# Expert meeting on the non-punishment principle

**Outcomes and recommendations of 7 May 2026**

*25 experts from across the criminal justice and administrative systems, support services and NGOs, as well experts by experience.*

## Background

- The proposed statutory incorporation of the non-punishment principle into Article 273f of the Dutch Criminal Code (the provision on human trafficking)
- The extension of the principle under the revised EU Anti-Trafficking Directive (Directive (EU) 2024/1712)

**The non-punishment principle**

Under this principle, a victim of human trafficking should not be prosecuted or punished for their involvement in criminal activities which they have been compelled to commit (Art. 8 EU Directive 2011/36). The expert meeting focused on the consequences of incorporating the principle into legislation and extending it to administrative law.

## Key outcomes

- Incorporating the principle into Article 273f of the Dutch Criminal Code is expected to have only a limited effect on the outcome of individual criminal cases. Judges will continue to assess culpability in light of the circumstances.
- Statutory incorporation provides an opportunity to raise awareness of the principle among judges, public prosecutors and investigative services. In time, statutory incorporation may lead to more consistent application and greater clarification in case law.
- The revised EU Anti-Trafficking Directive extends the principle, including to administrative law (administrative or financial sanctions). How this will operate in practice in the Netherlands is still unclear.
- The appeal to young people of making 'easy' money by doing criminal jobs is so strong that it is difficult to offer them a realistic alternative.

## Recommendations

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| **1** | Ensure that the Public Prosecution Service and the judiciary expressly identify and refer to the non-punishment principle in the prosecution and adjudication of criminal cases, so that its application can be properly monitored. |
| **2** | Clarify its scope in administrative law. In line with the EU Directive, set out which sanctions and situations fall under the principle and the procedure that enforcement authorities need to follow. |
| **3** | Make retrospective remedies on criminal records possible. Explore whether criminal records can be cleared and fines reversed where it later emerges that the person was compelled to perform the criminal activities. |