

USDOS – US Department of State

2022 Trafficking in Persons Report: Netherlands

Netherlands† (Tier 1)

The Government of the Netherlands fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Netherlands remained on Tier 1. These efforts included more than doubling the number of traffickers the government prosecuted and convicted; dedicating funding, for the first time, for the country's next national action plan (NAP); and launching an awareness campaign targeting consumers of commercial sex in advance of the implementation of legislation criminalizing the knowing solicitation of a sex trafficking victim. Moreover, the government took several measures to increase child trafficking prevention and protection efforts, including initiating a regional pilot program focused on increasing child victims' confidence in the criminal justice system and taking measures to avoid their re-traumatization during criminal proceedings. Although the government meets the minimum standards, it identified fewer victims and did not provide support services for foreign victims without legal residency who did not cooperate with law enforcement investigations. Anti-trafficking efforts on the Dutch Caribbean islands remained weak, and the government did not report complete victim statistics for the reporting period.

† The Netherlands, along with the Dutch Caribbean islands of Aruba, Curaçao, and Sint Maarten form the Kingdom of the Netherlands. Although semi-autonomous entities, Aruba, Curaçao, and Sint Maarten rely on the Kingdom for certain authorities. The Kingdom is an important contributor to these islands' anti-trafficking efforts. The BES islands are special municipalities of the Netherlands and are fully under the authority of the Dutch government.

PRIORITIZED RECOMMENDATIONS:

- Increase efforts to proactively identify victims, including victims of forced labor.
- Provide all potential trafficking victims, including foreign nationals without legal residency, with care services, regardless of their ability to cooperate with an investigation.
- Increase efforts to sentence traffickers to significant prison terms.
- Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands, including in Aruba, Curaçao, and Sint Maarten.
- Establish and implement policies to formally disconnect identification procedures and official victim status from investigations and prosecutions.
- Improve data collection quality for law enforcement and ensure the timely release of victim identification data for policy evaluation.
- Continue efforts to strengthen the child protection system to protect against vulnerability to trafficking.
- Incorporate measurable goals into the NAP.
- Implement results-based training and mentoring of officials in the islands of Bonaire, Sint Eustatius, and Saba (BES) to increase identification of victims and prosecution of traffickers.
- Expand the rapporteur's mandate or assign another independent body to evaluate anti-trafficking efforts and assess trafficking prevalence in the BES islands.

PROSECUTION

The government increased law enforcement efforts. Article 273f of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of up to 12 years' imprisonment or a fine for trafficking offenses involving an adult victim and up to 15 years' imprisonment or a fine for

those offenses in which the victim was a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The BES criminal code criminalized sex and labor trafficking under article 286f and prescribed penalties ranging from six to 15 years' imprisonment. In January 2022, the government enacted a law criminalizing knowingly soliciting a sex trafficking victim, with penalties of up to four years' imprisonment or a fine for soliciting an adult sex trafficking victim and up to six years' imprisonment or a fine for soliciting a child sex trafficking victim.

Police initiated 178 trafficking investigations, compared with 187 in 2020. The government initiated prosecutions of 201 alleged traffickers and continued ongoing prosecutions of 41 alleged traffickers, a significant increase from 120 prosecutions of alleged traffickers in 2020. A new prosecutorial directive, stressing human trafficking investigations and prosecutions were a high priority, went into effect in November 2021. Courts convicted 205 traffickers, a significant increase from 53 traffickers convicted in 2020. Courts sentenced traffickers to less than one year imprisonment in 23 cases, to one to three years' imprisonment in 39 cases, to three to five years' imprisonment in three cases, and to more than five years' imprisonment in eight cases. Law enforcement efforts remained weak in the BES islands. The Dutch Caribbean Police Corps, which operated exclusively in Bonaire, Sint Eustatius, and Saba, initiated one trafficking investigation in Bonaire; the investigation was ongoing at the end of the reporting period. Authorities in Bonaire prosecuted and convicted one defendant for smuggling a victim into Bonaire for the purpose of labor trafficking; courts sentenced the individual to 30 days' imprisonment and a fine. For the fourth consecutive year, authorities in Sint Eustatius and Saba did not investigate, prosecute, or convict any traffickers.

Regional police units maintained specialized teams with trained anti-trafficking detectives and experts, and the national police had dedicated anti-trafficking officers. Specialized anti-trafficking prosecutors and judges tried and heard cases. The government allocated €10 million (\$11.3 million) to combat trafficking (the same as in 2020) and added an additional 40 police officers, detectives, and cyber specialists to the regional police anti-trafficking teams. Observers previously reported the police did not allocate sufficient resources to anti-trafficking efforts, as the government shifted funding to counterterrorism and organized crime investigations. The government continued to deliver anti-trafficking training to law enforcement; training remained institutionalized as part of the standard professional curriculum across agencies. All new police recruits received a human trafficking module as part of basic training, and anti-trafficking police officers were required to pass examinations in a training course focused on policing commercial sex, including identifying trafficking indicators. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and trauma-informed care for victims. Local governments on the BES islands ran multidisciplinary anti-trafficking teams, which cooperated with each other and with Dutch counterparts; however, there was little evidence of their effectiveness. Authorities in Bonaire maintained a trafficking database, which served as a repository for future leads on trafficking cases. Dutch authorities trained customs and coast guard officials in the BES islands and seconded Dutch law enforcement staff to the BES islands and Aruba, Curaçao, and Sint Maarten; observers reported many law enforcement officials were unfamiliar with the seconding system and the countries did not take full advantage of this program.

The government continued to participate in international investigations and led one joint investigation team with other EU nations. The government led EUROPOL's European Multidisciplinary Platform Against Criminal Threats (EMPACT) program on human trafficking; through EMPACT, the government worked in cooperation with Vietnam to investigate organized criminal groups involved in exploiting Vietnamese children for sex and labor trafficking in the Netherlands. The Ministry of Justice and Security (MJS) maintained police liaison officers in Croatia, Italy, and Poland to monitor migrants vulnerable to trafficking and to share investigative information with host government law enforcement authorities. The government maintained a 2016 memorandum of understanding on law enforcement cooperation, including anti-trafficking cooperation, with Aruba, Curaçao, Sint Maarten, and the United States. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. The government frequently did not charge child sex traffickers under the trafficking law but under a sexual abuse law (article 248b), which carried lesser penalties.

PROTECTION

The government maintained efforts to protect victims. In 2020, the most recent year for which official data was available, the government-funded national victim registration center and the assistance coordinator registered 984 possible trafficking victims, compared with 1,334 in 2019. Of the 984 victims, 408 were victims of sex trafficking, 603 were victims of labor trafficking, including 154 subjected to forced criminality, and 38 were victims of uncategorized trafficking; these numbers reflect that several individuals were victims of multiple forms of trafficking. The majority of victims were women (547), and 68 victims were children. In 2020, the top five countries of origin of victims were Poland, Nigeria, the Netherlands, Bulgaria, and Hungary; the majority of victims were foreign nationals. Authorities in Bonaire identified two victims in 2021.

Authorities and first responders followed government-established identification and referral procedures; the government continued funding a website with identification and referral information for first responders and other professionals who may encounter a victim. The government supported an initiative by victim care organizations to develop best practices for prevention and protection of male victims of sexual exploitation. In January 2022, the national police reported an ongoing shortage of law enforcement officers, due in part to the increased workload of officers responding to protests, particularly those against government pandemic restrictions. Observers reported the shortage of officers and the government's guidance for many employees to work from home to mitigate the spread of COVID-19 likely contributed to the lower number of victims identified in 2020. Observers noted that while officials received training on victim identification, effective victim screening was dependent on officers' familiarity with trafficking; authorities' contact with trafficking victims varied widely among regions. Aruba, Curaçao, and Sint Maarten relied heavily on the Netherlands for funding local anti-trafficking efforts. Observers assessed these funding levels as sporadic and insufficient. The Kingdom of the Netherlands funded a training on the anti-trafficking legal framework for border protection officials in Sint Maarten.

First responders, including law enforcement, were required to immediately refer potential victims to the NGO officially tasked and funded by the government to register victims and coordinate their care; other organizations and private citizens could also refer victims to the NGO. Upon registration, the NGO referred the victim to a shelter, if desired, and advised victims on available services. Observers continued to report the EU's General Data Protection Regulation (GDPR), which required non-law enforcement organizations to obtain consent from the victim before official registration unless a "justified interest" existed, continued to deter some victims from registering. Nevertheless, experts agreed it was not the GDPR itself that caused victims to fear stigmatization as a trafficking victim and withdraw from the victim process; rather, it was the strict interpretation of the regulation by many non-law-enforcement organizations out of fear of being non-compliant with EU privacy regulations. Observers noted that a November 2020 MJS manual with guidance to stakeholders on the GDPR failed to clarify how to report potential victims. Non-registered victims could access services from non-government funded NGOs. MJS provided awareness training to the Immigration and Naturalization Services to identify potential trafficking indicators among asylum-seekers. However, an NGO previously noted that some non-EU third country nationals seeking asylum had difficulty accessing victim care services.

Local governments funded an extensive network of care facilities for Dutch victims and foreign victims with legal residency status; the local shelters provided accommodation to trafficking victims and victims of other crimes. Victims without legal residency status were provided a three-month reflection period in one of three NGO-managed specialized trafficking shelters, during which time they could choose to press charges against their trafficker; victims were not allowed to work during this time. After the reflection period, victims who agreed to assist police could continue to stay in shelters. Observers expressed concern that the granting of a reflection period was at authorities' discretion and there was no mechanism to appeal a decision. The government fully funded the three NGO-managed specialized shelters for victims without legal residency status; the government provided €1.5 million (\$1.7 million) to these shelters in 2021, an increase from €1.44 million (\$1.6 million) in 2020. In January 2022, the government decreased the number of spaces for victims in the three specialized shelters from 58 to 40 (30 for women, 10 for men) but allowed for a 10 percent increase above this capacity, if needed. Observers claimed that the government's decision to reduce capacity based on decreased victim numbers in 2020 was misguided, as the reduction in victim numbers was likely due to challenges in identification caused by the pandemic. Both the NGO-managed shelters and local shelters provided medical and psychological care, schooling, language and skills training, and legal assistance; some also provided self-defense classes, and most had facilities accessible to individuals with disabilities. In addition to the general funding of local shelters, local governments allocated €2 million (\$2.27 million) to fund specialized care for up to 36 trafficking victims who also had a psychological disorder, developmental limitations, or "substance abuse disease;" this care was provided across six local shelters. Shelters created separate quarantine locations for victims who tested positive for COVID-19, ensuring safe shelter for victims who needed to self-quarantine.

Child victims were placed in specialized shelters for children or in screened foster homes, or they were returned home when deemed safe. Children remained vulnerable in the protection system; civil society reported care workers were not sufficiently trained to identify child trafficking victims and the level of specialized services children received varied widely by municipality. In June 2021, the government initiated a regional pilot program establishing a coordinator to increase protection for child trafficking victims by increasing victims' confidence in the criminal justice system and taking measures to avoid victims' re-traumatization during criminal proceedings. The national rapporteur and civil society agreed the government was actively engaged in addressing the issue of children leaving Dutch asylum centers to unknown destinations, including through law enforcement cooperation via the EMPACT project; the government also established interagency working agreements delineating the roles and responsibilities of law enforcement and government agencies when responding to a case of a missing unaccompanied child.

Thirty-three of the country's 35 health care regions had a trafficking victim coordinator, the same number as in 2020; the government funded an NGO to assist the two regions without a coordinator. The November 2021 prosecutorial directive instructed prosecutors to take several measures to prioritize victims' privacy, safety, and health, including limiting the number of interviews and conducting interviews without delay; avoiding visual contact between the victim and suspect; and allowing victims not to testify as a witness during public trials. Although victims could request physical separation from a suspect during court proceedings, observers previously expressed concern that lengthy trials re-traumatized victims. Judges often awarded restitution to victims, and if the perpetrator did not pay the court-ordered amount within eight months, the government assumed responsibility for collecting the payment from the perpetrator. Courts ordered significant restitution awards in several cases in 2021, including a case in which a judge awarded €220,480 (\$249,980) to a victim of sex trafficking. Victims could also claim compensation through the Violent Offenses Compensation Fund or by filing a civil suit. As of 2019, victims in the BES islands could also apply for compensation from the Violent Offenses Compensation Fund.

Non-EU victims without legal residency status, who were willing to press charges, were eligible for a short-term residence permit (B-8 permit), valid for a maximum of five years; the B-8 permit allowed non-EU victims to seek employment. If authorities decided to prosecute the suspected trafficker, the victim was eligible to receive permanent B-8 legal residency. The government did not report how many foreign victims applied for the permanent B-8 permit (333 applied in 2018, the most recent year data was available). According to civil society, foreign victims who obtained a B-8 permit but ultimately ceased cooperation with authorities lost their residence permits and consequently all government-sponsored support services. Moreover, some NGOs noted law enforcement could quickly drop a case if it did not immediately find sufficient potential evidence for a successful prosecution, leading to victims potentially being excluded from services. A victim could apply for asylum if their case closed without a conviction or they declined to assist in an investigation. The government did not report the number of potential victims who applied for asylum. A procedure also existed to grant victims residency, separate from B-8 eligibility, in cases where they were seriously threatened or had serious medical or psychological conditions. Authorities worked with civil society to repatriate foreign victims unable to acquire residence permits; the government did not report how many victims were repatriated (approximately 10 in 2020).

The government continued to implement a European Commission "Dublin" regulation of transferring asylum claimants to their original country of asylum registration, including claimants who had potentially been subjected to trafficking in another EU country. Civil society observed this policy led to the deportation of some victims who were in need of support. Authorities noted that when a "Dublin" asylum claimant was returned to a "Dublin" country of origin, Dutch law enforcement shared all investigation data with their counterparts in the country of origin to facilitate the investigation and prosecution of a case. The government extended immigration relief to victims facing deportation or repatriation to countries with a high rate of COVID-19 infections and to victims who could not return to their home countries due to travel restrictions; the government allowed identified victims to stay two to six weeks beyond the three-month reflection period in specialized shelters for trafficking victims or in asylum centers.

PREVENTION

The government increased efforts to prevent trafficking. The Human Trafficking Task Force, chaired by the chief national prosecutor and composed of local and national government authorities, the private sector, and NGO representatives, set long-term anti-trafficking policies, while MJS led the implementation and coordination of anti-trafficking efforts; the task force met four times. The government continued implementing the 2018 NAP, focused on improving information sharing among stakeholders, identifying more victims, strengthening local governments' anti-trafficking programs, and increasing efforts against labor trafficking. Several NGOs criticized the NAP for its lack of measurable goals and monitoring tools, although the government issued a report in November 2021 on its progress implementing the NAP. In December 2021, the government committed €2 million (\$2.27 million) to fund the 2023-2027 NAP, the first time the government dedicated money directly to NAP implementation. The four Kingdom countries agreed to update an existing memorandum of understanding on human trafficking and migrant smuggling in 2022. The government began drafting a NAP to protect children on online platforms, including to prevent child trafficking. The national rapporteur, tasked with monitoring policy implementation, gathering and reporting statistics, and making recommendations to the government, published a report that analyzed victim statistics from 2016-2020 and a 2015-2019 report on sexual violence against children. The mandate of the national rapporteur did not extend to the BES islands; therefore, the office could not conduct research there. Observers reported the government increasingly sought survivor input in crafting anti-trafficking laws, regulations, policies, and programs. A December 2021 study by the Dutch Association of Local Governments found that approximately 60 percent of municipalities were developing or implementing an existing anti-trafficking policy; the government worked with several municipalities to launch a pilot program to develop and share innovative best practices at the local level.

The government continued multiple awareness campaigns, some of which were conducted by local governments or through NGOs. The government funded an awareness raising roadshow focused on the exploitation of youth. More than 50 percent of municipalities conducted inspections of commercial sex establishments, which included screening for trafficking indicators; the government did not report the number of inspections conducted nor if it identified any trafficking victims as a result of these inspections. Although legalized, the government prohibited commercial sex for multiple months in 2021 due to pandemic-related restrictions, leading those organizing commercial sex to shift to online platforms and into private residences; this change made it more challenging for authorities to conduct inspections. The government continued supporting two “innovation field labs” in cooperation with a foreign university to bring together stakeholders to develop new methods to counter trafficking. The government provided assistance and training overseas, and it funded anti-trafficking programs in victim source countries, including campaigns in Africa and the Middle East to raise awareness about the risks of human trafficking and smuggling when migrating. The government, in cooperation with an international organization, launched a program to improve anti-trafficking law enforcement coordination in Niger and Nigeria.

Although observers noted the government’s increased focus on labor exploitation, in particular the government’s attention to the living situation and labor conditions of migrant workers during the pandemic, experts expressed concern that ambiguity regarding the legal distinctions between labor trafficking and poor labor practices made it difficult to effectively tackle labor trafficking. The labor inspectorate implemented a new data processing mechanism to share information with the police to increase coordination on potential labor trafficking cases. In November 2021, the government amended the Foreign Nationals Employment Act to increase the duration of work permits for foreign nationals from non-European Economic Area countries from one year to a maximum of three years. The same month, following media reports of possible human trafficking among Asian migrant cooks, the government terminated the special work permit scheme for the Asian hospitality sector. Eight industries were actively involved in the government’s Covenant on Reducing Human Rights Violations in Supply Chains, and two industries (wind energy and agriculture/horticulture) were in the process of joining. The government began developing corporate social responsibility legislation to ensure Dutch companies incorporate human rights and environmental due diligence throughout their supply chains. In advance of the implementation of legislation criminalizing the solicitation of a sex trafficking victim, the government launched an awareness campaign in December 2021 targeting consumers of commercial sex. The government continued to implement a national plan against child sex tourism, screened for potential child sex tourists at airports in cooperation with foreign governments, and maintained a police liaison at the Dutch embassy in Thailand, a position responsible for monitoring criminal activities in the region, including human trafficking. The government supported NGO-conducted projects to counter child sex tourism and funded an NGO-operated reporting center to encourage travelers and flight staff to file reports of suspected child sex tourism. The government continued training immigration, hotel, aviation, customs, and labor inspection staff in methods to identify victims and child sex tourists. The government continued its collaboration with Liechtenstein, Australia, and the UN to explore methods to detect and disrupt financial flows associated with trafficking. The foreign ministry continued to conduct outreach to domestic workers associated with foreign diplomats, without their employers present, on how to report cases of abuse. A government-funded NGO maintained a victim assistance hotline during regular business hours. The hotline received 2,130 calls in 2021, compared with 3,782 calls in 2019; the government did not report if any of these calls resulted in trafficking investigations.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. In contrast to previous years, stakeholders identified more labor trafficking cases than sex trafficking in 2020. Labor traffickers exploit adults from Eastern Europe, Africa, and South and East Asia, and Latin America in industries such as catering, retail, inland shipping, leisure river cruises, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity. There has been a notable increase in victims from Africa, particularly Nigeria and Uganda. The number of European victims, particularly from Eastern Europe, rose sharply in 2020. Thousands of Ukrainian refugees, predominantly women and children fleeing Russia’s war on Ukraine, have crossed European borders, including those of the Netherlands, seeking sanctuary and are vulnerable to trafficking. For the first time in several years, Dutch nationals were not the leading nationality of victims in 2020 or 2019. Refugees and asylum-seekers, including unaccompanied children and children in government-run asylum centers, are vulnerable to labor and sex trafficking. Over the last five years, more than 1,600 foreign children have left refugee centers to unknown destinations and remain highly vulnerable to exploitation. Criminal groups force Romani children into pickpocketing and shoplifting rings. The Netherlands is a source country for child sex tourists. Traffickers are overwhelmingly male and almost half of trafficking suspects are Dutch; the average trafficker is younger than 35 years old.

Human traffickers exploit foreign victims in the BES islands. Increasingly, traffickers exploit Venezuelan women in sex trafficking on the BES islands. Local authorities believe labor traffickers also exploit adults in domestic servitude and in the agricultural, retail, and construction sectors. Women in commercial sex and unaccompanied children are highly vulnerable to trafficking on the islands, and some migrants in restaurants and local businesses may be vulnerable to debt bondage.

ecoi.net summary:



Annual report on
trafficking in persons (covering
April 2021 to March 2022)

Country:

Netherlands

Source:

[USDOS – US Department of
State](#)

Original link:

[https://www.state.gov/reports/
2022-trafficking-in-persons-
report/netherlands/](https://www.state.gov/reports/2022-trafficking-in-persons-report/netherlands/)

Document type:

Periodical Report

Language:

English

Published:

29 July 2022

Document ID:

2077789

Austrian Red Cross
Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

