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2024 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; therefore the Netherlands remained on Tier 1. These efforts included prosecuting more alleged traffickers, finalizing a new NAP and increasing funding for its implementation, and amending regulations to provide potential trafficking victims subject to the "Dublin" regulation a 30-day reflection period. The labor inspectorate created a 30-person division dedicated solely to investigating labor exploitation, including trafficking. The government took measures to prevent criminal exploitation of children, including by conducting research on combating criminal exploitation in schools and creating a national helpline and online outreach portal for victims of criminal exploitation and vulnerable youth. The government formally sought input from survivors in developing new anti-trafficking activities. Although the government meets the minimum standards, courts convicted fewer traffickers and partially suspended more than 50 percent of imposed sentences. For the third consecutive year, the government identified fewer victims. Unaccompanied children continued to go missing from Dutch asylum centers, and authorities placed hundreds of unaccompanied child asylum-seekers in emergency shelters or other alternative housing due to insufficient space at asylum reception centers, increasing vulnerabilities to trafficking. Moreover, observers reported insufficient shelter for trafficking victims and a fragmented structure of care provision hindered protection efforts. The government provided only limited, time-restricted support services for foreign victims without legal residency who chose not to participate in criminal justice proceedings.

* The Netherlands, along with the Dutch Caribbean islands of Aruba, Curaçao, and Sint Maarten form the Kingdom of the Netherlands. Although autonomous countries, 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 and criminal activity, and among vulnerable populations, including asylum-seekers. * Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Provide all potential trafficking victims, including foreign nationals without legal residency, with protection services, regardless of their ability or decision to participate in criminal proceedings. * Establish and implement policies to formally disconnect identification procedures and official victim status from investigations and prosecutions. * Continue efforts to strengthen the child protection system to protect against vulnerability to trafficking, including among unaccompanied children in the asylum system. * Develop and consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. * Incorporate measurable indicators and metrics into the NAP. * Increase the availability of protection services – including short-term shelter, long-term housing, and psycho-social assistance – for all trafficking victims. * Improve coordination and information-sharing with anti-trafficking counterparts across the Kingdom of the Netherlands, including in Aruba, Curaçao, and Sint Maarten. * Ensure all potential foreign victims, including those subject to the "Dublin" regulation, are offered a reflection period. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * 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. * Improve data collection quality for law enforcement and ensure the timely release of victim identification data for policy evaluation.

PROSECUTION

The government maintained anti-trafficking 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 of up to €87,000 (\$96,130) for trafficking crimes involving an

adult victim, and up to 15 years' imprisonment or a fine of up to €87,000 (\$96,130) for those crimes in which the victim was a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Article 273g criminalized 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. The government drafted amendments to the criminal code aiming to expand criminal liability for profiting from human trafficking crimes and other labor abuses. A government advisory council noted some concerns with these amendments, including the establishment of a provision criminalizing benefiting from work exacted by "serious disadvantage," which they noted may be unclear and cause confusion with existing administrative provisions addressing similar acts; the amendments remained pending at the close of the reporting period. The government frequently prosecuted child sex trafficking crimes as child sexual abuse (Article 248b), which carried lesser penalties. The BES criminal code criminalized sex and labor trafficking under Article 286f and prescribed penalties ranging from six to 15 years' imprisonment.

Police initiated 213 trafficking investigations involving 325 suspected traffickers, compared with 214 investigations in 2022. The government initiated prosecutions of 238 alleged traffickers, an increase compared with 218 in 2022. Courts convicted 57 traffickers (compared with 61 in 2022), 41 for sex trafficking, five for labor trafficking, and 11 for unspecified forms of trafficking. Courts sentenced 56 of the 57 traffickers to imprisonment and sentenced the remaining trafficker to community service; of the 56 traffickers sentenced to prison time, courts sentenced 13 to less than one year in prison, 36 to one to three years, four to three to five years, and three to more than five years. Courts partially or fully suspended 55 percent of sentences (30 partially and one fully), which weakened deterrence, did not adequately reflect the nature of the crime, and undercut broader efforts to combat trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. Law enforcement efforts remained weak in the BES islands, with concerns trafficking issues in the BES islands were under-reported and under-acknowledged. The Dutch Caribbean Police Corps, which operated exclusively in the BES islands, did not report initiating any trafficking investigations, prosecutions, or convictions for the second consecutive year, compared with one investigation, prosecution, and conviction in Bonaire in 2021. This was the sixth 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, including financial investigators; the national police also had dedicated anti-trafficking officers. Specialized

anti-trafficking prosecutors and judges tried and heard cases. Observers reported resourcing for regional anti-trafficking police units and the Dutch Expertise Center in Human Trafficking and Migrant Smuggling, which served as the law enforcement knowledge sharing body, was inadequate to address the complexity of human trafficking investigations. In 2023, multiple regional police units cooperated on 17 anti-trafficking investigations. To further increase collaboration, the government created a coordination structure for regional police units, the national police, and prosecutors to collaborate on trafficking 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 received additional training. The government mandated training on victim identification for professionals in direct contact with potential victims. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and trauma-informed care for victims.

Observers noted authorities in the BES islands lacked expertise and did not thoroughly investigate trafficking cases. Authorities in Bonaire maintained a trafficking database, which served as a repository for future trafficking investigations. The Kingdom of the Netherlands continued to fund a recurring anti-trafficking training opportunity for border protection officials in Sint Maarten and the Royal Netherlands Marechaussee embedded officers in the Sint Maarten police anti-trafficking unit to mitigate staffing limitations. The Kingdom of the Netherlands continued funding up to €16 million (\$17.7 million) in border security measures in Aruba, Curaçao, and Sint Maarten from 2021 until 2028. 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 lead EUROPOL's European Multidisciplinary Platform Against Criminal Threats (EMPACT) program on human trafficking, a security initiative to investigate and combat human trafficking. In May 2023, Dutch authorities participated in a EUROPOL-led operation with 44 countries leading to the identification of 1,426 potential trafficking victims and the initiation of 244 investigations. In June 2023, Dutch authorities, in coordination with EUROPOL, led a joint operation with 30 countries focused on identifying labor exploitation among non-EU nationals and refugees; the operation led to 21 arrests for labor exploitation, the identification of 261 victims, and the launch of 86 new investigations. In September 2023, Dutch authorities, with support from EUROPOL, coordinated a three-day operational action targeting online platforms and social media used to recruit trafficking victims. The

government maintained a 2016 MOU on law enforcement cooperation, including anti-trafficking cooperation, with Aruba, Curaçao, Sint Maarten, and the United States.

PROTECTION

The government maintained victim protection efforts. In 2022, the most recent year for which official data was available, the government-funded national victim registration center and the assistance coordinator registered 814 potential trafficking victims, marking a multi-year decline from 845 in 2021, 984 in 2020, and 1,334 in 2019. Observers highlighted several possible reasons for the decline, including law enforcement linking victim identification to the prospect of a successful investigation; no requirement for civil society to report potential victims to the national victim registration center; and the dual role anti-trafficking police had in investigating both trafficking and irregular migration. Of the 814 potential victims, traffickers exploited 393 in sex trafficking and 454 in labor trafficking, including 105 in forced criminal activity and one in forced begging; some victims experienced multiple forms of trafficking. The government provided data on each type of trafficking, rather than by individual, resulting in some double counting in the statistics. The majority of victims were foreign nationals (605) and women (500); 70 victims were children. Authorities in the BES islands did not identify any victims for the second consecutive year, compared with the identification of two victims in Bonaire in 2021. Police used a combined intelligence and investigative model to identify potential victims in police reports unrelated to human trafficking; this model included indicators to screen for trafficking among underserved communities. The government continued funding a website with identification and referral information for first responders and other professionals who may encounter potential victims. Aruba, Curaçao, and Sint Maarten relied heavily on the Netherlands for funding local anti-trafficking efforts. Observers assessed these funding levels as insufficient.

The government required first responders, including law enforcement, to immediately refer potential victims to the NGO officially tasked and funded by the government to register victims and coordinate protection services; other organizations and private citizens could also refer victims to the NGO but were not required to do so. Upon registration, the NGO referred victims to a shelter, if desired, and advised victims on available services. Of the 814 potential victims identified, authorities identified and referred 208 victims (26 percent) to the NGO. 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, but rather the strict interpretation of the regulation by many non-law-enforcement organizations due to fear of being non-compliant

with EU privacy regulations. Observers reported the government did not provide practical guidance to stakeholders on the GDPR and how to report potential victims. Non-registered victims could access services from non-government funded NGOs. The government reported it trained asylum reception and immigration officials on trafficking indicators and how to report potential cases. However, an international body reported the government's efforts to identify trafficking victims among asylum-seekers was ineffective and noted some asylum-seekers identified as trafficking victims were not provided trafficking-specific protection 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. Dutch victims and foreign victims with a valid residency permit or status were eligible for a full-range of social services, including medical and psycho-social care, housing, and education assistance. The government provided local governments €2 million (\$2.2 million), compared with €1.92 million (\$2.1 million) in 2022, to fund specialized care for approximately 36 victims with multiple needs in local shelters. The government provided victims without legal residency status a three-month reflection period in one of three NGO-managed specialized trafficking shelters during which time they could choose to press charges against the trafficker; victims were not allowed to work during this time. As of May 2023, potential victims subject to the "Dublin" regulation – a rule governing which "Dublin" country (EU countries, Iceland, Switzerland, Liechtenstein and Norway) should assess an asylum-seeker's application – who did not apply for asylum in the Netherlands could receive a 30-day reflection period; previously authorities denied them a reflection period unless law enforcement deemed it necessary for the victim to be present in the Netherlands to investigate or prosecute a case. After the reflection period, victims who agreed to assist police could continue to stay in shelters and were eligible for a temporary residency status allowing them to work. Observers noted the granting of a reflection period was at authorities' discretion and there was no mechanism to appeal a decision. The government funded the three specialized NGO-managed shelters with approximately 40 spaces for trafficking victims; the government provided €1.3 million (\$1.4 million) to these shelters, compared with €1.2 million (\$1.3 million) in 2022. Both the NGO-managed shelters and local shelters provided medical and psycho-social care, schooling, language and skills training, and legal assistance; some also provided self-defense classes, and most had facilities accessible to individuals with disabilities. Observers reported a lack of shelter for victims, resulting in some victims staying at police stations or hotels. NGOs also reported the level of services provided varied, depending on a municipality's financial priorities, and observers reported long wait times for psycho-social services. Observers reported victim care provision was fragmented and disorganized and called on the government to create a care coordination

mechanism. Observers reported authorities sometimes penalized victims for unlawful acts committed solely as a direct result of being trafficked; civil society noted many trafficking victims exploited in criminal activity were reluctant to participate in investigations because they feared prosecution or reprisals from traffickers.

The government placed child victims in specialized shelters for children, foster homes, or returned them home when deemed safe. Child victims were also afforded child-friendly environments during legal proceedings, including designated facilities and closed court room hearings. However, children remained vulnerable in the protection system; civil society reported care workers were not sufficiently trained to identify child victims and the level of specialized services children received varied widely by municipality. Unaccompanied children continued to go missing from Dutch asylum centers; media reports in May 2023 indicated at least 360 children had gone missing from asylum centers since January 2022, and in August 2023, media reported the government placed more than 800 unaccompanied children seeking asylum in hotels, shelters for adults, or emergency shelter facilities for adults due to a lack of space in facilities dedicated for children. Although the government previously reported it made efforts to address this issue, including through law enforcement cooperation via the EMPACT project, an international organization expressed concern authorities' efforts to prevent children from going missing were ineffective. Observers expressed concern missing unaccompanied children were particularly vulnerable to trafficking. Moreover, observers reported unaccompanied children were frequently transferred between care providers, complicating assistance provision.

The government instructed prosecutors 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 asserted lengthy trials re-traumatized victims. Although victims were entitled to free legal aid during criminal proceedings, the government did not provide legal assistance to victims during the initial interview with law enforcement; observers reported this interview could have significant legal consequences and affect the duration of the reflection period granted to the victim. Observers also reported the government's reimbursement to lawyers for legal aid during criminal proceedings was not commensurate with the amount of work and hours required, resulting in fewer lawyers willing to represent victims. The law allowed the seizure of a perpetrator's assets before a rendered legal judgement to ensure payment of potential claims, and it allowed any person who suffered direct injury to join the criminal proceedings and claim damages. Judges often awarded restitution to victims and if the perpetrator did not pay the court-ordered amount within eight months, the government paid the victim the amount

awarded and assumed responsibility for collecting the payment from the perpetrator. Courts ordered significant restitution awards in several cases in 2023; in one case, a court granted a labor trafficking victim €246,013 (\$271,840). Victims, regardless of legal residency in the Netherlands, could claim compensation through the Violent Offenses Compensation Fund. Victims could also file a civil suit; however, observers reported victims often were unable to claim compensation through civil suits because of the cost associated with filing a claim, a lack of free legal aid for victims in civil suits, and no mechanism to recover the award from the trafficker. Victims in the BES islands could also apply for compensation from the Violent Offenses Compensation Fund, although the government did not report if any victims in the BES did so or if they were awarded compensation.

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 reported 160 foreign victims applied for the permanent B-8 permit from April to December 2023, of which the government granted 110. The B-8 residence permit was contingent upon victim cooperation with law enforcement. If, after the three-month reflection period the victim decided not to assist with the investigation, the government revoked the permit and consequently all government-sponsored support services. Moreover, authorities did not provide potential victims subject to the "Dublin" regulation with a B-8 permit after filing a police report, but rather after prosecutors notified immigration authorities that the potential victim's stay in the country was necessary for the investigation and prosecution of a case. 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. An August 2023 government report recommended separating the B-8 permit process from the existence of a police report and criminal investigation. A victim could apply for asylum, or request a residence permit for humanitarian reasons, 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. Authorities worked with civil society to repatriate foreign victims unable to acquire residence permits; the government did not report how many victims were repatriated.

PREVENTION

The government increased efforts to prevent trafficking. The Human Trafficking Task Force, officially chaired by the Minister of Justice and Security (MJS), and in practice, 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 twice. In October 2023, the government published the 2023-2027 NAP; observers reported the NAP lacked measurable indicators and metrics. The government sought input from trafficking survivors during the development of the NAP, and the NAP included a specific goal to engage survivors in the development of anti-human trafficking policy. In December 2023, parliament requested the government strengthen the NAP and provide additional resources for its implementation; the government committed an additional €500,000 (\$552,486) on top of €2 million (\$2.21 million) in annual funding for the NAP. The national coordinator for the Dutch Caribbean collaborated on a monthly basis, virtually and in-person, with national anti-trafficking coordinators from Aruba, Curaçao, and Sint Maarten, including to revise the MOU outlining anti-trafficking efforts across the Kingdom of the Netherlands; the governments adopted the revised MOU in September 2023. The government funded an NGO-led research project on combating criminal exploitation of children; the NGO issued a report in 2023 on combating criminal exploitation in schools and created a national helpline and online outreach portal for victims of criminal exploitation and vulnerable youth. The national rapporteur, tasked with monitoring policy implementation, gathering and reporting statistics, and making recommendations to the government, published a 2017-2021 report on traffickers and the criminal justice system. The mandate of the national rapporteur did not extend to the BES islands; therefore, the office could not conduct research there.

The government conducted various awareness campaigns both independently and in partnership with local governments and NGOs. In addition, government funding supported trafficking awareness campaigns developed by the governments of Aruba and Curaçao. The government provided assistance and training overseas, and it funded multiple anti-trafficking programs. In the Middle East and Africa, the government continued to fund an international organization for a three-year, €55.15 million (\$60.94 million) campaign, begun in 2021, with a focus on providing protection and assistance for vulnerable migrants and combating human trafficking and migrant smuggling; the government approved a second phase of the project to take place from 2024-2027. In addition, the government continued to fund two international organizations with €10.5 million (\$11.6 million) for a four-year capacity-building project focused on investigating and prosecuting traffickers in West Africa; this project began in 2020.

Although observers noted the government's increased focus on labor abuses, experts asserted ambiguity regarding the legal distinctions between labor trafficking and poor labor practices made it difficult to effectively tackle labor trafficking. The government did not have a licensing system for labor recruitment companies and temporary work agencies, nor did it prohibit worker paid recruitment fees; the government

introduced legislation in 2023 to create a mandatory certification system for recruitment agencies. The Netherlands Labour Authority (NLA) Criminal Investigations Department created a new division in 2023 to exclusively investigate labor exploitation, including labor trafficking, and dedicated 30 full-time employees to the division. In 2023, the NLA created a virtual learning module for inspectors on recognizing signs of labor exploitation, including labor trafficking, and "serious disadvantage." The government did not report if the data processing mechanism the NLA and police used to share information resulted in law enforcement action on labor trafficking cases. The government required businesses to follow the Organization for Economic Cooperation and Development guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, ensuring businesses engage in a risk-based, due diligence approach to identify adverse human rights impacts, including forced labor, in their supply chains.

The government did not make efforts to reduce the demand for commercial sex acts. The government continued to implement a national plan against extraterritorial child sexual abuse and exploitation and screened for potential perpetrators at airports in cooperation with foreign governments. The government supported NGO-conducted projects to combat extraterritorial child sexual abuse and exploitation, including a new awareness campaign to encourage travelers to report suspicious activity, and funded an NGO-operated reporting center to encourage travelers and flight staff to file reports of suspected extraterritorial child sexual abuse and exploitation. The government continued training immigration, hotel, aviation, customs, and labor inspection staff in methods to identify victims and perpetrators of extraterritorial child sexual abuse and exploitation. The government continued its collaboration with foreign governments, EUROPOL, INTERPOL, and the UN to explore methods to detect and disrupt financial flows associated with trafficking. The foreign ministry continued to inform domestic workers associated with foreign diplomats, without their employers present, on how to report cases of abuse. A government-funded NGO maintained a labor trafficking victim assistance hotline during regular business hours; 425 individuals who contacted the hotline in 2022 showed signs of human trafficking and were reported for inclusion in the national statistics, compared with 388 in 2022. The European Temporary Protection Directive allowed Ukrainian refugees to reside and seek employment in the Netherlands; in September 2023, the government ended temporary protection for third country nationals from Ukraine who had a temporary residence permit in Ukraine. Media reported in February 2024, more than 99 percent of reception places for refugees from Ukraine were occupied, indicating a potential risk to trafficking for incoming refugees from Ukraine. Observers noted the lack of available reception places, particularly at the country's perennially overcrowded central reception center, forced some asylum-seekers to sleep outside reception centers or

stay in crisis emergency shelters for extended periods of time; this instability may have increased asylum-seekers' vulnerability to trafficking.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. Most victims identified in 2022 were Dutch nationals (26 percent). Since 2020, the majority of victims originate from Europe, whereas in prior years most victims were from Africa. 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. Tens of thousands of refugees, mostly women and children, fleeing Russia's full-scale invasion of Ukraine reside in the Netherlands and remain vulnerable to exploitation, including human trafficking. As of January 2024, approximately 140,000 Ukrainians reside in the Netherlands with more than 50 percent employed. In 2022, there were 51 potential trafficking victims among Ukrainian refugees, compared with seven in 2021. Refugees and asylum-seekers, including unaccompanied children and children in government-run asylum centers, are vulnerable to labor and sex trafficking. A significant number of unaccompanied children have gone missing and are vulnerable to exploitation. Traffickers increasingly exploit children and young adults in criminal activities, including drug trafficking. Criminal groups force Romani children into pickpocketing and shoplifting rings. Dutch nationals exploit children in extraterritorial child sexual exploitation and abuse. Traffickers are overwhelmingly male, and the majority are Dutch and younger than 30 years old.

Human traffickers exploit foreign victims in the BES islands. Increasingly, traffickers exploit Venezuelan women in sex trafficking in the BES islands. Labor traffickers may 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.

Austrian Red Cross	Wiedner Hauptstraße	Contact
Austrian Centre for	32, 1041 Wien	Imprint & Disclaimer
Country of Origin and	T +43 1 589 00 583	F.A.Q.
Asylum Research and	F +43 1 589 00 589	Data Protection Notice
Documentation	info@ecoi.net	
(ACCORD)		

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