pull factors'. These factors include the increasing inequality in terms of prosperity between and within countries, the increasing demand for cheap, unskilled labour and the increase in labour mobility. There must also be a continued focus on the macro factors that are or could form the root cause of international THB, such as the lack of employment and development opportunities, poverty and gender issues.</p> <p><i>THB within the Netherlands</i> In order to prevent THB in the Netherlands, it is essential to remove the circumstances that may cause the victim to be vulnerable to exploitation. Examples of such circumstances include addiction, a low level of education or a low level of integration and social participation. Furthermore, it is necessary to provide potential victims with information. Once victims have become caught up in the web of a trafficker, it is very difficult to free them from this. They often do not even see themselves as a victim.</p>
Relevant legislation:	<p>a) Criminal law The Netherlands prohibits all forms of trafficking in human beings. The offence of trafficking in persons was created in the Netherlands as early as 1911. However, the previous Article (250a) of the Dutch Criminal Code was replaced by a new and extended Article (273a) on 1 January 2005, to include all forms of trafficking.</p> <p>The sentences for human trafficking were increased with effect from 1 July 2009. Persons convicted of any aggravated form of human trafficking face a sentence of imprisonment for up to twelve years. When the offence is committed under the most severe aggravating circumstances the sentence can go up to a maximum of eighteen years. These penalties are commensurate with those prescribed for other grave crimes.</p> <p>As of 1 April 2010 the jurisdiction rules with regard to trafficking comply with the provision on jurisdiction in the Council of Europe Convention on Action against Trafficking in Human Beings in the broadest way.</p>

b) Legislation relating to victims

Under Chapter B9 of the Aliens Act Implementation Guidelines (the B9 regulation), victims, or presumed victims of trafficking, are offered a three months reflection period, during which they can decide whether or not to cooperate in criminal proceedings. Furthermore, the B9 regulation allows foreign nationals who are, or might be, victims of trafficking to be granted a residence permit for a period of one year (renewable up till three years) during the investigation and prosecution period if they decide to cooperate in criminal proceedings.

The B-9 Regulation has been amended in several ways. In April 2009 a new description of target groups was inserted, which intends to reflect more clearly that the B9 regulation applies identically to possible victims of human trafficking who work or have worked in the sex industry and possible victims of human trafficking subjected to other forms of exploitation (article 273f of the Dutch Criminal Code).

The cooperation of the victim with the authorities to trace and prosecute the traffickers now also forms a base for a permit to stay in the framework of the B9-regulation. Earlier, a permit could only be issued after a formal report about the trafficking was made to the police.

Also, the regulation has been redrafted in such a way that when the cooperation with the police in the human trafficking case leads to a conviction on any of the charges, the victim may remain in the Netherlands. In case the victim has a B9 permit for longer than 3 years, the victim may apply for continued stay, even if the criminal case is still pending or the charges are eventually dropped.

In other cases, for example when the cooperation of the victim with the authorities not has led to a court case or a conviction,, individual facts and circumstances determine whether there are sufficient humanitarian reasons to be granted a residence permit in the Netherlands.

Non-victim witnesses of trafficking of human beings who reside illegally in the Netherlands might also be entitled for a B9- residence permit if their presence is deemed necessary for the criminal proceedings.

The reflection period is now also available to victims and possible victims who enter the country through Amsterdam Schiphol airport. These most recent amendments to the B9 scheme apply with retroactive force from 1 January 2009. Victims will not be prosecuted for violations of immigration laws or for the activities in which they are involved as a direct consequence of their situation as a trafficked person.

During both the reflection period and the period for which a residence permit is granted, the government provides victims with the necessary legal, financial, and psychological assistance, including shelter, medical care, social security benefits, and education financing.

c) Proposed legislation on prostitution

In December 2009, the Interior and Justice Ministers released a draft Act

	<p>containing new regulations for legalised prostitution. Under the terms of this bill every sex business must be licensed and every prostitute must be registered. Clients, brothel owners and prostitutes that circumvent the new system will be punishable.</p>
<p>Trends:</p>	<p>Registered victims of human trafficking are mostly women who have been trafficked for sexual exploitation. However, the broadened scope of the trafficking clause, which since 2005 encompasses exploitation in all economic sectors, has led to an increase in the number of men among registered trafficking victims. In 2008, CoMensha identified and registered 826 trafficking victims, 46 of whom were male. In 2009 909 victims were registered, 138 of whom were male (17%).</p> <p>During 2008, the majority of identified sex trafficking victims were from the Netherlands. Other common countries of origin were Bulgaria, Romania and Nigeria. Male victims were trafficked into commercial sexual exploitation as well as forced labour, especially in the catering, cleaning, agriculture, and construction sectors. The main countries of origin for male victims were China, India, Nigeria and Sierra Leone.</p> <p>Groups vulnerable to trafficking include single underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa, China, and Thailand for work in massage parlours.</p> <p><i>Latest number of prosecutions and convictions</i> According to the 2009 Report of the National Rapporteur, Dutch law enforcement authorities prosecuted 221 persons for human trafficking offences in 2007. Verdicts were handed down in 120 cases, 81 per cent of which resulted in convictions, 12 per cent of which resulted in acquittals, and 7 per cent of which were dismissed.</p> <p>According to the National Rapporteur's office, average prison sentences imposed in 2007 ranged from 20 to 23 months.</p>

<p>Contacts:</p>	<p>National organisations</p> <p>A high level Task Force on Human Trafficking was set up in 2008. It is chaired by the chief public prosecutor of Amsterdam and was created to identify bottlenecks in the methods of tackling human trafficking and to come up with solutions according to an Action Plan (2009). The Task force prioritizes the combat of human trafficking and stimulates innovative methods. The Task Force brings together representatives of the ministries involved (Justice, Interior and Kingdom Affairs, Social Affairs and Employment, Health, Welfare and Sports, Education, Culture and Science and Foreign Affairs), the police, the Royal Constabulary (KMar), two mayors (Alkmaar, Utrecht) and one deputy mayor (Rotterdam), the judiciary and the National Rapporteur. The NGO Comensha takes part in Task Force meetings, but is not a member. The Task force reports every year to de Minister of Justice .</p>
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The **Minister of Justice** has overall responsibility for coordinating anti-trafficking policies and is responsible for the areas of law enforcement, crime prevention and immigration. Local policy matters fall under the responsibility of the Ministry of the Interior. Other competent ministries are the Ministry of Foreign Affairs, the Ministry of Labour and the Ministry of Health, Welfare and Sport which have all appointed a coordinator for human trafficking. They meet regularly in interdepartmental meetings. Twice a year, all ministries meet with involved NGOs and the National Rapporteur.

The **National Rapporteur (NR) on Human Trafficking** was appointed in the Netherlands in 2000. The function of the National Rapporteur is exercised by an independent agency (the Bureau National Rapporteur Mensenhandel, one National Rapporteur with a team of six persons). One of the main tasks of the National Rapporteur is to analyse trends in the field of human trafficking and reflect on Dutch efforts to address them. The NR collects statistical data from various stakeholders on human trafficking and disseminates the information in a yearly report to the government. Every other year, a report with concrete recommendations is submitted to the government and made available to the public. Since April 2000 the National Rapporteur has published seven reports. The government sends its reaction to the recommendations to Parliament.

<http://english.bnrm.nl/>

An **Expertise Centre for Human Trafficking and Smuggling** was established in May 2005, consisting of employees from the National Crime Squad (NR), Royal Military Constabulary (Kmar), Immigration and Naturalisation Service (IND) and the Social Security Intelligence and Investigation Service (SIOD). Information is collected, analysed and disseminated to all partners.

The **National Expert Group on Trafficking in Human Beings** (LEM) was established within the National Police Project on prostitution and trafficking in human beings in 1997. Experts on human trafficking and smuggling from all police regions address operational problems and share experiences. Coordination meetings of human trafficking and smuggling prosecutors also take place on a regular basis.

CoMensha

<http://www.comensha.nl>

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