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USDOS – US Department of State (Author)

2023 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, if any, on its anti-trafficking capacity; therefore the Netherlands remained on Tier 1. These efforts included increasing investigations and new prosecutions, drafting and funding a new NAP – the first time the government dedicated money directly to NAP implementation, and deploying additional law enforcement officials to the Dutch Caribbean. The government took several measures to increase child trafficking prevention and protection efforts, including dedicating an annual budget to the National Rapporteur for Human Trafficking and Sexual Exploitation of Children. Although the government meets the minimum standards, courts convicted fewer traffickers compared with 2021 and the government identified the lowest number of victims since 2018. The government provided only limited, time-restricted support services for foreign victims without legal residency who did not cooperate with law enforcement investigations.

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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.
- Seek adequate penalties for convicted traffickers, which should involve 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.

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PROSECUTION

The government maintained overall law enforcement efforts; while investigations and the government contributions towards the Dutch Caribbean's anti-trafficking efforts increased, convictions decreased. 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 (\$92,950) for trafficking crimes involving an adult victim, and up to 15 years' imprisonment or a fine

of up to €87,000 (\$92,950) 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 serious crimes, such as rape. 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. Additionally, the "2022 Act Criminalizing the Abuse of Prostitutes Who are Victims of Human Trafficking" criminalizes 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.

A prosecutorial directive, stressing human trafficking investigations and prosecutions were a high priority, went into effect in November 2021. Police initiated 214 trafficking investigations, an increase compared with 178 in 2021. The government initiated prosecutions of 218 alleged traffickers, an increase compared with 201 in 2021 and a significant increase from 120 in 2020. The government continued ongoing prosecutions of 178 cases. Courts convicted 61 traffickers, a significant decrease from 205 in 2021 but similar to past years, including 53 traffickers convicted in 2020. Courts sentenced 53 of the 61 traffickers to imprisonment, the remainder were sentenced to community service; of the 53 traffickers, 13 were sentenced to less than one-year imprisonment, 26 to one to three years, nine to three to five years, and five to over five years. Law enforcement efforts remained weak in the BES islands, with concerns that trafficking issues in the BES are under-reported and under-acknowledged. The Dutch Caribbean Police Corps, which operated exclusively in Bonaire, Sint Eustatius, and Saba, did not initiate any trafficking investigations, prosecutions, or convictions in 2022; compared with one investigation, prosecution, and conviction in Bonaire in 2021. This was the fifth 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. In 2022, the national police reported an ongoing shortage of officers, due in part to a labor shortage exacerbated by the COVID-19 pandemic that affected total government hiring efforts. While there were no reported labor shortages in anti-trafficking units, specifically, the volume and complexity of the work strained the existing units. Specialized anti-trafficking prosecutors and judges tried and heard cases. In 2022, the government allocated €2 million (\$2.14 million) to the

police and public prosecution service to strengthen capacity, conduct research, and train officers in identification. In 2022, the Dutch Expertise Center in Human Trafficking and Migrant Smuggling (EMM), which served as the law enforcement knowledge sharing body, reported increased collaboration and joint investigative activity between the regional police units. However, while information sharing and overall collaboration increased, experts asserted resourcing was inadequate to address the issues facing EMM. The government continued to deliver anti-trafficking training to law enforcement; training remained institutionalized as part of the standard professional curriculum across agencies with 100 percent of officers receiving the training. 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. For professionals in direct contact with potential victims, training on identifying victims was mandatory. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and trauma-informed care for victims.

The Studiecentrum Rechtspleging (SSR), funded by the government of the Netherlands, conducted training for public prosecutors, judges, and judicial support staff. In 2022, SSR held the basic anti-trafficking course twice and trained a total of 46 participants including seven judges, 10 public prosecutors, and 29 judicial support staff. SSR also held an in-depth course twice and had a total of 37 participants including nine judges, four public prosecutors, and 24 judicial support staff. 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 leads on trafficking cases. Observers noted the Royal Dutch Military Police (KMAR) played a larger role in the Dutch Caribbean's anti-trafficking efforts than in previous years. Dutch authorities assigned 70 additional law enforcement officers to border security posts in the Dutch Caribbean; some of these officials were assigned to anti-trafficking units. In addition to the increase in staffing, the Netherlands committed up to €16 million (\$17.09 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 participate in international investigations. In 2022, Dutch authorities participated in a project with EUROPOL in which the European Migrant Smuggling Centre (EMSC) identified 910 potential trafficking victims and made 254 arrests. Additionally, the government's TIP-related law enforcement cooperated with Italian local law enforcement offices and Public Prosecution Service by sharing investigative material and coordinating with Italian NGOs for victim services. The government continued to lead EUROPOL's European Multidisciplinary Platform Against Criminal Threats (EMPACT) program on human trafficking. Specifically, the government hosted an event at which 85 investigators from 20 nations searched through over 100 online platforms to uncover networks looking to recruit victims for sexual and labor exploitation, eventually identifying 45 victims (almost half of them Ukrainian nationals, although none of whom were identified in the Netherlands). According to the Ministry of Justice and Security (MJS) and Ministry of Foreign Affairs (MFA), Dutch anti-trafficking work abroad focused mainly on preventing and prosecuting trafficking in North and West-Africa including capacity building efforts, Declarations of Intent (DoIs), MOUs, and continued contact with law enforcement counterparts. The government maintained a 2016 MOU 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.

PROTECTION

The government maintained efforts to protect victims. In 2021, the most recent year for which official data was available, the government-funded national victim registration center and the assistance coordinator registered 845 possible trafficking victims, marking a multi-year decline from 984 in 2020 and 1,334 in 2019. Of the 845 victims, 392 were victims of sex trafficking, 326 were victims of labor trafficking, 127 were victims of unspecified forms of trafficking. The majority of victims were foreign nationals (566), women (468), and 89 victims were children. Authorities in the BES islands did not identify any victims in 2022, compared with the identification of two victims in Bonaire in 2021; Bonaire authorities continued to provide services to those victims in 2022. The government continued funding a website with identification and referral information for first responders and other professionals who may encounter a victim. Aruba, Curaçao, and Sint Maarten

relied heavily on the Netherlands for funding local anti-trafficking efforts. Observers assessed these funding levels as insufficient.

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 victims 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, 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 noted 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 the 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 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 specialized NGOs to manage shelters with approximately 70 spaces for trafficking victims. All Dutch victims and foreign victims with a valid residency permit or status were eligible for a full-range of social services, including medical, psycho-social, housing, and education assistance. Of the 845 victims identified, authorities referred only 175 victims (21 percent) to NGOs or government shelters to receive available support services; officials

explained that they received registrations for victims who already received services from other care providers or did not need government assistance. The government provided €1.2 million (\$1.28 million) to these shelters in 2022, compared with €1.5 million (\$1.6 million) in 2021 and €1.44 million (\$1.54 million) in 2020. 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 again allocated €1.92 million (\$2.05 million) in 2022 compared with €2 million (\$2.14 million) to fund specialized care for up to 44 victims in municipal shelters.

Child victims were placed in specialized shelters for children, in screened foster homes, or returned home when deemed safe. Child victims were also afforded child-sensitive 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. The national rapporteur and civil society agreed the government had been engaged in addressing the previously-identified 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-four of the country's 35 health care regions had a trafficking victim 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 asserted lengthy trials re-traumatized victims. The law allowed the seizure of a perpetrator's assets before a rendered legal judgement to ensure payment of potential claims, and allowed any person who suffered direct injury to join the criminal proceedings and claim damages. All victims of crimes, including trafficking, could submit an application to receive compensation, regardless of legal residency in the Netherlands. 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. The government stated that courts ordered restitution in 2022, but did not provide figures on the number or amounts of awards; courts ordered significant restitution awards in several cases in 2021. Victims could claim compensation through the Violent Offenses Compensation Fund or by filing a civil suit. 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 apply 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 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). 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, 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, 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. 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.

PREVENTION

The government slightly increased efforts to prevent trafficking. The Human Trafficking Task Force, officially chaired by the Minister of Justice and Security, 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. The task force continued to implement the 2018 NAP while also updating and developing a new 2023-2027 NAP through a multi-stakeholder process with more than 80 governmental and non-governmental entities. The government committed €2 million (\$2.14 million) to fund the 2023-2027 NAP, the first time the government dedicated money directly to NAP implementation. The Cabinet of the Netherlands, appointed in January 2022, identified anti-trafficking as a priority law enforcement focus in their coalition's formal agreement and permanently established a regular annual budget of €2 million (\$2.14 million) for the National Rapporteur for Human Trafficking and Sexual Exploitation of Children. The national rapporteur reported collaborating with the national anti-trafficking coordinators from Curaçao, Aruba, and Sint Maarten to revise the MOU outlining anti-trafficking efforts across the Kingdom of the Netherlands; the governments did not finalize the draft MOU before the end of the reporting period. In 2021, the government began drafting a NAP to protect children on online platforms, including to prevent child trafficking; the government continued drafting the NAP in 2022 with input from partners, experts, and survivors. The national rapporteur, tasked with monitoring policy implementation, gathering and reporting statistics, and making recommendations to the government, published a 2017-2021 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.

The government continued multiple awareness campaigns, some of which were conducted by local governments or through NGOs. In addition, government-funding supported trafficking awareness campaigns developed by the governments of Aruba and Curaçao. Approximately half of the municipalities conducted inspections of commercial sex establishments one to three times a year; the government did not report if it identified any trafficking victims as a result of these inspections. The government provided assistance and training overseas, and it funded multiple anti-trafficking programs in victim source countries. In the Middle East and Africa, the government continued to fund an international organization for a three-year, €55.15 million (\$58.92 million) campaign, begun in 2021, with a focus on providing protection and assistance for migrants and combating human trafficking and migrant smuggling. In addition, the government continued to fund two international

organizations with €10.5 million (\$11.22 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 exploitation, in particular the government's attention to the living situation and labor conditions of migrant workers during the pandemic, experts asserted ambiguity regarding the legal distinctions between labor trafficking and poor labor practices made it difficult to effectively tackle labor trafficking. In the previous reporting period, the labor inspectorate implemented a data processing mechanism to share information with the police to increase coordination on potential labor trafficking cases; the government did not report if any coordination resulted in law enforcement action on labor trafficking cases. In 2022, the Netherlands Labour Authority (NLA), in response to a risk assessment, deployed an additional 70 full-time employees to its Labor Exploitation and Serious Harm program focused on administrative law in situations where an employer gains an unjust financial advantage through underpayment, long working hours, poor working conditions, and criminal law when it concerns crimes related to labor exploitation. The NLA devoted 35 percent of the capacity of the investigation branch to labor exploitation cases. In 2022, the NLA organized 77 informational meetings to raise awareness of labor exploitation both internally within the NLA and with external stakeholders. 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 continued to implement a national plan against child sex tourism, and screened for potential child sex tourists at airports in cooperation with foreign governments. 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; 388 individuals who contacted the hotline in 2022 showed signs of human trafficking and

were reported for inclusion in the national statistics. The European Temporary Protection Directive allowed Ukrainian refugees to remain in the Netherlands without needing to apply for a work permit. As of June 2022, the government no longer accepted European Commission "Dublin" regulation asylum claimants due to persistent overcrowding at the asylum reception center. Observers noted the significantly increased number of asylum-seekers led to some sleeping outside reception centers while others stayed in crisis emergency shelters for extended periods of time; this instability may have increased asylum seekers' vulnerability to trafficking. Government officials stated they were committed to finding solutions to the issue and dedicated \$700 million for expedient measures while also enacting legislation easing the ability to receive asylum-seekers at a local level.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. For the second consecutive year, Dutch nationals were not the leading nationality of victims; in 2022, foreign national victims represented 67 percent of the total number of identified victims. 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. Russia's full-scale invasion of Ukraine resulted in a significant number of Ukrainian refugees, mostly women and children, fleeing Ukraine and increasing their vulnerability to exploitation, including in human trafficking. As of March 2023, 89,000 Ukrainians resided in the Netherlands with 30,000 working. An NGO reported 212 Ukrainians experienced exploitative working conditions in 2022 in the Netherlands, including non-payment of wages, with 69 of those at risk of human trafficking. Refugees and asylum-seekers, including unaccompanied children and children in government-run asylum centers, are vulnerable to labor and sex trafficking. In the past, a significant number of foreign children left refugee centers to unknown destinations and were 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.

** 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.*

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