

Netherlands - United States Department of State

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 investigating more trafficking cases, expanding victim assistance capabilities and shelter capacity, increasing regional anti-trafficking coordination, and increasing resources within the labor inspectorate to investigate trafficking cases. Although the government meets the minimum standards, authorities prosecuted and convicted fewer traffickers, identified fewer victims, and discontinued a pilot program that decoupled official designation as a victim from cooperation with law enforcement. For the second consecutive year, the islands of Bonaire, St Eustatius, and Saba (BES islands) (fully under the authority of the Netherlands) did not prosecute or convict any traffickers in 2019. The government did not report complete victim statistics for the reporting period.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to identify victims. • Provide all potential trafficking victims with care services, regardless of their ability to cooperate with an investigation. • Increase efforts to investigate, prosecute, convict, and sentence traffickers to significant prison terms. • Strengthen the child protection system to protect against vulnerability to exploitation. • Improve data collection quality for law enforcement and ensure the timely release of victim identification data for policy evaluation. • Incorporate measurable goals into the national action plan. • Increase outreach to potential victims in labor sectors and identify forced labor. • Implement results-based training and mentoring of officials in the BES islands 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 maintained 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 (\$97,750) for trafficking offenses involving an adult victim, and up to 15 years' imprisonment or a fine of up to €87,000 (\$97,750) for those offenses in which the victim was a minor. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Police brought 145 new trafficking cases to the prosecutor's office for further investigation, compared with 142 in 2018. The government

prosecuted 101 alleged traffickers, compared with 138 in 2018. The government convicted 84 traffickers, compared with 111 in 2018.

The government did not report complete sentencing data but confirmed several cases in which traffickers received significant prison terms. For instance, in December 2019, a district court in The Hague sentenced a man to 13 years in prison and ordered him to pay between €2,000 (\$2,250) and €87,500 (\$98,310), in compensation to five victims of sex trafficking. In December 2019, the Court of Appeals in The Hague convicted a man for human trafficking, distributing child pornography, trafficking in drugs, and possessing a firearm. The Court of Appeals sentenced the man to 13 years in prison and ordered compensation payments to each of his victims, ranging from €2,000 (\$2,250) to €87,500 (\$98,310). During a ten-year period, the man exploited five women in sex trafficking. Independent observers reported the police do not have sufficient resources allocated to trafficking due to a shift in police priorities. Law enforcement efforts remained weak in the BES islands (fully under the authority of the Netherlands), which for the second consecutive year did not investigate, prosecute, or convict any traffickers in 2019. Bonaire maintained a database for human trafficking, which served as a repository for future leads on human trafficking.

The government continued to participate in international investigations and led joint investigation teams with other EU nations. The government led EUROPOL's Multidisciplinary Platform Against Criminal Threats program on trafficking. In November 2019, the police announced plans to post police liaison officers in Italy and the western Balkans to monitor migrants vulnerable to trafficking. The government provided police and prosecutorial assistance and training overseas, and funded trafficking programs in victim source countries. Judges with trafficking-specific training heard all trafficking cases in 2019. The government continued to deliver a high volume of anti-trafficking training to law enforcement; training remained institutionalized as part of the standard professional curriculum across agencies. The national police and each region had a dedicated anti-trafficking police unit. Anti-trafficking police officers were required to pass examinations in a training course focused on policing commercial sex. Dutch authorities trained customs and coast guard officials in the BES islands and seconded Dutch law enforcement staff to the islands. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and dealing with traumatized victims. The government did not report increased trafficking prosecutions resulting from these training efforts. The government did not report any government officials complicit in trafficking. The government commissioned and released video guides available to all agencies that served as a comprehensive guide to trafficking case management and victim referral. 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. In September 2019, Parliament adopted a resolution that called for allocating an additional €10 million (\$11.2 million) to the Aliens Police, Identification, and People Trafficking Department's budget for anti-trafficking efforts; a third of the additional budget will be directed at strengthening alien identification to bolster non-EU TIP victim identification.

PROTECTION

The government maintained efforts to protect victims. In 2018, the most recent year official data was available, the government-funded national victim registration center and assistance coordinator registered 668 possible trafficking

victims, compared with 958 in 2017. Of these, 458 were victims of sex trafficking, 142 of labor trafficking, 28 of both labor and sex trafficking, and 40 of uncategorized trafficking. Children comprised 62 of the victims (194 in 2017). The top countries of victim origin in 2018 (in order of prevalence) were the Netherlands, Nigeria, Uganda, Romania, and Sierra Leone. The police reported identifying 530 victims (432 in 2017); regional health care organizations 91 (320 in 2017); labor inspectors 75 (38 in 2017); border security 12 (21 in 2017); and other organizations identified the remaining victims. The BES islands did not identify any victims in 2019. The government continued to identify fewer victims than in years prior to 2016, despite officials and civil society reporting no decrease in trafficking prevalence. During the reporting period, both attributed some of the decrease in the identification of victims to misinterpretation of 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. Shelters said victims feared being stigmatized as a trafficking victim for the rest of their lives and would rather withdraw from the victim process. Non-law-enforcement organizations were hesitant to share personal information with law enforcement and other care organizations out of fear of being non-compliant with EU privacy regulations; this also resulted in the withdrawal of criminal complaints to the police. In October 2019, Dutch data protection authorities and legal experts argued that in their view providing care to trafficking victims was considered a "justified interest" under the GDPR and therefore consent was not required for trafficking victims to receive social services. Final EU legal opinion on "justified interest" remained pending. Additionally, civil society and government officials reported the government identified fewer victims due to a shift in police resources away from trafficking to new priorities, which led to staff turnover and a loss of accumulated trafficking expertise. Civil society reported victims preferred to register for residency permits under the asylum process rather than the specialized process for trafficking victims. In 2019, the national rapporteur conducted a multiple systems estimation study that estimated up to 7,000 trafficking victims within the country.

The government funded an extensive network of care facilities for both foreign and domestic victims. In July 2019, the government expanded shelter services by funding 36 additional specialized beds spread over six existing shelters for victims who also have a psychological disorder, developmental limitations, or "substance abuse disease." The government allocated €2 million (\$2.25 million) to fund these new services. The government fully funded three NGO-managed shelters that provided dedicated services for child, adult female, and adult male trafficking victims to include 50 shelter beds with 16 beds designated for male victims. The government provided €600,000 (\$674,160) to the shelters, compared to €800,000 (\$898,880) in 2018. All 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. Local governments also funded shelters for domestic violence victims, which had dedicated space for trafficking victims. Children remained vulnerable in the protection system; the national rapporteur and independent media reported thousands of children had left without notice to unknown destinations from Dutch refugee centers over the past 10 years, some of them were found later in the UK, their planned final destination. In 2019, the number of health care regions with a trafficking victim coordinator increased to 33, compared with 24 in 2018.

The government permitted potential victims to stay in shelter care for a three-month reflection period to begin recovery and decide whether to assist law enforcement. To address an issue identified by the national rapporteur, the Ministry of Justice issued clear guidance to law enforcement agencies and the labor inspectorate to ensure the three-

month reflection period was uniformly offered. During the reflection period, non-EU victims had access to specialized shelters but could not work. After the reflection period, victims who agreed to assist police could continue to stay in shelters. According to civil society, foreign victims who ceased cooperation with authorities lost their residence permits and consequently all support services. NGOs reported non-EU victims were increasingly unwilling to report victimhood to the authorities as they were concerned with participating in a long court process, fearful of retribution from convicted traffickers due to light sentencing, and uncertain of obtaining permanent residency. In an effort to address concerns regarding linkage of assistance to participation in criminal investigations, the government completed a pilot project that assigned a multidisciplinary team to review the effects of de-coupling the two. According to the government the project concluded that formal decoupling of designation as a victim from cooperation with law enforcement was unnecessary and lessons learned from the pilot would be incorporated into immigration procedures. The national rapporteur and NGOs criticized the decision not to continue and expand the pilot. Non-EU trafficking victims received a short-term residency permit (B-8 permit) upon identification. Victims willing to testify against their alleged trafficker were eligible to receive a five-year residence permit, which can be extended to a permanent residency permit if authorities decided to prosecute the suspected trafficker. In 2018, the most recent year data was available, 333 (131 in 2017) foreign victims applied for the permanent B-8 permit. 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 circumvent B-8 eligibility requirements for residency in cases where victims were seriously threatened or had serious medical or psychological conditions. Authorities worked with civil society to repatriate foreign victims unable to acquire residency permits.

PREVENTION

The government increased efforts to prevent trafficking. The Human Trafficking Task Force, composed of local and national government authorities, the private sector, and NGO representatives, set long-term anti-trafficking policies, while the Ministry of Justice and Security led the implementation and coordination of anti-trafficking efforts. In November 2018, the government issued its new national anti-trafficking action plan, which focused on improving information sharing among stakeholders, identifying more victims, strengthening local governments' anti-trafficking programs, and increasing efforts against labor trafficking. In 2019, the government organized regional trafficking "expert" meetings, which bolstered information sharing between localities and with the national government. The government invited victims to provide input to the national action plan and frequently participated in regional "expert" meetings throughout the reporting period. Several NGOs criticized the action plan for its lack of measurable goals and monitoring tools, although the government issued a November 2019 report on its progress implementing the action plan. The rapporteur published two reports during the reporting period that analyzed victim statistics from 2014-2018 and trafficking crimes from 2013-2017. The government continued multiple awareness campaigns with videos, websites, handouts, and school prevention curricula. The labor inspectorate continued to focus on sectors with an elevated risk of exploitation. In July 2019, the labor inspectorate launched "Information Point Human Trafficking," an internal hub to share and analyze possible trafficking cases, and announced an increased focus on labor trafficking in 2020. Teams of police, labor inspectors, and health care personnel continued to conduct brothel inspections, which included screening for signs of trafficking. Authorities trained immigration, hotel, aviation, customs, and labor

inspection staff in methods to identify victims and child sex tourism. Three more market sectors (metal, floriculture, and stone importers) joined the government's Covenant on Reducing Human Rights Violations in 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 child sex tourism, screened for potential child sex tourists at airports in cooperation with foreign governments, and posted police liaisons to the Dutch embassies in Cambodia and Thailand. The government organized international training and conferences, provided law enforcement assistance overseas, awarded funding for initiatives in source countries, and funded anti-TIP projects in foreign countries via its embassies. The foreign ministry continued to conduct outreach to foreign diplomats' domestic workers, without their employers present, on how to report cases of abuse. A government-funded NGO maintained a victim assistance hotline during extended business hours.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Netherlands. Most identified victims are Dutch girls enticed by young male traffickers, known as "lover boys," who coerce vulnerable girls into sexual exploitation. Labor traffickers exploit men and women from Eastern Europe, Africa, and South and East Asia in industries such as inland shipping, leisure river cruises, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity. Refugees and asylum-seekers, including unaccompanied children, are vulnerable to labor trafficking. Criminal groups force Romani children into pickpocketing and shoplifting rings. Over the last five years, more than 1,600 foreign children have left refugee centers to unknown destinations and remain highly vulnerable to exploitation. The Netherlands is a source country for child sex tourists. Refugees and asylum-seekers, including children in government-run asylum centers, are vulnerable to sex trafficking.

BONAIRE, ST. EUSTATIUS, AND SABA (BES)

As reported over the past five years, 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 men and women in domestic servitude and in the agricultural and construction sectors. Women in commercial sex and unaccompanied children are highly vulnerable to trafficking. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

The BES criminal code criminalized sex and labor trafficking under article 286f, prescribing penalties ranging from six to 15 years' imprisonment. Bonaire prosecuted its first trafficking case in 2012; the case remained ongoing at the end of the reporting period. The mandate of the Netherlands' national rapporteur did not extend to the BES islands; therefore, the office could not conduct local research. 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. Victims of violence, including trafficking, were eligible for compensation from the Violent Offenses Compensation Fund.