

INVESTIGATING EXPLOITATION

Research into trafficking in children in the Netherlands

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Investigating Exploitation: research into trafficking in children in the Netherlands

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1 INTRODUCTION

There are increasing concerns about trafficking in children, both in the Netherlands and globally. Traffickers bring foreign children to the Netherlands, often under false pretences, and force them to work in the sex industry. Dutch girls and boys also fall victim to such practices. The exploitation suffered by children can take many different forms, in addition to prostitution. Children are forced to do domestic chores, work in the catering industry, or are drawn into drugs trafficking and other criminal activities.

Until recently, the offence of trafficking in human beings was limited in Dutch law to the trafficking of people for sexual purposes. The relevant parts of the Criminal Code have been altered, however, and since 1 January 2005, trafficking in human beings (and by extension, trafficking in children) for purposes other than sexual exploitation has been an offence under Dutch criminal law. This expansion has important implications for how the phenomenon of trafficking in children is dealt with in future.

It is difficult, if not impossible, to find reliable data on the number of children suffering exploitation in the Netherlands. In a short survey of child prostitution in the Netherlands,¹ ECPAT-NL concluded that if preventive measures are to be effective, then more research into trafficking is needed. Indeed, further research is the only means of gaining a clearer idea of the extent of the problem, the identity of the victims, their circumstances, and their needs.

Even less is known about other, non-sexual forms of exploitation. In September 2004, Unicef Netherlands and ECPAT-NL published the report, 'Unseen and unheard. The trafficking of children in the Netherlands: a first inventory'.² This report suggests that many different types of exploitation of children take place in the Netherlands, but that it is unclear in which sectors, and in what ways, such exploitation occurs.

A great deal of clarity is thus lacking concerning children's circumstances and their vulnerability to exploitation, both in prostitution and trafficking for non-sexual purposes. Combating child trafficking demands that we gain more knowledge about the nature of trafficking, the identity of the victims, risk factors, and how exploitation happens. Better knowledge is an essential precondition to effectively protecting child victims and being able to offer them the help and support that they need – a point as relevant for policymakers as it is for support organisations. Only by doing research can it be established whether the current laws and policies designed to protect children from trafficking are effective, or whether more measures are needed.

In September 2004, ECPAT and DCI, with financing from Plan Nederland and in cooperation with Unicef Nederland, continued researching trafficking in children for both sexual and other purposes. The ensuing project aimed to answer the questions: How and

¹ ECPAT-NL (2003). *Minderjarigen in de prostitutie in Nederland: een quickscan*. Amsterdam: ECPAT-NL.

² Unicef-NL & ECPAT-NL (2004). *Ongezien en ongehoord. Kinderhandel in Nederland: een eerste inventarisatie*. Den Haag: Unicef.

where are children exploited in the Netherlands, and how can they be protected from such exploitation? This report presents the results of the research.

2 METHODOLOGY

Prostitution and other forms of exploitation of children are activities that mainly take place in hidden sectors in the Netherlands, as they are criminally punishable under Dutch law. This means that exploitation is an extremely difficult issue to research. In this chapter, we explain the methodology that we used to investigate child trafficking in the Netherlands. We describe the research aims, definitions used, methods of data collection and analysis, and outline some of the choices and decisions we made while undertaking the research.

2.1 Research objectives

The three main research objectives are:

1. Gain more information about the trafficking of children in the Netherlands: who the victims are, who is at risk, and where and how the exploitation takes place.
2. Establish whether the current measures designed to protect minors against trafficking are considered to be effective by various stakeholders.
3. Find out whether additional or alternative measures, including preventative measures, are needed in order to effectively protect children from trafficking.

2.2 Definitions

The following definitions are used in the report.

- **Children**

By ‘child’, we mean any person who finds him or herself in the Netherlands who is under eighteen years old. We are concerned both with Dutch children (including those with foreign origins) and with foreign children, whether these are tourists, children without valid residence permits, migrants, or children seeking asylum (including unaccompanied children). For reasons of readability, we use the terms minors and children interchangeably in this report.

- **Trafficking in children**

In Dutch law, trafficking in children is defined as: *‘the recruiting, transportation, harbouring, or subsequent reception of a person with an aim to exploit a person or make their organs available for remuneration, when that person has not yet reached the age of eighteen years. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory work or services, slavery, slavery-like practice or servitude’* (Article 273a of the criminal code).

The prostitution of children in the Netherlands by those seeking remuneration is, according to Dutch law, a form of trafficking in human beings. Only when a minor independently decides to prostitute him or herself, without any intervention from a third party, does the matter cease to be one of trafficking. A person that uses the services of a

child prostitute undoubtedly commits a criminal offence, but it is one of abuse, not trafficking in human beings (Article 248b, Dutch criminal code).

In what follows, the terms ‘trafficking in children,’ ‘trafficking in minors’ and ‘exploitation of children’ will be used interchangeably. All of these terms fall under the wider understanding of trafficking in human beings used in this report.

- *Stakeholders*

By stakeholders, we mean all the different parties that are connected with and/or responsible for dealing with trafficking in children. This includes, for instance, national, regional and local government, the police, the Public Prosecution Service (OM), legal authorities, relief and support organisations, Bureau Jeugdzorg (Youth Care Office), religious institutions, institutions dealing with immigrants such as the Central Agency for the Reception of Asylum Seekers (COA) and the Immigration and Naturalisation Service (IND), schools, parents, and so forth.

2.3 Data collection

Various data sources were used for this research project, including interviews with key figures, documentary records, the media, and the expert literature. Initially it was our intention to carry out two different studies: the first on child prostitution in the Netherlands, and a second on other forms of child trafficking. It quickly became clear that researching prostitution and other forms of exploitation separately would not be easy, however, due to the linkages between the two. Children are often as vulnerable to sexual abuse as to other forms of exploitation, such as forced labour. Besides, it appeared that many of the key interviewees for the research into non-sexual forms of exploitation belonged to the same networks as key figures for the research on child prostitution. During the first phase of the research it was thus decided to merge the two studies and develop one questionnaire, undertake one phase of data collection, and eventually produce one report with results relevant to both issues.

Interviewees

For this research, a large number of people were interviewed from diverse organisations and networks throughout the Netherlands. Due to the complex nature of the issue, the taboos surrounding it, and the fact that trafficking often takes place in illegal contexts, it was decided to conduct a broad range of interviews, and cover as many stakeholders as possible.

Interviews were held with representatives from:

- The police
- The Public Prosecution Service (OM=Openbaar Ministerie)
- The government
- Special investigation services
- The media
- The Royal Military Police (KMar) (responsible for border control)
- Illegal immigrant and asylum seekers’ network
- Relief and assistance organisations

- The IND (Immigration and Naturalisation Service)
- Nidos (Legal Guardian Service for unaccompanied minor asylum seekers)
- COA (Central Agency for the Reception of Asylum Seekers)
- Bureau Jeugdzorg (Youth Care Office)
- RvdK=Raad voor de Kinderbescherming (The Council for Child Protection)
- GGD (Municipal Health Service)
- Schools
- Researchers
- Truancy officers
- Interest groups

During the first phase of the research, a list was drawn up of potential interviewees. For this, we used the so-called 'snowball method', whereby practically every interviewee indicated more informants who might be able to offer further information.

Two additional researchers were associated with the project due to their specific knowledge of and contact with the Chinese community in the Netherlands, and with relief and support organisations for illegal immigrants.

Questionnaire

The questionnaire covered child prostitution and forms of exploitation outside the sex industry. It was used to guide the semi-structured interviews; not every question was asked every time. Depending on the interviewee's background, the following topics came up:

- experience with the trafficking of minors in the Netherlands;
- risk assessment;
- knowledge of legislation;
- problems encountered in investigation and prosecution;
- problems encountered in the protection of children.

One key question was whether the interviewees had come across child victims of trafficking, and whether they had encountered difficulties dealing with them. As much information as possible was collected about the victims themselves.

Interviews

Potential interviewees were initially contacted by telephone and asked to take part in the research. We often e-mailed the questionnaire and a letter detailing the research aims as additional information. Finally, appointments were made for a telephone interview, or a face-to-face interview.

Initially, the researchers gave themselves three months to carry out interviews with approximately 150 interviewees, but these took much more time than expected. The topic does not lend itself to a written interview, and as a result, most of the interviews were done by phone or in person. Interviewees were chosen for face-to-face interviews if they so preferred, or if the researcher thought that a personal conversation would result in more information. Building a good relationship and mutual trust were important to encourage interviewees to be forthcoming, and thus much time and energy were invested in contact with the interviewees. In some cases, more than one conversation was held with the same interviewee.

The list of possible interviewees was still so long after three months that we decided to continue with the interviews. After six months, however, different respondents were citing the same information, and the number of new informants had fallen. This appeared to be the right moment to stop doing interview research.

In the end, more people were interviewed than originally planned. From September 2004 until the end of February 2005, 235 institutions were approached for interview. It was not always easy to make contact: eleven institutions did not respond to our e-mail and telephone messages, and three did not want to participate in the research. We used information from 221 institutions in total, and 246 people were interviewed. Sometimes, more than one person from the same authority was interviewed. Most interviews (160) were conducted by telephone, and 51 face-to-face interviews were held. These interviews lasted a minimum of ten minutes and the longest ran to over five hours. Other interviews were conducted in writing.

At the same time, a number of requests for participation in the research (fifteen in total) were placed in newsletters, magazines, and in (network) meetings, such as the ECPAT newsletter, the newsletter from Steunpunt Seksueel Geweld Amsterdam (Support Centre against Sexual Violence), Platform Jeugdprostitutie (Network for Organisations Working on Youth in Prostitution), the police network, COA, and Vluchtelingen Werk (Dutch Council for Refugees) magazine. In addition, the researchers attended a number of meetings and conferences on trafficking in human beings and children in the Netherlands and abroad, and these were used as opportunities to distribute information about the research.

The table below gives an overview of those institutions and interviewees who were approached.

INSTITUTION	NO. APPROACHED	INSTITUTION	NO. APPROACHED
Youth Care Office	10	Municipal health Service	11
Illegal immigrant and asylum seekers' network	7	Legal Guardian Service for unaccompanied minor asylum seekers	5
Immigration and Naturalisation Service	5	Special investigative services	7
Central Agency for the Reception of Asylum Seekers	9	Royal Military Police (border control)	5
Care and assistance organisations	58	Police	27
Governmental agencies	4	Media	9
Schools	6	Council for Child Protection	9
Truancy officers	7	Researchers	22
Other	26	Public Prosecution Service	8

Document research

In addition to the interview research, the researchers also accessed data from the records of a number of different institutions, including the Foundation against Trafficking in Women (STV), Pretty Woman (a relief and support centre for minors in prostitution and minors at risk), Asja (a shelter for young victims of trafficking for sexual exploitation), and the regional police authorities. Research was also carried out at the Bureau of the Dutch National Rapporteur on Trafficking in Human Beings (BNRM)³ into cases of human trafficking successfully completed in 2003, and into the client contacts of an assistance organisation for (ex)-prostitutes in Rotterdam.

In addition, the figures for 2003 and 2004 from the Victim Tracing Scheme were obtained from the police.

Peer research

Peer research is a form of research whereby ‘ordinary’ people research the lives of their peers. They have better access than conventional researchers, and since it is hard to make contact with young people who have suffered exploitation, we decided to use peer research in this project. This also had the advantage of giving young people an opportunity to tell their stories first-hand. The peer-researchers – in this case, young people who had been exploited – interviewed fellow-sufferers about their experiences. The peer research was carried out by the Alexander Foundation, in cooperation with ECPAT Netherlands, between October 2004 and February 2005.⁴ Pilot studies for the research were held in Amsterdam and Utrecht.

PEER RESEARCH

Approach and methodology

The peer research originally came about as a pilot study. The aims were to put together the perceptions of young people who had suffered exploitation in the Netherlands, and to establish whether peer research is a good method for researching this topic. The outcome was a set of experiences, ideas and stories, based on the vision and opinions of the researchers and their peers. In order to demarcate the research, the project was limited to the Utrecht and Amsterdam regions.

Peer-researchers had to have experienced exploitation as a minor, as a condition for taking part in the project. Another condition related to the degree to which the young person had been able to assimilate his or her experiences: a youth had to have some degree of distance from his or her experiences in order to be able to talk about them with others. In the end, seven peer-researchers began the project. Four of these completed the task, but the other three decided not to carry on after the first training session. They appeared to be too emotionally affected by their experiences to continue.

³ The Netherlands is one of the few European countries with a National Rapporteur on Trafficking in Human Beings (NRM). This appointment arose out of the European agreements made at a 1997 conference on human trafficking. The NRM informs the government on human trafficking and gives advice on combating the problem. She reports annually on trafficking in the Netherlands, and make recommendations on improving current policies. The NRM collects information from – among others – policymakers, the Public Prosecution Service (OM), and care organisations. The Bureau of the National Rapporteur on Trafficking in Human Beings (BNRM) was founded in 2000. Although she can only pay limited attention to trafficking in children, the NRM recognises the importance and necessity of a separate approach to this problem. In recent years, the BNRM has also paid increasing attention to trafficking in children.

⁴ Alexander Foundation (2005), *Uitbuiting in Nederland, peerresearch naar uitbuiting van jongeren in Nederland*. Amsterdam: Stichting Alexander.

Training and supervision

A number of training and evaluation sessions were organised, so that the peer-researchers could become acquainted with the research and the topic. During these meetings the research methodology was explained, a questionnaire drawn up, expectations discussed, and a short training session was held on interview techniques. The participants also discussed how the young people might locate their peer-interviewees. At the same time, the young people were individually mentored and supported by staff from the Alexander Foundation and ECPAT. Two evaluation meetings were also held, in which the progress and results of the interviews were discussed.

Data collection

The peer-researchers asked questions about the respondent's own experiences of exploitation. They also enquired as to what the respondents had observed around them (did they know other young people who had been exploited, how many, in which ways etc.). In order to locate respondents, the young researchers' networks were used as much as possible. The experiences of the peer-researchers themselves were also taken into account.

The Alexander Foundation is a not-for-profit research and advice bureau in Amsterdam that has been active in the area of interactive youth research and youth participation for ten years.

In addition, the researchers worked with Pretty Woman, an organisation that offers voluntary, individualised assistance to young prostitutes and girls at risk of falling into prostitution. Pretty Woman took part due to its experience in carrying out peer research and education. Moreover, it was important to have some form of psychological support for the researchers and their peers, and Pretty Woman fulfilled this role.

In total, the experiences of eleven young people were included in this research.⁵

2.4 Data analysis

The data that was obtained from the interviews, desk research, documentary records and the peer research was processed and analysed in a number of ways.

Database

First of all, we set up a database which included all of the (cases of) victims identified during the data collection phase: namely, cases from the document research, from the records of the police and care organisations, the peer research, and cases that came up during the interviews with informants. These involved both prostitution and other forms of exploitation.

For every case, the researchers tried to ascertain:

- what kind of exploitation had taken place;
- which factors had made the young person vulnerable;
- age;
- gender;
- circumstances;
- residence status;
- land of origin;

⁵ As the peer research made use of data sources and interviewees not included in this report, the results described in this report differ from those in the original report.

- whether the child attended school;
- who the exploiter was;
- whether, in the opinion of the researchers, the exploitation was suspected or actual;
- whether there was an intent to exploit;
- the source / informant.

We asked the respondents about recent cases, and as a result our database mainly contains cases from 2003, 2004, and 2005. Only cases involving children were included in the database. In one instance, the source was unsure whether the victim had been underage or not. This particular case, plus those concerning non-minors, or young people who had just turned eighteen, were removed from the database. Respondents also had a lot of information about suspected victims, and this was also removed.

In total, 230 cases descriptions were processed. In 23 instances, it is unknown how many victims were involved, and these were counted as if they had only involved one person. Not all of the information that we received about the victims involved exploitation. A number of respondents offering cases had come into contact with many victims; the largest numbers of cases were provided by relief and assistance agencies (27.4%), the police (26.1%), and youth social services (20.0%).

Given that the methodology used is qualitative and descriptive, we do not claim that the results are statistically significant. On the one hand, there is too little data, and on the other, the details in the database are not sufficiently circumscribed (with respect to time, for instance).

During the analysis, we allowed for the possibility that we might have duplicated cases. Cases that were obviously duplicates were counted as single cases, but as there was not always sufficient information available, it is possible that not every case of multiple counting was avoided. For example, we might have received two different reports of the same girl who was taken into a relief centre and then referred to another care authority in the neighbourhood; or a girl who was taken into care and also filed a report with the police.

The information in the database thus needs careful interpretation. Due to the quantity and diversity of interviewees, however, we can draw a number of conclusions about the exploitation of children. The data does give clear indications of the forms of exploitation occurring in the Netherlands, which children end up as victims, and which factors leave children particularly vulnerable to ending up in exploitative situations.

2.5 About this report

The research culminated in this report, which addresses the three research aims set out above. In what follows, we make no attempt to estimate the number of children who are exploited in the Netherlands. Rather, we try to identify which children are vulnerable, the identity of the victims, how children end up being exploited, and in which ways. In Chapter 3, we set out the legal framework on trafficking in human beings in general, and the exploitation of children in particular. The lack of clarity of definitions of exploitation within statutory provisions is addressed in detail. Chapter 4 discusses the results from the database and other sources of data, both with regard to prostitution and to

other forms of exploitation. Following an analysis of the various problems encountered when attempting to combat child trafficking, chapter 5 outlines recommendations for stakeholders on how to give better and more effective protection to minors in practice. The report ends with a general conclusion.

3 INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK

It is important to have an understanding of the key international legal instruments that deal with trafficking in children, and the implications that these have for Dutch law. In what follows, we outline the legal concept of trafficking in human beings and specifically, trafficking in children, and look at the various ways in which exploitation is defined. We also address some of the problems arising from existing definitions.

3.1 International legal framework on trafficking in human beings

In recent years, there has been a sharp increase in the amount of attention that trafficking in human beings has generated at the international level. A number of concrete measures have been taken to combat the phenomenon, the most important of these being the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the so-called 'Palermo Protocol'. This forms part of the UN Convention against Transnational Organised Crime.

The Palermo Protocol (2000) stipulates that states must give special attention to women and children when preventing and suppressing trafficking in human beings. The Protocol defines trafficking in human beings, and binds signatory states to take steps to combat and punish trafficking.

The speed at which states have ratified the Protocol indicates the high degree of global political concern about trafficking and organised crime. In the Netherlands, the Palermo Protocol came into effect on 29 August 2005.

3.2 National legislation on trafficking in human beings

Dutch criminal law on trafficking in human beings was altered on 1 January 2005, in accordance with an earlier law of 9 December 2004 on 'the implementation of international rules to combat the smuggling of and trafficking in human beings'. This Bill was introduced in response to the Netherlands' international legal commitments, including a EU Council Framework Decision on combating trafficking in human beings,⁶ and the Palermo Protocol⁷.

The most important change in the law is an expansion of the possible application of the offence of trafficking in human beings. The offence of trafficking in human beings had previously been limited to Article 250a of the Dutch Criminal Code (the *Wetboek van Strafrecht*, or *WvSr*), on the trafficking in human beings for sexual purposes. As of 1 January 2005, however, exploitation for non-sexual purposes also falls under the definition of trafficking in human beings (and, by extension, trafficking in children). Exploitation for sexual and other purposes is thus covered by a single article, Article 273a *WvSr*, which criminalises different forms of exploitation and trafficking in human beings with a view to removing their organs.

⁶ Framework Decision, 19 July 2002 (2002/629/JBZ), Pb. EG 1.8.2002 L 203.

⁷ New York, 15 November 2000, Trb. 2001, 68.

Article 273a is included in title XVII, *Crimes against personal freedom*, in the second book of the criminal code.⁸

MIGRANT SMUGGLING

The law of 9 December 2004 on the 'implementation of international rules to combat the smuggling of and trafficking in human beings' also prompted changes in Dutch criminal law on migrant smuggling. In line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), Article 197a WvSr on migrant smuggling is now applicable to all countries that are party to the UN protocol, including states outside the EU.⁹

Trafficking in human beings is sometimes confused with migrant smuggling, but there are fundamental differences between the two. 'Migrant smuggling' is assisting people with illegal entrance, residence or transit through a country (Article 197a WvSr). The purpose of migrant smuggling is illegal border crossing, not exploitation *per se*. Of course, smuggled migrants may also be victims of exploitation, such as when held in debt for travel costs, but this does not necessarily have to be the case.

On the other hand, trafficking in human beings is, by definition, a serious violation of the rights and integrity of the trafficked person. People are trafficked so that they may be exploited; border crossing also often plays a role, but it is not a necessary characteristic. Trafficking can take place within a country, for instance, and when borders are crossed, they are not necessarily crossed illegally.

While conceptually, trafficking in human beings and migrant smuggling should be kept separate, they cannot always be separated in practice. There are connections and convergences between the two crimes: for example, when a smuggled migrant falls into an exploitative situation because he or she has to pay a large debt to the smugglers. In such instances, charges of both migrant smuggling and people trafficking can be made.¹⁰

The likelihood of convergence between migrant smuggling and trafficking increased following recent changes to the law. For an offence to count as migrant smuggling under the new rules, it is no longer necessary to demonstrate evidence of a profit motive for entry into or passage through a country (residence is an exception). Moreover, for the offence of people trafficking, the intent to exploit is no longer limited to sexual exploitation. More activities can thus now qualify as migrant smuggling or people trafficking. This might have the effect of encouraging investigators to pursue the somewhat easier migrant smuggling cases, to the detriment of efforts to combat trafficking – a view that is confirmed by the interviewees.

The definition of trafficking in human beings in Article 273a WvSr covers various forms of behaviour (soliciting, transporting etc) and means (force, violence etc), carried out with the purpose of exploitation or the removal of a person's organs. Actual exploitation need not have occurred; intention is the determining factor. Moreover, all forms of profit resulting from exploitation are criminally punishable. So as to effectively combat trafficking in human beings, Article 273a stipulates that not only the traffickers themselves, but also the exploiters for whom people are trafficked in the first place, should be punished (Article 273a WvSr, paragraph 1, parts 6-9).¹¹

⁸ See further TK, 2003-2004, 29 291, no. 3, pp.4-8.

⁹ See NRM, *Mensenhandel: Derde Rapportage van de Nationaal Rapporteur*, 2004, pp.27-28, 174, 193, 197, 200, 202, 206.

¹⁰ *Stb.* 2004, 690.

¹¹ *Ibid.*

Trafficking in children is dealt with separately in the legislation, whereby coercion need not be part of the definition of trafficking.

3.3 National legislation on trafficking in children

The definition of the offence of child trafficking contained in Article 273a WvSr can be divided into three aspects:

1. The recruitment, transportation, transfer, harbouring, or subsequent reception of a minor with the purpose of exploitation or removing his or her organs (Article 273a, paragraph 1, part 2);
2. The inducement of a minor to perform sexual acts for or with a third party for remuneration, or for making his or her organs available for payment (Article 273a, paragraph 1, part 5);
3. Wilfully profiting from the exploitation of a minor, the sexual acts of a minor for or with a third party for remuneration, or the removal of organs of a minor (Article 273a paragraph 1, parts 6 and 8).

Sections 2 and 6 of paragraph 1 of Article 273a WvSr refer to the 'exploitation' of children. These stipulate that the described forms of behaviour with the purpose of exploitation and the wilful profiting from exploitation are both criminal offences. According to paragraph 2 of Article 273a, the exploitation of a child must involve, as a minimum:

1. exploitation in prostitution;
2. other forms of sexual exploitation;
3. forced or compulsory labour or services;
4. slavery, and practices that are similar to slavery or servitude.

A distinction is made between children and adults when it comes to the issue of coercion. Article 273a, paragraph 1 WvSr makes this clear: the presence of coercion is not required for activities involving minors to qualify as trafficking, as children are considered not to have full disposal over their own wills.¹² This means that the intent to exploit can be assumed from a much earlier stage in cases involving children. Moreover, the offender need not be informed that the child is underage in order to be guilty of exploitation. If the exploited person is younger than sixteen years old, this counts as an aggravating factor for sentencing.

ARTICLE 273a WvSR¹³

1. Any person who

(i) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;

¹² Rb Almelo 27 February 1997, NJ 1997, 432.

¹³ Non-official translation as of 1 January 2005.BNRM.

- (ii) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person had not yet reached the age of eighteen years;
- (iii) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;
- (iv) forces or induces another person by the means referred to under (i) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (i) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;
- (v) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;
- (vi) willfully profits from the exploitation of another person;
- (vii) willfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (i);
- (viii) willfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;
- (ix) forces or induces another person by the means referred to under (i) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs;

shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine*, or either of these penalties:

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.
3. The following offences shall be punishable with a term of imprisonment not exceeding eight years and a fifth category fine*, or either of these penalties:
 - (i) offences as described in the first paragraph if they are committed by two or more persons acting in concert;
 - (ii) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.
4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstances referred to in paragraph 3 under (ii), shall be punishable with a term of imprisonment not exceeding ten years and a fifth category fine*, or either of these penalties.
5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve years and a fifth category fine*, or either of these penalties.
6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding fifteen years and a fifth category fine*, or either of these penalties.

*A fifth category fine is a fine of maximum € 45.000,-

3.4 The definition of exploitation

The new article on human trafficking raises important questions about the management of the definition of exploitation, and in particular the special case of exploitation of children under Article 273a WvSr.

Although paragraph 2 of Article 273a WvSr offers a definition of exploitation in which a number of specific forms of exploitation are listed, these are not described in detail. An exception to this is the prostitution of children, which is described in paragraph 1, parts 5 and 8 of Article 273a. In addition, there is additional, clear criminal legislation on child prostitution (Articles 244, 245, and 248b WvSr) and child pornography (Article 240b WvSr). This is not the case, however, for the so-called ‘other forms of exploitation’, or ‘forced labour’, ‘forced services’, ‘compulsory labour’, ‘compulsory services’, ‘slavery’, or ‘practices that are similar to slavery or servitude’. Moreover, the legislation emphasises that the definition of exploitation outlines what exploitation can consist of *at a minimum*, rather than giving an exhaustive list.

The key question is thus how one might identify exploitation, say, in the case of forced labour or services involving a child, in the absence of a proper working definition that clearly states what should be understood by such terms.

THE DUTCH NATIONAL RAPPORTEUR ON TRAFFICKING IN HUMAN BEINGS

According to the National Rapporteur on Trafficking in Human Beings (NRM), the current definition of exploitation in Dutch legislation is insufficiently well defined. As a result, there is a risk that many crimes could fall under the reach of Article 273a. *‘This could lead to an inflation of the criminal definition and the concept of trafficking in human beings’*, argues the NRM, who is seeking for the legislation to only apply to serious cases of exploitation, namely, in forms that involve a serious violation of human rights.¹⁴ In addition, the NRM is pleading for as broad a notification as possible, so as to create precedence that can give meaning to the definition of exploitation.

The Explanatory Memorandum to Article 273a WvSr explains that the most serious forms of exploitation involve the violation of the victim’s bodily integrity, such as with sexual exploitation or the removal of organs. Through this, according to the NRM, *‘the government stresses the special character of (among other things) the forced provision of sexual services, in any circumstance.’*

3.5 The protection of children in labour legislation

Children are protected under Dutch labour legislation on working times and conditions. In addition, the Netherlands is also obliged to punish the most serious forms of child labour, as set out in the ILO Convention No.182 (see further section 3.6 below). An exception is hazardous work: states may choose whether or not to make this a punishable offence.

Article 197b WvSr criminalises the employment of people who have illegally entered the Netherlands, or who reside in the Netherlands illegally, but does not cover forced labour *per se*. Articles 273-277 WvSr criminalises trafficking in slaves and other related

¹⁴ BNRM (2004). Mensenhandel: Derde Rapportage van de Nationaal Rapporteur. Den Haag: BNRM.

activities. In practice, however, Articles 273-277 WvSr are not used during investigation and prosecution.

According to the ILO Forced Labour Convention (1930), forced labour is: *‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’* This definition thus applies to all forms of work or services demanded from a child, whether under threat of violence or other forms of coercion, for which the child has not offered him or herself voluntarily. It does not have to involve forms of labour or services that are not legally permissible, or those formally labelled as ‘economic activity’. A child who is forced to go begging is also seen as victim of forced labour.

3.6 The concept of exploitation in international legal instruments

Three international instruments define the term ‘exploitation of children’ in further detail, and can be used as a guide for interpreting Article 273a WvSr:

- The UN Convention on the Rights of the Child;¹⁵
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;¹⁶
- ILO Convention no.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.¹⁷

The UN Convention on the Rights of the Child

Article 36 of the Convention contains a general provision on the protection of children against exploitation. This covers all forms of exploitation not covered explicitly in other parts of the Convention. According to Article 36, states that are party to the Convention must take measures to protect children against ‘all other forms of exploitation prejudicial to any aspects of the child’s welfare.’ Furthermore, the Convention contains a number of additional provisions on specific forms of exploitation of children:

- Economic exploitation (Article 32);
- The trafficking or sale of children, for whatever purpose and in whatever form (Article 35);
- The use of children in the illicit production of narcotic drugs and psychotropic substances (Article 33);
- The use of children in the trafficking of narcotic drugs and psychotropic substances (Article 33);
- The abduction of children, in any purpose or form (Article 35);¹⁸

¹⁵ New York, 20 November 1989, Trb. 1990, 170. The Netherlands ratified the Convention on 6 February 1995.

¹⁶ New York, 25 May 2000, Trb. 2001, 63. The Netherlands signed the Protocol on 7 September 2000. The Protocol could be ratified as intended, following the law of 9 December 2004 on ‘the implementation of international rules to combat the smuggling of and trafficking in human beings’. On 31 May 2005, the Minister of Foreign Affairs called for the Protocol to be ratified without further comment in a letter to the Dutch houses of parliament. (Staten-Generaal, vergaderjaar 2004-2005, 30 158 (R1793), A en nr.1). The Protocol came into effect on 23 September 2005.

¹⁷ Geneva, 17 June 1999, Trb. 1999, 177. The Netherlands ratified ILO Convention no.182 on 14 February 2002.

- Sexual exploitation, including child prostitution and child pornography (Article 34);
- The sale of children, for whatever purpose or form (Article 35).

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol concerning the sale of children, child prostitution and child pornography is a further elaboration of Articles 34 and 35 of the UN Convention on the Rights of the Child. According to the Optional Protocol, the ‘sale of children’ is understood in Article 2 as: ‘any act or transaction whereby a child is transferred by any person or any group of persons to another for remuneration or any other consideration.’ Under Article 3, the following activities must be criminal offences in signatory states:

1. within the framework concerning the sale of children,
 - a. the offering, delivering or accepting of a child, regardless of how, with the purpose of:
 - sexual exploitation of the child;
 - the transfer of the child’s organs for profit;
 - engagement of a child in forced labour.
 - b. the improper inducement of consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
2. offering, obtaining, procuring or providing a child for child prostitution;
3. producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes child pornography.

ILO Convention no.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Article 32 of the UN Convention on the Rights of the Child recognises the right of the child to be protected from economic exploitation. Under the term ‘economic exploitation’ fall, as a minimum, the forms of child labour that are forbidden in the ILO Convention no.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production of and trafficking of drugs as defined in the relevant international treaties;
- work that by its nature, or as a result of the conditions in which it is carried out, is likely to harm the health, safety, or morals of children (‘hazardous work’).

¹⁸ The abduction, sale and trafficking of children, for whatever purpose or in whatever form, are covered by Article 35. The abduction of children by one of the parents is dealt with under Article 11, and does not come under the section on exploitation.

The specific forms of exploitation detailed in the three international instruments outlined above constitute the most serious forms of exploitation of children. Signatory states are bound to make them criminally punishable offences and take all possible measures to prevent their occurrence. The Explanatory Memorandum to Article 273a WvSr cites a number of international agreements, including the Optional Protocol and the EU Council Framework Decision on Combating the Sexual Exploitation of Children and Child pornography.¹⁹ Moreover, the recent expansion in Dutch criminal law means that all of the provisions in the Optional Protocol are covered in Article 273a WvSr. The offence of obtaining ‘improper inducement of consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption’, meanwhile, is covered by the Law on the Adoption of Foreign Children.²⁰ Thus, it can be concluded that Dutch legislation on sexual abuse, prostitution, human rights, child pornography, and adoption is in line with the requirements set out in the UN Protocol.

GUIDELINES

A number of documents offer guidelines on trafficking in human beings. These form a key component of efforts to combat trafficking and protect victims of exploitation.

*Guidelines for Protection of the Rights of Child Victims of Trafficking (2003).*²¹ These guidelines start from the assumption that child victims of trafficking have a right to special protection, on the grounds that they are both children and victims. Other basic assumptions include: the centrality of the rights and interests of the child, the principle of non-discrimination, respect for the child’s views, and his or her right to information, trust and protection. In addition, the guidelines offer helpful guidelines for all phases in dealing with child trafficking.

*Principles and Guidelines on Human Rights and Trafficking (2002).*²² These argue that violations of human rights are both caused by and result from trafficking in human beings, and that such violations take place at every step of the trafficking chain. The guidelines set out eleven obligations for states in areas such as the protection of victims, research, definitions, and cooperation.

*Human Trafficking and Forced Labour Exploitation: ILO Guidelines for Legislation and Law Enforcement (2005).*²³ These guidelines set out (among other things) the importance of labour law and refugee law for combating trafficking in human beings. It is maintained that trafficking in children has unique characteristics, and thus a special approach is needed to tackle it. The guidelines clearly state that the presence of coercion is not a necessary characteristic of trafficking in children.

¹⁹ TK, 2003-2004, 29291, nr. 3, p.2.

²⁰ Key articles from the Law on the Adoption of Foreign Children include:

Article 8 d: the aspiring adoptive parents must be able to demonstrate satisfactorily that the abdication of responsibility by the parent or parents of the foreign child has been arranged in the proper manner.

Article 20 paragraph 3: the intermediary should not be rewarded disproportionately for his or her services.

Article 27: 1. Those who profit disproportionately of their services in contravention of Article 15 or Article 20 will be punished with a prison sentence of up to six months or a third category fine. 2. These punishable acts have the status of crimes.

Article 28, paragraph 1: Those who undertake actions in contravention of Article 2, Article 8, Article 15 or Article 20 will be punished with a third category fine.

²¹ Guidelines for Protection of the Rights of Child Victims of Trafficking in South Eastern Europe, UNICEF Regional Office, Geneva 2003.

²² Office of the United Nations High Commissioner for Human Rights (OHCHR), High Commissioner (E/2002/68/Add.1 (2002)).

²³ Special Action Programme to combat Forced Labour (SAP-FL), In Focus Programme on Promotion of the Declaration on Fundamental Principles and Rights at Work, draft, March 2005.

NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS

In December 2004, the Dutch Government announced a 'National Action Plan against Trafficking in human beings: additional government measures on combating trafficking in human beings in the Netherlands.' The plan is the government's reply²⁴ to recommendations made by the NRM. In her third report, the NRM sets out the current state of anti-trafficking measures and makes recommendations concerning legislation and other policy measures, the B-9 rule, victims of human trafficking, care-giving and interest-promotion, research and registration, the general maintenance of law and order (including prostitution), investigation and prosecution, and other aspects of human trafficking.²⁵ The recommendations cover a broad range of policies and are directed at all stakeholders involved with trafficking in human beings, such as government ministries, the police, the Public Prosecution Service, the Immigration and Naturalisation Service, care and relief organisations, and so forth. The Action Plan thus also addresses these issues.

In the Action Plan, The Dutch Government sets out how the government will take steps to improve the Netherlands' record on combating trafficking in human beings. For reasons of balance, the Action Plan includes recommendations from a range of sources, such as the Action Plan on the Regulation and Protection of the Prostitution Sector.

The collection of measures provides a means of focusing attention on the NRM's recommendations, and making sure that a diverse range of initiatives designed to combat trafficking in human beings is kept on track.

Children

The Action Plan sets out actions needed, the responsible parties, and a clear time framework. This is in line with the fact that the Ministers of Justice, Foreign Affairs, and Interior and Kingdom Relations have identified the investigation and prosecution of trafficking in human beings as priority issues in the coming years.

This report identifies the trafficking of children as an issue needing special attention. The nature and impact of trafficking in children is, according to the report's authors, serious enough to demand that significant energy and resources are devoted to tackling it, even if the precise extent of the problem is not known.

Although children receive occasional mention in the plan, there is a lack of structural and specific attention for this group of victims. The Action Plan should be complemented with special attention to children and action points specifically on trafficking in children, concerning, for instance, the Directive of the National Office of the Public Prosecution Service, education and identifying child trafficking, the repatriation and security of victims, training, and relief.²⁶ All the relevant children's rights must be asserted and protected, and it must be ascertained whether further measures are necessary in order to achieve this. In reply to parliamentary questions on the smuggling of children,²⁷ the Minister of Justice admitted that more specific attention could be given to child trafficking in a number of areas, such as the training of stakeholders and victim support. A few organisations (including the Public Prosecution Service and ECPAT) are considering how to transform these concerns into concrete action points, so that in 2006 an addendum to the Action Plan can be approved by the Dutch Parliament.

²⁴ Kamerstukken II 2004-05 28 638, nr.13

²⁵ Kamerstukken II, 2003-2004, 28 638, nr. 10.

²⁶ Opinion of ECPAT-Unicef.

²⁷ Questions on child smuggling from the MPs Arib and Dijsselbloem (Labour Party), to the Minister of Justice and the Minister for Integration and Immigration.

3.7 The concept of exploitation used in this research

This research uses a working definition of exploitation that is a continuation of the concept outlined in international legislation. In this definition, the following aspects play a role determining whether a situation involves the exploitation of children:

- The situation involves a violation of children's rights, as set out in the UN Convention on the Rights of the Child and in other treaties;
- The situation includes forms of exploitation such as those detailed in international legislation;
- Profit is gained from the exploitation of a child;
- The fact that a child does or does not give consent to the situation plays no role;
- The intent to exploit is presumed.

We return to the issue of defining the exploitation of children in Chapter Five.

4 THE RESULTS: FACTS AND FIGURES

This research sought answers to the following questions: who are the victims of exploitation; where do they come from; in which ways are they exploited; and what makes them vulnerable? In this chapter, we set out our findings. The first section discusses the issue of child prostitution. We describe results relating to other forms of exploitation in the second section. Lastly, we turn to look at those children who suffer both sexual and other forms of exploitation. In each section, we first consider the results from the database, then the information from interviews and other data sources, and finally, the results of the peer research.

4.1 Child prostitution

4.1.1 Figures from the database

The number of children in prostitution

In total, 230 cases were entered into the database. Of these, it appears that 169 involve child prostitution. In 21 of these cases, other forms of exploitation are also involved, and these latter cases will be discussed in section 2.3.

The intent to exploit

In a few cases, it is hard to determine whether exploitation has taken place within the limits set by Article 273a WvSr.

A boy from Ghana is staying in the Netherlands illegally. A Dutch woman picks him up and offers him food and lodging in return for sex. The boy thinks that it is a privilege to be with this woman. The only thing that he has got left is his sexuality, and he can demonstrate this with a white, seemingly unattainable woman. Despite this, the relationship remains an abuse of power. The boy is extremely vulnerable. If the woman decides that she has had enough of him, she can throw him out of the house. In that case, it's more than likely he will go to another woman. (case from a relief organisation)

It is difficult to establish whether such a case can be labelled exploitation in the sense of Article 273 WvSr. Although sex is provided in return for money or goods, the child himself thinks that he is in a privileged position. Due to his circumstances, however, it is reasonable to assume that he has little choice but to stay with her, and that this is the most advantageous option for him. We thus see this as an example of exploitation.

Sources

Most cases were provided by the police (28.4%), care and assistance organisations (25.4%), and youth care services (14.8%). For an overview of the sources, see the table below.

SOURCE	NO. OF CASES (%) (n = 230)	SOURCE	NO. OF CASES (%)
Police	28.4	Care and assistance organisations	25.4
Youth Care Office and Council for Child protection	14.8	Immigrant relief services	5.9
Truancy officer	4.1	Public Prosecution Service	4.1
Municipality Health Services	3.0	Other (including BNRM)	12.5
Peers	1.8		

Gender

The victim's gender is known in almost all cases (99.4%). The cases involve 157 girls (92.9%) and eleven boys (6.5%).

Age

The largest group of victims is aged between sixteen and eighteen years old (38.5%). One fifth of the victims (20.7%) are aged between thirteen and fifteen years old. In a significant number of cases the age is unknown (40.2%), but these cases do involve children.

AGE	NO. OF CASES (%) (n =169)
16 – 17 years	38.5
13 – 15 years	20.7
9 – 12 years	0.6
Unknown	40.2

Land of origin and residence status

A quarter of the child victims are originally from the Netherlands (27.7%). The next-largest group concerns those whose land of origin is unknown (22.1%). A significant number of victims originate from Morocco, Turkey, Suriname and the Netherlands Antilles (30.3%). From this latter group, just over half of the victims (58.3%) have Dutch nationality. Approximately a third (31.1%) have unknown residence status, while 10.4% are residing in the Netherlands illegally. A small percentage (12.1%) of the victims originate from Africa, mainly from West Africa. 6.1% of the victims come from East and Central Europe, most often from Romania. A very small percentage of the victims come from Asia (1.3%), namely from China and Iran.

LAND OF ORIGIN	NO. OF CHILDREN IN %
Africa	12.1
Asia	1.3
Central & South Eastern Europe	6.1
Morocco	14.3
Netherlands	27.7
Netherlands Antilles	4.7
Suriname	2.2
Turkey	9.1
Unknown	22.5

RESIDENCE STATUS	NO. OF CHILDREN IN % (n=169)
Dutch nationality	36.1
Illegal immigrant	13.0
Asylum seeker (unaccompanied)	5.9
Asylum seeker (with family)	1.0
Unknown	44.0

The residence status of most children who are exploited in prostitution is not known (44.0%). Roughly a third (36.1%) of the victims have Dutch nationality. This can mean children who were born in the Netherlands to Dutch parents, or children who were born in the Netherlands to non-Dutch parents, such as Moroccans or Turks. It may also include children who were not born in the Netherlands, but obtained a Dutch passport at a later point. From the database, it appears that 5.9% of the victims are unaccompanied minor asylum seekers. A larger percentage (13.0%) is staying in the Netherlands illegally. This can include children who entered the Netherlands illegally, without a passport or with a false passport, and possibly assisted by smugglers or traffickers. It can also include children who initially entered the Netherlands on a tourist visa, and then stayed on illegally.

The 'loverboy' problem

'Loverboys' are involved in just under half of the cases of youth prostitution (48.5%) – so-called because these men entrap girls by posing as boyfriends, and then force their victims into providing sexual services (to others).

VICTIM OF LOVERBOY'S LAND OF ORIGIN	NO. OF CHILDREN (%) (n=82)
Netherlands	36.8
Morocco	20.4
Turkey	13.2
Netherlands Antilles	6.6
Suriname	2.6
Unknown	17.1
Other	3.3

Most of the loverboys' victims have Dutch nationality (53.9%). The largest group consists of children originally from the Netherlands (36.8%). The other girls are primarily Moroccan (20.4%), Turkish (13.2%), from the Netherlands Antilles (6.6%) and Surinamese (2.6%). The residence status of 41.6% of the children is unknown. 4.5% of the cases involve unaccompanied asylum seekers.

A significantly large percentage of the Dutch girls in the database have been exploited by loverboys, namely 75.3%.

Factors that make children vulnerable to prostitution

Children are vulnerable: due to their age and lack of experience, they are less able to stand up for themselves, they are relatively easy to manipulate, and they are dependent on adults. From the database, it appears that a number of factors make children especially vulnerable to exploitation in prostitution (one should note that this is not an exclusive list).

FACTOR INCREASING VULNERABILITY	NO. OF CHILDREN (%) (n=169)
Emotional dependence	45.6
No identity documents	24.9
Difficult family circumstances	21.9
Threats	15.4
Financial difficulty	13.0
Drug addiction	7.7
Sexual abuse	4.7
Homelessness	3.6
Other	1.8

Some of these vulnerability-enhancing factors are present before the child falls into prostitution, and are thus considered to be initial risk factors. Other factors contribute to holding children in an exploitative situation and impeding their escape.

The vulnerability factor that occurs most frequently is that of offenders exploiting the emotional dependence of their victims – such as in the case of the girl who loves her pimp/boyfriend, or is exploited by a member of her family.

Lack of identity documents or the possession of false papers increases the vulnerability of a quarter of the children in the database. This involves children who came – or who were brought – to the Netherlands without a passport or on a false passport, and subsequently stayed in the country illegally. Without a valid residence permit, such children have nowhere to go and remain more or less dependent on their exploiter. In addition, these children are scared of deportation. However, children with valid residence permits are also set to work without a passport or with a false identity, in order to conceal the fact that they are underage. Sometimes a pimp confiscates a child's passport, making him or her especially dependent and thus extremely vulnerable.

A distinction should be made between migrant children who live in the Netherlands, and child migrants who stay in the Netherlands without their parents. This latter group is, by definition, especially vulnerable.

Difficult family backgrounds also make children vulnerable to ending up in prostitution. This appears to have been a problem in 21.9% of cases. These cases involve broken homes, children whose parents have died, arguments at home, psychiatric problems on the part of (one of) the parents, parents who are unable to control their children, and runaways. Other problems that can arise include difficult adoptions and problems associated with puberty.

Threats feature in 15.4% of the cases. Mostly these take the form of threats made by a pimp or dealer. In one case, family members threatened children.

In 13% of the cases, financial problems were cited as a factor making young people vulnerable to prostitution. In one case, a lack of money prompted the child to go into prostitution. Sometimes this can be an independent decision, as far as one can talk of such decisions on the part of children.

Money can act as a form of motivation. In some cases, prostitution results from a combination of emotional dependence and financial difficulties. A girl who runs away from home and has nowhere to sleep and no money, is susceptible to the boy who gives her attention, love, and a place to live.

A fifteen-year old Moroccan girl runs away with a female friend. They go to a coffee shop where they know some boys, and they end up having relationships with them. These boys offer them somewhere to stay. At some point, the boys ask the girls to pay their way, and they are forced to have sex with different men who come to the house where they are staying. They are eventually taken to The Hague, where they work as prostitutes in the streetwalkers' district. (case from peer research)

Homelessness makes children vulnerable (3.6%). For example, some of the cases involve children staying with adults in return for sex.

Drug addiction can also play a role (7.7%). Some children end up in prostitution in order to fund a drug habit and addiction makes it much more difficult for them to quit prostitution.

In 4.7% of the cases, the exploited children had a history of sexual abuse by family members or acquaintances.

Background circumstances

Little is known about the family situations of child victims of exploitation. Only in about a quarter of cases are the child's family relationships known (28.4%). 16.0% of the children have no family ties. That can imply that these children came to the Netherlands alone, without any family accompanying them. It can also mean that all ties with their families have since been broken, or that family members have died.

In 5.3% of the cases, the victim lives with a family member. Only 3.0% come from a two-parent family.

A few of the girls are in care (4.1%). Sometimes they run away while waiting for a place in a care institution.

Male prostitution

There are eleven cases of male child prostitution in the database. It is not always clear whether these boys entered prostitution voluntarily. In most cases, the intent to exploit by a third party is unknown or doubtful (81.8%). Only in two cases (18.2%) is there clearly exploitation as defined by Article 273a WvSr, as compared with 88.5% of cases of female child prostitution. We decided to include the male cases in the database, however, because according to Article 248b WvSr, the children are being exploited by their clients. In a third of the cases, the boys are vulnerable owing to their financial circumstances (36.4%); homelessness also plays a role (27.3%). This compares with 11.5% and 1.9% respectively for girls. Emotional dependence is less significant for boys than for the girls (18.2% versus 47.8%). In the case of boys, family circumstances play the most important role in creating vulnerability (63.6% for boys versus 19.1% for girls).

Most of the cases involving male prostitution were provided by support organisations (63.6%). The police only submitted one case (9.1%), compared to 29.9% of cases involving female child prostitution.

It appears that boys enter prostitution at a slightly younger age. The largest group was aged between nine and fifteen years old (45.5%), while the percentage of girls in this age group was 19.7%.

Almost half of the boys involved in prostitution have Dutch nationality (45.5%). None of the boys are unaccompanied asylum seekers. The largest group of boys is unaccompanied (45.5%), as opposed to 14.0% of the girls.

4.1.2 Interviews and other data sources

In this section, we draw on the data on child prostitution that was obtained from the interviews, as well as findings from other sources. The following sub-sections address the extent of the problem, victims' origins, cases of suspected prostitution, and where children work.

The extent of the problem

Many respondents said that they had no expertise in the area of child prostitution, but that the problem exists and is probably more significant than their own experience would suggest. None of the interviewees were prepared to venture an estimate of the number of children working as prostitutes in the Netherlands.

Certain trends can be identified from the data obtained from aid organisations. One is the number of cases dealt with by the STV (Foundation against Trafficking in Women), which provides a central reporting and registration point for female victims of human trafficking. In 2004 there were 405 registrations with the STV, including both adult and child victims. In 2003 there were only 257 registrations, meaning an increase of 58%.²⁸

According to the STV, this increase is due primarily to intensive lobbying of partner organisations on the importance of registration. The police have stepped up their reporting procedures, as have a few support organisations. In addition, trafficking in human beings is receiving more attention from politicians and organisations involved in the investigation and recognition of human trafficking. Stakeholder cooperation has been improved, and the necessity of having a central registry of victims' details has been recognised. As a result, more cases have been reported to the STV. The STV is sure, however, that not all victims are being registered, and the number of victims could thus be higher than current estimates. On the basis of the number of child victims that they had encountered, a number of organisations were able to estimate the percentage of children in view of the total number of trafficking victims. Also, some organisations, including Prostitution Social Work (PMW) and the STV, said that many young women and men seeking help had entered prostitution as children.

- The police estimate that children make up less than 10% of the total number of victims of trafficking.
- Cases involving children make up 10 to 20% of the human trafficking cases dealt with by the Public Prosecution Service, Den Bosch.

²⁸ STV (2005) Press release: 58% more cases of victims of human trafficking.

- In 2004, a total of 128 clients were under PMW's supervision in Rotterdam. Of these, seven (5.5%) were minors when they arrived, and 22 (17.2%) were minors when they had started working as prostitutes.
- In 2004, 23 cases of child victims were registered with the STV – that is, 5.6% of the total number of cases. 39 registered victims were recruited when they were younger than 18, that is, 9.6% of the total number of cases.
- According to research by the BNRM, of the 42 successfully completed cases of trafficking in human beings that the police sent to the Public Prosecution Service in 2003, fourteen cases involved children (33%). There were 20 child victims in total.
- In 2004, the Utrecht based support and relief centre Pretty Woman had 68 child clients (55% of the total). This figure includes both girls at risk and girls who already work as prostitutes.²⁹

All of the above figures refer mainly to girls in prostitution; scarcely any information about boys is available.

SOURCE	YEAR	PROSTITUTION	
		NUMBER of minors	% of total victims
PMW	2004	29	22.7
STV	2004	39	9.6
Public Prosecution Service	2003	20	--
Pretty Woman	2004	41	33.3
IKPS ³⁰	2003-2004	141	17.6

THE VICTIM TRACING SYSTEM

In 2002, the National Police Agency (KLPD) Criminal Investigation Division set up a victim-tracing system, the so-called Police Information System (IKPS), which records indications of trafficking in human beings. For this research project, we got access to the system's data on trafficking in children, via the Trafficking in Human Beings Information Unit (IEM). Suspected cases of trafficking in human beings can be registered with the IKPS, and the database includes potential victims as well as victims. A point is given for every indication of human trafficking, such as those listed in the Directive on Human Trafficking of the National Office of the Public Prosecution Service. When ten or more points are recorded, a potential case is recognised and registered. Nothing is registered for a score of nine or less. The system can only give an indication of the potential number of victims. It is filled in at the regional level, and the details are brought together at the national level. The system gives the KLPD service an overview of what is happening, and allows them to compare regions and trace human trafficking routes.

The IKPS records details such as the name and the working-name of the prostitute, where the prostitute was found, the prostitute's contacts with pimps, clients and others, indications of human trafficking, distinguishing marks and telephone numbers, and whether a report has been filed.

The system is directed at victims in general, and there is no special registration field for children.

Interviewees from the KLPD suspect that there are probably few children registered in the system, as once

²⁹ Informatiepunt Jeugdprostitutie (Information Centre Youth Prostitution): meeting on first-orientation approaches to youth prostitution, May 2005, Utrecht.

³⁰ IKPS = Police Information System

discovered, they are taken straight out of prostitution and thus registration in the tracing system is unnecessary.

In order to find out how many children are registered, one must look at the relationship between the birth date, the date the child was found, and the date of registration of the possible victim. Two years of information are covered in the system.

The state of affairs in January 2005 was as follows:

- Nineteen children (born after 01-01-1988) and 122 young people under the age of twenty (born after 01-01-1985) are registered in the system. In this latter group, it is not clear whether the young people were children when they were found. The figures do give an indication of the victims who, on the date that they were brought in, were most probably underage. The system as a whole includes approximately eight hundred victims (until the end of 2004);
- There are thus 141 potential child victims indicated in the system in total – approximately a sixth of the total number of registered victims;
- These victims originate from the following countries:

The Netherlands	38
Romania	11
Sierra Leone	11
Nigeria	8
Bulgaria	6
Angola	4
Morocco	4

In addition, one or two victims of other nationalities are registered in the system, from Africa, Eastern Europe and Asia, including China.

Many of those with Dutch nationality were also born in the Netherlands.

From the children registered in the system, three are from EU countries; 23 are unaccompanied asylum seekers; six have B-9 status and two are in the reflection period;³¹ and 22 do not have a legal residence permit.

In almost every case in the database, the 'documents' field is used. This field establishes whether false, forged or stolen documents were used. Some children are discovered with no documents whatsoever.

In general, the children have the following characteristics when found, whether or not reliable tip-offs have already been received:

- No identity document;
- Homelessness;
- Fear of exportation;
- Non-Dutch speaking;
- Originating from another country;
- Illegal residence or entry;
- Restricted freedom of movement.

It is hard to find out from the system where the victims were found; the details are not always entered, or are not known.

There is naturally a chance that some cases will be duplicated. A victim can be counted two or three times, for instance, because a false identity is registered. According to the KLPD, however, the incidence of duplication is probably very small.

³¹ Section B-9 of the Immigration Law Circular (2000) offers victims and witnesses of human trafficking temporary right of stay with care, access to medical facilities, legal help and financial support. The length of this stay is dependent upon the progress of their case. The B-9 rule was being revised at the time of writing (July 2005). Victims of human trafficking are given a reflection period of three months in order to determine whether or not they want to file a report.

It is difficult to gauge the number of children that are registered as potential victims in this system, because the fact that a victim is underage is not registered. In addition, the system is filled in inconsistently. In 2004, for instance, some police regions entered very little in the database, undermining the motivation of others to register cases.

Respondents from the police suggest that the IKPS system does not function well in practice. It is not user-friendly: filling in the fields takes a lot of time, and has to be done by experts.

Although the police are convinced as to the value of registration, a number of changes need to be made before the IKPS is a practical and reliable national information service. At the moment of writing, the police are looking into how a better registration system could be created in order to make details more accessible. The IKPS will also have to change in view of intelligence-led investigative techniques and new privacy legislation. Knowing this, it is unlikely that much will be invested in the current system, and thus unclear when improvements will be made.

Interviewees from the Public Prosecution Service suggest that the larger trafficking cases that are prosecuted at the national level rarely involve children. According to figures from the police and case officers, though, it seems that trafficking in children for sexual purposes does occur. Child victims are mostly involved in the smaller cases that are dealt with at a regional or supra-regional level.

Some respondents have the impression that child prostitution is increasing, and that this is connected with the increasing publicity and attention given to the problem. Another reason given for the increase is the blurring of moral standards. Interviewees suggest that increasing numbers of girls will readily accept payment for sex.

“I have the impression that voluntary prostitution among children is occurring more and more nowadays. I’m talking about small-time prostitution here; it’s become an easy way to earn money. The morals on prostitution have changed. Girls are aware of the fact that they can make money by selling sex, and they have less hesitation in doing so. Earning money and buying things with the proceeds of prostitution is not seen as such a bad thing any more.” (Bureau Jeugdzorg)

A few respondents, including the police, maintain that child prostitution rarely occurs in the Netherlands or doesn’t occur at all, as they do not encounter the problem.

“The number of children that we come across working as prostitutes can be counted on one hand. I don’t think that it’s a problem – at any rate, I don’t see any indications that it is one. It is also not a problem in the illegal sector, otherwise I would have heard about it. I think that there is a lot of emotion bound up with the issue, and as a result it has been blown out of all proportion. The loverboy issue is exaggerated as well – it is surrounded by enormous media hype. As soon as the problem disappears from the media, we’ll stop recognising it in practice as well.” (Interviewee from the police)

Suspected prostitution

It is not always clear whether the cases provided by interviewees actually involve prostitution. Many respondents, particularly caregivers, are concerned about particular

children. They recognise signs or patterns of behaviour that suggest that the child might be involved in prostitution, but it is difficult to determine what is actually going on.

Early intervention – for example, with a (temporary) care order – is frequently used to prevent girls who are in high-risk situations from becoming prostitutes.

A young woman runs away from home and starts working as a prostitute. Her sixteen year-old sister follows her, and goes to find her in the streetwalkers' district. Here she comes into contact with other prostitutes, with whom she spends a lot of time. The police take note of this and together with a relief organisation, put the girl in care. Is this the best solution? At least this way, they know where she is. (case from the police)

THE MOST COMMON INDICATIONS OF CHILD PROSTITUTION AND TRAFFICKING

- Runs away from home
- Goes out a lot
- Refuses to say what she has been doing
- Has a lot of money
- Carries a mobile phone
- Has many male visitors
- Lacks identity papers
- Afraid of deportation
- Unable to speak Dutch, and originally from a country that is recognised to be a source of many victims of human trafficking;
- Suffers (threats of) violence and intimidation
- False promises (e.g. concerning earnings, circumstances, type of work, relations, payment of debts)
- Presence of a pimp
- Non-attendance at school;
- Arguments at home
- Owns many clothes and shoes
- Owns a lot of lingerie
- Frequently away at night
- Disappearances
- Pregnancies
- Homelessness
- Illegal residence or entry
- Restricted freedom of movement
- Receives money from pimp
- Violence towards family
- Drug use
- Rape

From information given by the police, it appears that foreign girls working as prostitutes are frequently picked up due to suspicions that they are underage. These girls often have a false passport or are not carrying any identity documents. They are very unwilling to cooperate with the police and will give no information about their stay in the Netherlands

and possible involvement with trafficking. When these cases involve illegal migrants, the latter are handed on to the foreign police and (mostly) deported.

“We recently found an African girl, following a tip-off from someone who suspected she was underage. She denied and continues to deny that she is underage, and eventually the immigration police deported her. She has a false passport, probably belonging to someone else.” (researcher, ethics)

Many different interviewees, from the police to care organisations, explain that it is often difficult to estimate the ages of young people working in prostitution, and the use of false passports also makes it hard to establish whether children are involved. It appears that false or forged passports are often used to conceal a child’s age.

“My clients are mostly Eastern European women and a few Nigerian women. There are no minors among them. I have to qualify that last statement, though. Sometimes they appear to be very young, but they have no documents showing their age or they have passports that are probably forged. In these, they are registered as twenty or twenty-one year olds. They all know very well that in order to work as a prostitute, you have to be eighteen or over.” (care worker)

According to a number of respondents, pimps are also aware that prostituting children is a criminal act, and that the police supervise the issue closely. Many pimps only let girls work in the legal prostitution sector once they have turned eighteen. Care organisations and the police come across cases of girls being set behind the window on the day that they turn eighteen, or who disappear shortly after they have come of age. Before this, the girl might have already been ‘prepared’ for prostitution, via (group) rapes, forced sex, and having sex with friends of the pimp. Various respondents from care organisations and the police have come across girls of just fourteen or fifteen being ‘prepared’ in this manner. The existence of this preparatory treatment is extremely difficult to prove, not least because money does not always change hands.

A thirteen-year old girl goes daily to a park where she meets two other girls and three boys. She goes to the house belonging to the mother of one of them, and there they have sex. The girls are also asked to take part in sexually loaded activities – possibly including making porn-films. The girl says that she enjoys these activities. She literally calls one of the boys ‘loverboy’. The care worker has the impression that the girl is basically being taught how to be a prostitute. She is eventually taken into care. (case from support organisation)

What is notable is that various regional police teams working to combat human trafficking affirm the existence of ‘preparation’, whereas an interviewee from another region is convinced that such practices do not occur:

“I hear a lot of talk of the preparation of girls for prostitution, but in practice I have never come across it.” (respondent from the police)

The origins of the victims

The STV's annual report appears to have roughly the same breakdown of nationalities of victims as that of the research database. The largest group is Dutch, and the largest group of foreign victims comes from Eastern Europe, followed by Africa (in the database, however, there are more African than Eastern European victims).

Not every organisation has the same experience. In the case of Pretty Woman, an organisation that is directed at the girls who have fallen victim to 'loverboys', the workers have as many ethnically Dutch clients as clients of foreign origin (Morocco, the Netherlands Antilles, Suriname, and Turkey). One crisis centre for girls, which deals with a lot of girls who are at risk of becoming prostitutes, has no Dutch clients at all. According to another organisation, victims' origins reflect those of the Dutch population as a whole: Dutch, Moroccan, Turkish, and Hindu. Finally, according to the police, girls involved with 'loverboys' are mainly Dutch or Dutch speaking.

A number of interviewees think that the prostitution of African girls has decreased. Since the introduction of new laws in the Netherlands, which oblige citizens to carry proof of identity at all times, a large number of Nigerians have left for other countries (for example England, Spain and Italy), fearing increasing numbers of checks. Pimps are also wary of setting illegal immigrants to work in the Netherlands. Moreover, Nigerian girls' awareness of the problem is greater, due to better information provision on human trafficking. As a result of this awareness, more Nigerians flee to the Netherlands to escape poverty already knowing that they will work as prostitutes. Other women tell them that they can make a lot of money in the Netherlands. One care worker suggests that fewer women would come if the stories they heard were less rosy.

Many interviewees suggest that there are large fluctuations in the choice of origin- and destination-lands for trafficking. As a result, the breakdown of victims' origins also fluctuates.

Trafficking in human beings within the Netherlands

Respondents from various police regions suggest that in the case of prostitution, much of the human trafficking problem involves trafficking within the Netherlands, and this is also the case for child prostitution. In the South East Brabant region, for example, almost 95% of the trafficking cases are internal. The Utrecht police have had a similar experience; they cannot say with certainty whether there are more border-crossing incidents than the ones they have identified, but they suspect it to be the case. Dutch girls find it easier to reveal their experiences and go to the police. East European girls are less forthcoming, and are less ready to file reports. As a result, less attention is given to this group of victims. Moroccan girls are also slower to go to the police. According to the police, this is partly a result of culture (shame) and language problems.

Much internal trafficking, according to respondents, is related to the 'loverboy' problem. One study on loverboys in Amsterdam³² rejects the traditional loverboy concept. According to the researchers, the classic situation is rarely encountered, and the phenomenon has many variants. The researchers point out, though, that this does not change the fact that girls are exploited. They plead for the term 'loverboy' to be replaced with 'modern pimping'.

³² Bovenkerk, F. and others (2004), 'Loverboys of modern pooierschap in Amsterdam'. Utrecht: Willem Pompe Instituut voor Strafwetenschappen.

The IEM makes no distinction between different forms of people trafficking for sexual purposes, including the loverboy phenomenon.

Cross border trafficking

Most of the human trafficking cases in the North Limburg region (95%) involve border crossing, but according to some police respondents, this might be due to the level of attention given to the issue. In addition, Limburg is a border region, and one would thus expect foreign victims to be brought over the border there. A few interviewees from the KLPD suggest that regional police forces mainly deal with local cases. This gives the KLPD fewer insights into local trafficking, but on the other hand, gives it more insight into cross border trafficking. Such trafficking mainly involves foreign girls who come to the Netherlands to work as prostitutes. Sometimes they are brought under false pretences, but others know they will be working as prostitutes, and hope that they will have better working conditions in the Netherlands. More often, however, they are penniless upon arrival: they have to give money to a pimp, or shoulder an enormous debt for their passage. It is notable that most interviewees view the loverboy issue as a problem that is internal to the Netherlands. This might be to do with the fact that with cross border human trafficking, it is not always clear which pressurising techniques are used.

The NRM suggests that loverboys can be involved in cross border trafficking cases. According to research by the ECPAT Europe Law Enforcement Group, loverboy techniques have been reported in other European countries, such as Belgium, Estonia and Ukraine.³³ Traffickers mainly bring child victims straight to the Netherlands. Sometimes children come to the Netherlands alone or with the help of migrant smugglers, and once in the Netherlands, end up being exploited.

According to the respondents, traffickers and pimps use a variety of techniques on foreign victims:

- Use is made of (Dutch) look-a-like passports. For instance, a child might go through border controls posing as the child of a trafficker with a Dutch passport; or the child travels on the trafficker's sister's passport;
- Use is made of false or forged passports. Names are changed or the age is altered. According to various informants from the police and KMar, it is easy to come by a forged passport. Sometimes passports are hired from acquaintances;
- Via a tourist visa;
- Use is made of corrupt contacts in the immigration or customs services. If that is difficult in a particular country, then people travel via another country where contacts do exist;
- Via (corrupt) contacts working at Schiphol airport.

According to the interviewees, foreign girls often use false or illegal passports, or, in the case of Eastern European girls, a passport of another European nationality. Sometimes they use their own passport, but with the age altered. Many girls work without any passport at all.

³³ O'Brian, M., A. van den Borne & T. Noten (2004). Joint East West Research on Trafficking in children for sexual purposes in Europe: the sending countries. Amsterdam: ECPAT-NL.

Many African girls originate from war-torn countries. According to various care workers, these girls frequently come from prisons, have broken families, or have lived on the street. Victim and trafficker usually come from the same region, tribe and language-area, or are related to one another.

According to various informants, victims from various African countries make the journey to Europe under wretched conditions. They might be transported by traffickers, or they might undertake the journey on foot.

From Nigeria, large groups of 25-30 people would be smuggled through the desert and via Spain to Europe. During the journey, people would die due to lack of food and water, and rapes would take place. At border crossings people would have to hide themselves in lorries. Men would be smuggled for work in Europe, and girls would be forced to work in prostitution. Very probably, some would be children. They would then be sold on in the streetwalkers' district. Girls often come on a false passport or via the asylum system. One of these girls has filed a report. Past research revealed Nigerian gangs carrying out these activities, and it remains the question whether they are still active. (case from the police)

POLICE RESEARCH

In April 2005, the human trafficking team from the Friesland police force arrested thirteen men and women on suspicion of human trafficking. An investigation revealed that underage Hungarian girls were being made to work as prostitutes in Leeuwarden. They had false or forged passports.³⁴

Boys

Little is known about underage male prostitutes. These boys have to cope with a triple taboo: prostitution, homosexuality, and victimhood. Male victims of prostitution are thus slower to reveal their experiences to the outside world.

The information that we do have on male underage prostitution is contradictory. There are care workers who say that it rarely occurs, while others have actually come across cases. Respondents say that they know of young Eastern European male prostitutes and that within this group, some are minors. In recent years, according to a care worker, more underage youths have been found. But according to him, that is a result of changing illegal practices. In addition, care workers come into contact with underage male prostitutes on the Internet.

Research from 1998 shows that of 56 male prostitutes found, 26 were underage. Sixteen of them were introduced to prostitution by third parties, and ten of them started prostituting themselves on their own initiative.³⁵ Almost half of these boys were Moroccan, eight were Dutch, and six had Caribbean or African origins.

Boys work much less frequently for a pimp than girls. Some work for escort agencies, but most boys work alone.

A care worker suggests that prostitution mainly involves Dutch boys, and sometimes a boy from Morocco or the Netherlands Antilles. Care organisations for drug addicts

³⁴ ANP, 21 April 2005. Vrouwenhandelaren in Friesland aangehouden.

³⁵ Informatiepunt Jeugdprostitutie: meeting on first-orientation approaches to youth prostitution, May 2005, Utrecht.

indicate that boys aged between fifteen and eighteen years old have worked as prostitutes. Young boys without legal residence permits or income are particularly at risk of falling into exploitative situations. Various care workers say that they know of underage youths who have been picked up by Dutch women and given a place to live and food in return for sex. According to them, this includes women who work in the immigration services. Although, as observed earlier, it is not always clear whether such situations are genuinely exploitative, they do unquestionably constitute an abuse of power.

Care workers report that in Eindhoven, young men recruit underage youths from their own circle of acquaintances to work as prostitutes.

Many boys start working as prostitutes at a young age, between fourteen and sixteen years old – a tendency suggested in the specialist literature, and confirmed by the interviews.

Opportunistic prostitution

The informants also identified a group consisting of children who are not forced into prostitution by third parties, but voluntarily have sex with clients in return for money or other forms of income, so-called ‘opportunistic prostitution.’ Most frequently, such prostitution is undertaken to provide a living.

Often young people choosing to prostitute themselves have a difficult past history, such as problems at home.³⁶ Traumatic experiences, such as sexual abuse within the family, rapes, divorce, or emotional neglect, can lead a child to run away from home. The child is then vulnerable to prostitution. After some time in care, girls who chose to work as prostitutes often admit that they were forced to do so by their circumstances and past experiences.

Where do children work?

Most children work in the illegal prostitution sector. This can include street prostitution, illegal escort agencies and illegal clubs in houses (mostly in towns, but also in the countryside), houses that temporarily serve as private clubs, hotels, in parked cars, or private houses. Child prostitution also takes place in clubs that are situated in local authorities with weak controls. Children rarely work as street prostitutes or in streetwalkers’ districts, due to the fact that checks on such areas are usually stringent and children tend to be picked up immediately. Police and care workers also get occasional telephone calls from other prostitutes voicing their suspicions, as they see underage prostitutes as competition.

According to police research, establishments such as farmhouses or catering facilities can double up as brothels that exploit minors as prostitutes. These establishments are mostly used by criminals or ‘insiders’ and not by regular buyers of sexual services.

According to interviewees from the IEM, clients use the Internet to find out about child prostitutes and where they can be found. The soliciting of children takes place as much via the Internet as by mobile phone. There appears to have been an increase in prostitution from home and escort services.

³⁶ ECPAT-NL (2002). *Stem van slachtoffers*. Amsterdam: ECPAT-NL.

The interviewees have the impression that child prostitution can also to be found in other locations. There are a number of Thai massage salons in the Province of Utrecht, and in one of these, people were recruited as cleaners and then redirected into sex work. As far as is known, none of these were children. Many respondents (from the police and from care services) say that Turkish coffee and teahouses can also serve as brothels. In such locations, (mainly Eastern European) girls start by doing striptease work, and end up being paid for sex; no one knows whether children are involved, but some have suspicions. According to interviewees from the IEM (Trafficking in Human Beings Information Unit), there are indications that children are involved in these branches of prostitution. There are also suspicions about prostitution occurring in parks and in lay-bys along main roads. These suspicions are difficult to confirm, as such locations are not supervised due to lack of capacity.

ILLEGAL STREETWALKERS' DISTRICTS

Parking places along the West Brabant highways can rapidly become illegal streetwalkers' districts, suggests an article in the newsletter 'Transactions' of the Foundation of the Religious against Trafficking in Women.³⁷ The prostitution got so out of hand that the police decided to hold six large operations at the end of 2004. Among others, they picked up an underage Romanian girl. According to the police, what they found was the top of the iceberg: 'As soon as we make checks, most of the birds have already flown.'

Most interviewees agree that underage prostitution mainly takes place in the illegal sector, and is thus hidden from view and difficult to assess. According to respondents from the IEM, the police discover child prostitutes when carrying out checks on escort agencies. One police respondent, however, thinks that child prostitution does not really occur in the illegal sector, and certainly not on a large scale: *'the prostitution world is small. If child prostitution also found a place in the illegal sector, we would hear about it. When doing checks on the illegal circuit, we have not found any underage prostitutes.'*

According to most interviewees, hardly any child prostitutes work in the legal sector. There are many police checks on legal brothels, and the exploiters prefer not to risk closure. There are known to be licensed clubs and brothels where underage prostitutes have been found, however. From the third report of the BNRM it appears that of the 666 suspects of human trafficking held in 2002, 66 were from predominantly – partly legally operating – clubs and brothels. The proportion of exploiters among the suspects has remained relatively constant since 1999, namely around 10%.³⁸

One care worker suggests that Eastern European girls usually live in urban apartments, from which they are sent out to hotels or private houses. Sometimes prostitution takes place in the apartments.

African underage prostitutes mainly work from their apartments. Various informants suggest that these are mostly to be found in the Bijlmer district of South East Amsterdam. Clients include African, Dutch and Moroccan men, and male tourists. Pimps solicit

³⁷ Verhandelingen van de Stichting Religieuzen Tegen Vrouwenhandel; 9e jaargang, no.1, March 2005.

³⁸ BNRM (2004). Mensenhandel: Derde Rapportage van de Nationaal Rapporteur. Den Haag: BNRM.

clients in the centre of Amsterdam or by telephone, and some girls prostitute themselves on the streets of the Bijlmer. Various interviewees say that prostitution also takes place in illegal brothels in the Bijlmer. Bijlmer police officers deny this; in any case, they have not uncovered any abuse. According to a recent study³⁹ on street prostitution and hidden prostitution in Amsterdam, however, there are indications of hidden prostitution in South East Amsterdam, possibly involving children.

According to various interviewees, girls are often transported through the Netherlands and set to work in different towns and villages, in order to prevent their discovery by the police. Foreign prostitutes also travel regularly between different countries, for example between Italy, Germany and the Netherlands. In this manner, they hope to avoid discovery.

There are few bars and clubs for male prostitution in the Netherlands. Young men tend to work as street prostitutes and at meeting-points used by homosexuals, such as parks. Young men are increasingly using the Internet and chatrooms to approach clients, as well as advertisements and mobile telephones. Many young men combine working for an escort agency with a circle of private clients.

In Amsterdam, male prostitution was, until recently, mainly to be found in bars on the Paardenstraat. Many Eastern European youths worked there, including minors. This street has been 'swept clean' by the police, however. According to one care worker, the police in Amsterdam make regular checks on prostitution, and thus one no longer comes across incidents of underage male prostitution in the Paardenstraat and in clubs. Other care workers suspect that the prostitution of boys occurs as much as before, but that it is less visible than in the past due to the Internet, as boys no longer need to go on the street to find clients: *'Everyone has their own computer and the Internet, and five years ago that was not the case.'* This also makes it harder for care organisations to reach boys.

4.1.3 Results of the peer research

In what follows, we give an overview of the results from the peer research. Interviews were held with five foreign and Dutch girls who had been exploited as prostitutes in the Netherlands. A couple of foreign girls were forced into prostitution by the person who brought them to the Netherlands, while others were already in the Netherlands when they were forced by circumstances – such as lack of money – to prostitute themselves.

Three of the girls originally come from the Netherlands, one of whom has a German parent; one comes from Mozambique; and one from Suriname. The youngest girl was exploited from when she was fourteen, and the oldest was sixteen when the exploitation occurred. The longest period of exploitation lasted five years, and the shortest period of exploitation lasted four-and-a-half weeks.

³⁹ Korf, D. and others (2005). *Tippelen na de zone. Straatprostitutie en verborgen prostitutie in Amsterdam*. Amsterdam: Rozenberg Publishers.

	SEX	AGE		DURATION OF EXPLOITATION	LAND OF ORIGIN
		(THEN)	(NOW)		
Girls in prostitution in the Netherlands (details from the peer research)	Female	14	17	2 years	Mozambique
	Female	15	19	2 years	Suriname
	Female	16	17	4.5 weeks	Netherlands
	Female	16	19	2 years	Netherlands and Germany
	Female	16	21	5 years*	Netherlands

* The situation is ongoing.

Initial exploitation

A number of Dutch girls become prostitutes via a boyfriend, loverboy or lovergirl (a female pimp). Girls sometimes use the terms 'loverboy' and 'pimp' interchangeably. What is notable is that at the time the exploitation began, almost all of the girls were in some kind of vulnerable position, most often involving 'problems at home' and 'need for attention'. Some girls say that a bad self-image (little respect for themselves, lack of confidence) also led them to seek attention from (the wrong kind of) boys. Recruitment occurred, according to the girls, in the following way: the pimp first offered love and friendship, showed a lot of sympathy, and made sure that the girl was in love. Then they made the girl dependent in a number of ways: emotionally (through friendship, love and attention), financially and physically (through the provision of a place to live, money, clothing, drink and drugs). At the same time, the girl was deliberately isolated from her neighbourhood, friends and family. Once the girl was dependent and isolated, the perpetrator asked for something back, and eventually she was forced into prostitution. The girls from Mozambique and Suriname were both lured from their native countries to the Netherlands in the belief that they could earn money there. They longed for a better life, both for themselves and for their families, and put their trust in intermediaries who promised work and a place to live in Europe. Once they arrived in the Netherlands, however, the reality turned out to be very different, and the girls were forced to work as prostitutes.

What is the nature of the exploitation?

The girls mainly had to give sexual services, sometimes under the influence of drugs. Many girls were threatened, frightened, blackmailed and manipulated. Some pimps also used violence on them. For the most part, the girls didn't receive the money that they had earned.

Location

Exploitation took place in locations that were difficult to monitor, such as:

- Houses or businesses owned by the client, in Eindhoven, Utrecht, Leiden and Amsterdam;
- Streetwalkers' districts in Utrecht (Europalaan) and The Hague;
- Private addresses in Winschoten and Barneveld.

The girls were also transported around the country by their pimps.

Ending the exploitation

A few of the girls did not immediately become aware that they were being exploited, or did not want to acknowledge it. It was particularly difficult to realise what was happening once the exploitation had been going on for a while. In the beginning, the girls frequently got something back for their services, such as love and attention. For a long time they believed that the relationship would eventually work out and promises would be kept. Once they had become aware of the exploitation, it was very hard to accept, especially if they were still in love with their pimps. The longer the exploitation went on, the more difficult it became to break free.

Getting help

It was extremely difficult for the girls to break out of the exploitative situation without help from others, but help was hard to find. Girls who had fallen victim to a 'loverboy' were isolated precisely in order to prevent them from coming into contact with people who could help them.

For the foreign girls, seeking help was an impossible task. They didn't speak Dutch, they didn't know the country, and they did not have the means or the contacts, and so were forced to remain in the exploitative situation. Sometimes they hadn't dared tell their families that they had ended up in such difficulty. In addition, it is clear that girls without legal stay permits often do not seek help because they risk being deported, and don't know of any way of seeking help that might not lead to deportation.

A couple of the Dutch girls said that they had friends and family, and a chat and some sympathy had meant a lot to them at this time.

Institutions where the girls had sought contact, or were contacted by, included Pretty Woman, the National Police Project on Prostitution and Trafficking in Human Beings (PPM/dNP), women's shelters and the Asja relief centre in Leeuwarden. Two girls thought that hospitals could have been more pro-active when they were admitted after being abused by pimps. They find it incomprehensible that the hospitals could not see that something was wrong.

A few of the girls said that relief organisations sometimes came past the windows offering assistance, but not everyone had this experience. One girl indicated that in the later phases of her exploitation, she would have been susceptible to such offers of help.

Filing reports

A couple of the Dutch girls filed reports. The offenders were finally prosecuted, and one of them remains a fugitive. The other girls chose not to file reports. Sometimes they were too scared to do so, or thought that their cases did not have a chance, or wanted to forget their experiences as quickly as possible. The foreign girls did not file reports because they were afraid of deportation. When a girl without a legal residence permit files a report, she receives a temporary stay permit that covers the period of legal procedures (the B-9 rule). After that, most must still return to their native countries. The foreign girls did not want to return as they felt they had no future in their native countries, and didn't want to disappoint their families by arriving without money.

What have the girls observed about prostitution in their neighbourhoods?

The five girls were acquainted with at least ten other girls who had been exploited in similar ways. In every case, the victims were underage. A couple of the girls did not know any other victims, and a couple did not want to talk in detail about other girls because doing so made them uncomfortable.

	NUMBER	SEX	AGE	LAND OF ORIGIN	FORM OF EXPLOITATION
Girls in prostitution in the Netherlands (details from the peer research)	1	Female	22, then 16	Dutch	Window prostitution (via loverboy)
	3	Females	14-15 years	Unknown	Prostitution
	3	Females	16 years	Indonesia/Suriname, the Netherlands and Morocco	Prostitution and drug dealing
	3	Females	16-17 years	Morocco and South Africa	Prostitution

4.2 Other forms of exploitation

4.2.1 Figures from the database

The number of children

There are forty cases in the database involving forms of exploitation other than sexual exploitation. These make up 17.4% of the total number of cases (230).

FORMS OF EXPLOITATION	NO. OF CHILDREN (%) (n=40)
Illegal adoption	27.5
Household tasks	17.5
Drugs	10.0
Deceptive football contracts	7.5
Cleaning	7.5
Catering work	5.0
Criminal activity	2.5
Shop keeping	2.5
Forced marriage	2.5
Other	32.0

Forms of exploitation

The cases show that exploitation can occur in various forms. Sometimes a child suffers more than one form of exploitation, such as having to undertake domestic duties as well as criminal tasks, or working in a restaurant and looking after small children.

In comparison with other sectors, many children face exploitation in the domestic sphere (17.5%). In addition, social services report large numbers of illegal adoptions (27.5%). These mostly involve very young children, including babies, who are brought to the Netherlands from abroad.

The 'other' category is quite large (32%), and covers all sorts of exploitative activities: looking after small children, drudgery, loading and unloading, odd jobs and chores, leafleting, or using the social security number of another person to work in return for part or all of the salary. The manufacture of child pornography also falls into this category. That the total number of cases adds up to more than 100% is due to the fact that children can be exploited in more than one way at once.

The intent to exploit

Exploitation is clearly present in fifteen cases (37.5%). Two cases definitely involve exploitation, but the purpose is not financial gain as such. In the first of these, a Roma child is kept by her parents from attending school, and is set to work at home looking after the younger children and doing chores. The parents believe that education is unnecessary, and that it is much more important that the girl can take care of herself in the 'real world'. The second case concerns a child from a single-parent family originating from the Netherlands Antilles. The single mother is unable to cope, and needs psychiatric help. The eldest child is held back from school to look after the other children and do the housework.

In twelve cases, too little information is available to determine whether the exploitation is a one-off, or is of a more structural nature. These situations are genuinely exploitative, children's rights are always violated, and the exploitation appears to be intentional (profit is made).

- A seventeen-year old Eastern European girl is living in the Netherlands illegally. A compatriot offers her a social security number so that she can start working, in return for half of the income. The girl becomes a cleaner.
- A twelve-year old girl is working late into the evening in a hairdressing salon, sweeping the floor. It not known whether the girl is the daughter of the owner, and whether she just happened to be awake and had a broom in her hand, or whether she was being exploited on a regular basis.
- A seventeen-year old girl from Ghana is illegally resident in the Netherlands. She works illegally in a hairdressing salon for ten hours a day and is underpaid.
- Various African boys aged between fourteen and sixteen years old pay large sums of money to so-called football agents from their own countries, who promise them a football carrier in the Netherlands. They find out that they have been deceived when they arrive at Schiphol airport and are abandoned.
- Chinese children aged between twelve and thirteen do chores in the Chinese catering industry. Their exploiters protest that they are just nieces or nephews who are helping out.

In a significant number of cases, namely those involving illegal adoption (27.5%), the question of whether there is intent to exploit is not applicable. These cases do count as trafficking in children in accordance with the Optional Protocol to the Convention of the Rights of the Child, but adoptive parents do not normally intend to exploit children.

Sources

Most of the cases come from the youth social services (50%), care organisations (27.5%), peers (12.5%), truancy officers (5%) and the police (5%). Social services are by far the

largest source of cases of illegal adoption. In addition, other organisations, including immigrant organisations, KMar (Royal Military Police), youth health care services and pressure groups, know of children who have suffered forms of exploitation other than prostitution.

Gender

While girls are the main victims of child prostitution, a different picture emerges for other forms of exploitation. To be sure, many girls are affected (42.5%), but the number of boys involved is larger than in the sex industry (27.5%). The gender of the exploited child is often unknown (30.0%). Girls are mainly exploited in areas such as domestic work, cleaning, and shopkeeping. Boys fall victim to deceptive football contracts, illegal adoption, and drug trafficking.

Age

Most of the victims are aged between thirteen and eighteen years (in total, 37.5%). The category consisting of children younger than eight years is also relatively large (25.0%), due to the number of illegal adoptions.

The other victims are aged between nine and thirteen (10.0%), or it is not known how old they are (27.5%).

AGE	NO. OF CHILDREN (%) (n=40)
Younger than 8 years	25.0
9-12 years	10.0
13-15 years	17.5
16-17 years	20.0
Unknown	27.5

The youngest children (up to nine years old) are mainly victims of illegal adoption. Between the ninth and the twelfth year, most cases involve exploitation in domestic and catering work. That is also the true for the thirteen-to-fifteen years category, but children in this age group can also be found doing criminal work. When the children are older (sixteen and seventeen years old), sports as a means for deception can be added. The activities involving the exploitation of the older children mostly fall into the ‘other’ category.

Land of origin and residence status

The origins of a significant number of the victims are unknown (32.5%). The children come from seventeen countries in total. In the case of prostitution, a large percentage of the victims were Dutch (27.7%), but for other forms of exploitation, only a small percentage (5%) is of Dutch origin.

The children mainly come from African countries such as Ghana and Nigeria, and some come from Angola, Liberia and Cameroon.

22.5% of the children originate from Morocco, Turkey, Suriname and the Netherlands Antilles. Of these, 5% have Dutch nationality.

LAND OF ORIGIN	NO. OF CHILDREN (%) (n=40)
Africa	22.5
Asia	10.0
Central and South Eastern Europe	5.0
Morocco	7.5
Netherlands	5.0
Netherlands Antilles	5.0
Suriname	7.5
Turkey	2.5
Unknown	35.0

The database contains no cases of child asylum seekers -- neither unaccompanied minors or those accompanied by family – who have fallen victims to other forms of exploitation. Many of the victims are illegal immigrants (37.5%).

Some of the children (20.0%) have Dutch nationality. The status of many exploited minors is not known (40.0%), due to the large number of illegally adopted children and their unclear residence status. Two cases involve victims with unknown residence status. One concerns a fourteen-year old Sinti girl who has to care for her grandparents at home, and is prevented from going to school. The other concerns a fourteen-year old girl from Honduras who is forced to undertake domestic work for her aunt. It is known that the girl has a passport, but it is not known from which land. The aunt takes the passport to the police and turns the girl out of her house. It can thus be assumed that the girl does not have Dutch nationality.

RESIDENCE STATUS	NO. OF CHILDREN (%) (n=40)
Illegal	37.5
Dutch nationality	20.0
Other	2.5
Unaccompanied asylum seeker	0.0
Accompanied asylum seeker	0.0
Unknown	40.0

Factors that make children vulnerable

According to the database, many factors enhance children's vulnerability to what is often long-lasting exploitation. Family problems (55.0%) are most commonly cited. Often this involves a young person being turned out of the house after bitter arguments. Financial problems (15.0%) and homelessness (12.5%) can also lead to exploitation. In many cases, poverty in the land of origin and the promise of a better future are given as reasons to go to the Netherlands. When a family has paid for a young person's passage, the child is often ashamed of returning without any money. This can lead to them suffering (long-term) exploitation.

The category 'emotional dependence' is frequently cited (27.5%).

Another important form of vulnerability is lack of legal residence status or identity papers, such as passport or visa (27.5%). Children who reside illegally in the Netherlands are scared of being picked up by the police and deported, and this explains why they are prepared to cooperate with the exploiter. There are also instances in which the trafficker holds the child's papers or destroys them, making the child entirely dependent upon them.

10% of the victims suffer threats of some kind. The trafficker might threaten to harm the victim's family, or refuse to let the child leave the house. The offender might use pornography featuring the child as blackmail material.

The 'other' category is relatively large, and covers diverse forms of vulnerability. It includes situations involving babies, such as illegal adoption, or babies whose nappies are used to smuggle drugs.

VULNERABILITY FACTOR	NO. OF CHILDREN (%)
Family circumstances	55.0
Lack of legal papers	27.5
Emotional dependence	27.5
Financial reasons	15.0
Lack of abode	12.5
Threats	10.0
Sexual abuse	2.5
Drug addiction	0.0
Other	45.0

Background

Most of the underage victims (40%) are with a father, mother, or other family member in the Netherlands at the time when the exploitation takes place. A smaller percentage (17.5%) lives with a two-parent family.

Some of the children are alone in the Netherlands (12.5%), of whom most are illegal.

The database also records whether the children attended school at the time of the exploitation. For the most part this is not known (42.5%), and for another group (27.5%) the issue is inapplicable, such as those cases involving babies. In other cases, 20% do not attend school, and 10% do.

4.2.2 Interviews and other data sources

Extent of the problem

As suggested earlier, little is known about child victims of exploitation other than prostitution, and the interviewees confirmed this. Perhaps we should not find this surprising, as other forms of exploitation were only recently made explicitly punishable in Dutch criminal law. Yet, given that experts are responsible for implementing the legislation, it is notable how many interviewees said that they did not know what they had to look for, and how the (non-sexual) exploitation of children occurs.

At the time this research was carried out, the Public Prosecution Service was still unfamiliar with legal cases concerning the exploitation of children for non-sexual purposes. However, many interviewees were convinced that children were being exploited in these ways.

What does the exploitation consist of?

In response to our question concerning forms of exploitation other than in the sex industry, the informants cited various areas in which children are exploited. Again, the question frequently arose of whether specific cases of exploitation could be viewed in the

framework of Article 273a WvSr, or whether they should be seen in other terms, such as abuses of power.

Domestic work

From the database, it appears that children are frequently exploited in the domestic sphere, and interviewees suggest that these cases are the most difficult to control. The following case, which comes from research carried out by the BNRM, offers an example of how such exploitation can occur.⁴⁰

A ten-year old Moroccan girl is sent by her mother to live with a Moroccan family living in the Netherlands (it is unclear whether they were already acquainted with the family). The girl is taken illegally by car to the Netherlands. She finds herself in a small flat with many other children from the family. The girl must be available 24 hours a day, and do all of the housework. She receives no payment, and does not go to school. She is forbidden to go outside and has no contacts, aside from visitors to the house. The girl is intimidated and beaten. After a few years she runs away, and is brought to a relief centre by police. (case from the Youth Care Office, via ongoing research by the BNRM)

Catering

A number of children are exploited in the catering trade, and various relief organisations have come across victims in this area. Also, a number of interviewees suspect that children are being exploited in this way. Exploitation in the catering trade mainly affects children who work in Chinese restaurants, but children of other nationalities can also become victims.

A fourteen-year old Greek girl has to work in her father's restaurant. She may go to school, but has to start work as soon as she gets home. She is not allowed to see any friends, cannot do her homework, and has no free time since she must work until 10pm. Her performance at school deteriorates, and the school contacts social services. The girl is not paid for her work, despite her father's insistence to the contrary. Everything goes under the pretext that she is lending a 'helping hand'. The youth social services are working with the girl and her father to try to improve the situation. (case from the youth social services)

Sport

A few years ago, there was a commotion about underage African football talent that was pressurised into coming to the Netherlands.⁴¹ These boys were brought to the Netherlands and worked for professional clubs without proper contracts, residence permits, or salaries. Few new cases have arisen since the scandal broke in 2001.

⁴⁰ The BNRM recently started research into on the incidence of other forms of exploitation in the Netherlands. The researchers are gathering evidence from care institutions, legal actors, (special) investigation services, (religious) leaders/ key community figures, and ethnic minority organisations. Attention is being given to the exploitation of children. The first results are expected at the end of 2005. The BNRM made cases involving children available to this project.

⁴¹ Terre des Hommes (2001). *Scoren met kinderen: Een onderzoek naar de handel in jeugdige voetballers*. Den Haag: Terre des Hommes.

Respondents put this down to more rigorous checks, and the fact that young footballers must now be supervised in their land of origin until they are eighteen. Interviewees, including those from the football world, suggest that young boys are still lured from Africa (without payment) to begin football careers, but that European football clubs appear to have nothing to do with the practice. Instead, the boys are deceived in their lands of origin. The situations described by the interviewees are very similar to one another: in each case, an agent abandons a young African upon arrival at Schiphol airport. The following case is one example.

A fourteen-year old boy is approached in Nigeria by a 'football agent', who promises him a great career and a contract with one of the European football clubs. After paying a significant fee, for which the boy's family has to borrow money, he is taken to the Netherlands. On arrival at Schiphol airport, the agent disappears and it becomes clear that nothing has been arranged. The boy is left to fend for himself and ends up in the illegal sector.

Depending on the intentions of the football agent, this is either a case of smuggling (bringing the child over the border in return for payment) or trafficking (the intention to exploit the child). What is clear is that once in the Netherlands and left to fend for themselves, such children are extremely vulnerable to further exploitation.

A few respondents suggested that following the media attention given to this subject in 2001, clubs became more cautious. The Dutch football association is now more rigorous, and work inspectors pay more attention to the issue.

Illegal adoption

Some respondents, namely from youth social services such as the Council for Child Protection, say that they have come across various cases of illegal adoption. Children from abroad are bought and taken back to the Netherlands. Parents also give away children, both in the Netherlands and abroad, making the status of such cases less clear.

Couple X takes baby Louis from the Philippines to the Netherlands on a tourist visa. Here they register his birth with the local authorities as if he had been born to Mrs X. After some years, it becomes clear that the baby is not couple X's child. Enquiries had never been made about the expiry of the tourist visa, however, and the local authorities had not questioned his birth registration at the time. The judge decided that it was not in Louis' interests to be sent back to the Philippines. (case from youth social services).

International adoption is governed by strict rules, in which the interests of the child take precedence.⁴² In order to protect the child's interests, international adoption is only considered once all other options in the land of origin have been discounted. Intermediaries arranging the adoption must not be motivated by profit, and the adoptive parents must meet strict conditions. The relevant authorities in both the land of origin and of destination must also oversee the adoption process. In the case of illegal adoption, all of these rules are by-passed and child trafficking comes into play.

⁴² The Hague Adoption Treaty, 1997.

The intentions of someone who illegally adopts a child are not, of course, comparable with those of child traffickers. In many cases, the adoptive parents want to give the child a better future, or care for a child who has lost family or been abandoned. In addition, with most forms of exploitation it is obvious that the situation must be ended as quickly as possible. With illegal adoption, that is certainly not always in the interests of the child in question. These special circumstances mean that every case has to be considered separately.

The benevolent intentions of the adoptive parents do not, however, change the fact that illegal adoption is a criminal act and qualifies as child trafficking. A child is bought, a child is passed from the hands of one person to another in return for money or goods, and that is illegal practice that must be punished in line with the Optional Protocol to the UN Convention on the Rights of the Child. The violation of the child's fundamental rights can occur at different stages of the adoption process, such as the manner in which the renunciation occurs, loss of contact between child and his or her biological parents, and the unclear nature of illegal adoption itself. The child's rights to his or her genetic, biological, social and cultural background are thus at stake.

(Organised) crime

Various interviewees reported that children are made to participate in criminal activities, sometimes in combination with prostitution. The ways in which children are exploited in this area vary, but are often connected with the drug trade.

Mohammed is fifteen years old and originally from Morocco. His parents think that he goes to school during the day, but this is often not the case. Following instructions from his older brother, he delivers drugs to various addresses. He falls behind at school, and a truancy officer decides to act. The fine that is eventually given, however, is easy to pay, and the parents fear that they have no control over the boy. (case from youth social services)

At Schiphol airport, customs officers carry out a check on three-month-old baby John, and find a large quantity of drugs in his nappy. John's mother protests that she knows nothing about them, and John and his mother are taken into custody.

Manufacturing and sewing

Although research into non-sexual forms of exploitation in other European countries has revealed children working in the manufacturing sector, we found little concrete evidence of this in the Netherlands.⁴³

Interviewees say that there are rumours about the exploitation of children in clothes factories. In other European countries, children have actually been found working in sweatshops, and that is reason enough to expect that something similar might be occurring within the Netherlands. The BNRM has identified such a case.

⁴³ See further, among others: M. Alain Vidalies (2002). *Esclavage moderne*. Rapport d'Information Assemblée Nationale, rapport no. 3459; Centrum voor gelijkheid van Kansen en voor Racismebestrijding in verschillende rapporten van 1998 tot 2002; Unicef UK (2003). *Stop the Traffic! End Child Exploitation*; ECPAT UK (2004). *Cause for Concern?* London social services and child trafficking, London.

In May 2004, a fifteen-year old girl phones the Dutch children's helpline. She comes from Sierra Leone and was brought to the Netherlands via Belgium. In Sierra Leone, she was approached by some Belgian men, who offered her the chance to live in Europe and work in a shop. This would cost eighteen thousand euros, which the girl could borrow and then pay back after working for approximately three months. Once in Belgium she worked for more than a year for these men before she was brought with eight others – adults and children from Sierra Leone and other African countries – to the Netherlands. The nine of them live together and work in the same sewing workshop. There are only three bedrooms in the house, it is very crowded and there is little privacy, but a good atmosphere prevails among the Africans. The Belgians take them to the workshop in the morning and back to the house in the evening, where they give them food and lock the door behind them. In effect, the Africans are imprisoned, but sometimes they manage to slip outside. They have no contact with their neighbours, and are warned never to go out, as they will be picked up by the police and abused. The girl has no contact with her family in Sierra Leone. The work in the sewing workshop lasts for fourteen hours a day, seven days a week. It is hard work in a small, hot workshop. They make clothing, but it is not known for whom or for which brand. They get one hundred euros a week for the work, after the Belgians have subtracted their rent and the cost of their food and transport. According to the girl, the sums do not add up. She has kept count of what they are owed, both for herself and for the others. If she protests to the Belgians, the men become aggressive and repeat the threats about the police. (case from the BNRM's ongoing research into exploitation in the Netherlands)

Au pairs

Not much is known about au pair work that is organised outside of official bureaus and organisations. According to research into au pairs in the Netherlands,⁴⁴ no cases involving the exploitation of children have come to light. Such research projects are directed towards formal channels, however, and children are more likely to be involved in informal work. From the research, it appears that most of the (official and adult) au pairs exceed the statutory number of work hours. In a minority of cases, the rules were abused in other ways, such as the au pair being given excessively heavy work.

In our research, it is frequently difficult to draw a clear line between domestic work and au pair work, certainly in those illegal contexts involving child trafficking. For example, a girl might have to do household tasks and keep an eye on small children. She is confined to the house, and in that sense is just like an au pair.

Child pornography

As with child prostitution and child trafficking for other sexual purposes, the making, distribution and use of child pornography fall under the heading of commercial sexual exploitation.

⁴⁴ Miedema, F., B. Post & C. Woldringh. (2003) Voor geld of Van Gogh? Au pairs en hun gastgezinnen in Nederland. Evaluatie au pair regeling. Nijmegen: ITS.

The media often refer to pornographic material that is seized by the police in the Netherlands and abroad. For instance, at the end of 2004, Dutch police raided 173 addresses in the Netherlands and seized hundreds of computers and thousands of DVDs, videocassettes and diskettes containing child pornography. Child porn networks are often internationally oriented and stretch across Japan, the US, Canada, South America, and all EU countries, including the Netherlands.

For users of child pornography, the Internet is the ideal medium for finding and distributing material. Trade in pornography can be conducted entirely in cyberspace and no actual goods need to be sent, thus avoiding checks on post or at customs. This makes the investigation of child pornography much more difficult, and according to many respondents, has led to a worldwide increase in child pornography. Offenders also use the Internet to find potential victims. Adults pose as children in chatrooms and attempt to arrange meetings with children.

CHILD PORNOGRAPHY AS A CRIMINAL OFFENCE

The person who distributes, openly displays, manufactures, transports, exports, or possesses an image of a (apparent) sexual act with a child commits a punishable offence under Article 240b of the Dutch penal code. Any person who makes a living from these acts also commits a punishable offence (paragraph 2).

Those guilty of abuse thus include:

- manufacturers of child pornography;
- distributors of child pornography;
- users or owners of child pornography.

Children are abused in both the manufacture and the distribution of child pornography, and suffer physical and mental harm as a result.

Article 240b of the penal code was altered in October 2002:

- The age borderline was raised from sixteen to eighteen years;
- Virtual child pornography (pornography that is fabricated with the aid of computer technology) is also punishable, even if no actual child has been used in the process;
- The wording, 'to have a stock of (child pornography)' was altered to 'in possession of', with no additional conditions;
- It is now possible to apply Dutch criminal law to someone who commits an offence involving child pornography while in a foreign country.

Digital cameras, webcams and scanners have made it easier to manufacture child pornography and carry out 'live' child abuse. The Dutch Hotline for Child Pornography on the Internet⁴⁵ (Meldpunt Kinderporno) reports that in the last few years, there has been an increase in the number of reports of child pornography. In 2004, the organisation received 6332 reports of child pornography, leading to 4765 cases being filed with the KLPD and other foreign reporting services. Most of these involved images of sexual abuse on foreign web sites, namely from the US, Korea, and Russia. In addition, the Hotline for Child Pornography on the Internet and the KLPD are coming across

⁴⁵ www.meldpunt.org

increasingly extreme forms of child pornography, including more images involving babies.

The police also indicate an increase in the number of reports in the Netherlands of spam e-mail containing child pornography. These quadrupled from 2003 to 2004. Often child pornography is attached to e-mails, with links to websites showing images of sexual abuse.⁴⁶ The KLPD reports that the victims tend to be children who have already been in contact with the social services for other problems. They are mainly girls, aged from eleven to fifteen years, who are vulnerable due to family problems, losing a parent, bullying, or other problems associated with puberty.

Interviewees suggest that Dutch offenders are most often prosecuted on the grounds of the possession and distribution of pornographic material. The chance that someone is caught manufacturing child pornography is much smaller. Child pornography is mainly manufactured abroad, for example in Central and Eastern European countries.

Child pornography features in a number of cases provided by the respondents. Sexual abuse or prostitution is sometimes combined with the manufacture of pornographic material, and can be used to blackmail the child.

According to respondents, including the Advice and Complaints Bureau on Child Abuse (AMK), sexual abuse by parents or acquaintances of the child is sometimes videoed for distribution or exchange. The AMK says that it occasionally comes across parents who allow their children to watch pornography.

Various interviewees report an increase in the use of chatrooms and web cams to find and solicit children for sex. Respondents from the police and care organisations report that web cams are used to make sex videos of children that are distributed via the Internet, and videos of underage girls are sometimes distributed by ex-boyfriends. The Complaints Bureau for Child Pornography on the Internet receives complaints about such activities from concerned parents every year.

According to a member of staff at the KLPD, there are also minors who commit the criminal offence of possession and distribution of child pornography. A Spanish research project on a child pornography network found that a large percentage of owners of child pornography are themselves children.

Other forms of exploitation

Other forms of exploitation occur, in addition to those described above, such as working in gardens or on farms, doing chores and odd jobs, folding and distributing leaflets, loading and unloading, and drudgery. Even if children work voluntarily to earn pocket money, such activities can still qualify as trafficking if, as in the following case, laws governing working conditions are contravened.

Underage unaccompanied Moroccan boys do subsistence work in all sorts of sectors. A fifteen-year old boy works in a factory, for example. He has extremely heavy working conditions and works at night, as this allows him to earn more money. (case from a researcher)

⁴⁶ www.meldpunt.org

International research

According to extensive research in other European countries, children are being exploited in many different sectors.⁴⁷ In Europe, children have been found begging, working in the building industry, as surrogate mothers, working as street traders, exploited in the trade in human organs, the tourist industry and in the transport sector. We did not come across any cases of child exploitation in these sectors during this research.

4.2.3 Results of the peer research

Five foreign boys and one girl were interviewed about their experiences of exploitation in areas other than prostitution. Three boys were deceived by migrant smugglers, and were taken at a young age from Africa (Nigeria and Sierra Leone) to the Netherlands, having been promised careers with professional football clubs. Two of the young people were exploited as cleaners and loaders. A boy and a girl were exploited in the drugs trade. The youngest child was thirteen at the time of exploitation, and the oldest was seventeen. The shortest period of exploitation involved a one-off incident, and the longest went on for three years (and is still ongoing).

Information about the interviewees

FORM OF EXPLOITATION	GENDER	AGE		DURATION OF EXPLOITATION	LAND OF ORIGIN
		THEN	NOW		
Drugs trade	Male	13	17	2 years	Ghana
Casual labour	Male	16	19	3 years*	Liberia
Drugs trade	Female	17	18	c. 1.5 years	Netherlands Antilles
Deception	Male	17	18	Happened once	Nigeria
Deception	Male	17	19	2 years	Nigeria
Deception	Male	17	20	3 years	Sierra Leone

The start of the exploitation

Some children were persuaded to come to the Netherlands, others chose to come because they felt that they had no future in their native countries. All hoped for a good job and a better future. Once they had arrived, with help from an intermediary, they found they were unable to claim an official stay permit. Some were advised by fellow migrants not to apply for asylum, as they might be refused. This immediately put the children the wrong side of the law, making them vulnerable, dependent and open to exploitation. At the time when the interviews were held, a number of them were still homeless. They live on the street, occasionally stay with friends, sleep in garages or lifts, and spend most of their time hanging around on the street. In order to survive, they frequently have no other choice but to accept odd jobs, and know that they will be exploited in the process.

⁴⁷ See, among others: M. Alain Vidalies (2002). *Esclavage moderne*. Rapport d'Information Assemblée Nationale, rapport no. 3459; Centrum voor gelijkheid van Kansen en voor Racismebestrijding in different reports from 1998-2002; Unicef UK (2003). *Stop the Traffic! End Child Exploitation*; ECPAT UK (2004). *Cause for Concern? London Social Services and Child Trafficking*. London: ECPAT UK.

What did the exploitation consist of?

Three boys were deceived by a 'football agent' in their native countries, who promised them contracts with big European teams.

Two children (a boy and a girl) were exploited in the drug trade. They needed money, and accepted willingly when someone offered them a job. Later it became obvious that this involved drugs trafficking.

The children were exploited in various locations. The girl was introduced to drugs trafficking by her uncle in Amsterdam, while the boys became involved in the drugs trade in their native countries. Both boys named Amsterdam as a city where they had worked. In addition, the young people named a number of other Dutch towns (Enschede, Amersfoort) and European countries (Germany, Sweden, France, and Italy).

One boy was exploited as a casual labourer, on a short- or longer-term basis. He was approached for work by friends or acquaintances, or on the street.

In the case of the more short-term jobs, the boy would hang around on the street, and people would offer him work for a couple of hours. Some had (legal) businesses that needed an extra worker for the day. The boy mostly did cleaning, assisted moving companies, and loading and unloading. He was often underpaid, and sometimes had to do dangerous and heavy work. It is not known how much money he earned in this way. What is clear, however, is that sometimes his employers did not pay up, or gave him less than they had promised.

Realisation

The children did not realise immediately that they were being exploited, or realised too late. This is partly because they were in a strange country, and they didn't know what 'normal' was. A few young people only realised that they had been exploited during the interview.

The children feel that they were blinded by the promise of a better future. Some said that the exploitation could not have been prevented, because they did not realise at the time that they were being exploited, and no one could explain to them what was going on. Often when the children did realise that they were being exploited, they felt that they had no other choice but to remain in the situation.

Assistance

The children did not seek help, as they did not trust the Dutch people or support organisations. Moreover, it is extremely difficult to appeal for assistance when one does not have a residence permit. The children had little confidence in the police, owing to their experience of police officers on the street. The police were acquainted with most of the kids and their situations, but hadn't taken any action. The children were also scared of deportation.

Overall, the exploited children felt that they had nowhere to go and that no one wanted to help them. None of them told family or friends about their problems. They didn't want to disappoint their families, who wanted to believe that their children were living a good life and that their departure had not been for nothing. In a couple of cases, the experience intensified the children's belief and trust in God, and praying for help gave them strength during this period.

The young people did not speak willingly about their exploitation, nor would they speak freely about other children in similar situations. They are unsure about sharing their experiences with others, as they are afraid of being misunderstood and rejected.

4.3 Victims of both prostitution and other forms of exploitation

Some children fall victim to both prostitution and other forms of exploitation, and we have details of 21 such victims. For instance, a child might work as a prostitute in the evening and do housework or transport drugs during the day. Cases were provided by the children's peers, the police, child protection organisations, and assistance organisations.

Combinations of exploitation

Children are exploited in a number of ways in addition to prostitution. The drugs trade and other types of crime form one important manner (together, 14.3%). Most of the children (76.2%), however, are exploited in diverse ways including casual jobs and activities such as babysitting, working as porters, loading and unloading, odd-jobs, leafleting, using another's social security number to work in return for a part or all of the salary, or being filmed or photographed for pornographic material. The latter activities fall under the category of sexual exploitation and are often combined with prostitution. A third of children have fallen victim to a loverboy (33.3%).

Gender, age, residence status and land of origin

Mainly girls fall victim to prostitution plus another form of exploitation (38.1%). However, a comparatively large percentage of boys – more than in the cases of prostitution alone – fall victim to more than one form of exploitation (14.3%). All of the victims are aged between the thirteen and eighteen (from thirteen to, and including fifteen: 23.8%; from sixteen to, and including, eighteen: 61.9%). The age of some of the children is not known (14.3%).

Almost a fifth of underage victims of more than one form of exploitation have Dutch nationality (17.4%). There are unaccompanied minor asylum seekers or asylum seekers accompanied by a family member in this category, but it does include children who have immigrated to the Netherlands illegally (9.5%).

The victims mainly come from Germany, Estonia, Belarus or another country in Eastern Europe (41.9%). A large percentage of them come from the Netherlands (41.9%) and a few children come from Morocco. The land of origin is not known in 12.9% of cases.

Vulnerability

Children who are exploited in prostitution and other areas are mostly vulnerable as a result of family problems (71.4%). The victims are often vulnerable in a number of ways, for example due to emotional dependence, the presence of threats, and drug addiction.

4.4 Risk factors

One essential issue, when confronted with exploitation, is that of vulnerability: how was the exploiter able to exercise so much power over the child?

Respondents suggest that a number of factors make children especially vulnerable to exploitation:

- Excessive dependence on others;
- Lack of self confidence;
- A history of sexual abuse or rape;
- Growing up in a strict religious family, with no personal freedom;
- A problematic family background (divorce, single parents, step-families);
- Running away from home;
- Mistreatment, abuse, or neglect (by a parent or family member);
- Craving adventure;
- Parents who are unable to cope with Dutch society or their own child;
- Experience of war or violence;
- A low socio-economic status;
- Weak social-emotional ability;
- Lack of social network.

According to care workers, children with learning difficulties are also at risk. Children with low IQs and weak social skills sometimes end up on the streets, and the combination of physical strength and behavioural problems can get them into trouble. They frequently have low self-esteem, and can be easily influenced by others. Their mental age is much lower than their actual age. It is difficult for care organisations to reach such children. Such victims can be boys or girls, and according to care workers, often commit petty crimes and work as prostitutes.

According to the Steunpunt Seksueel Geweld (Support Centre against Sexual Violence) Amsterdam, this group frequently includes girls who cannot, or will not, recognise that they have learning difficulties. They attempt to hide their uncertainties behind a streetwise image, and give the impression that they can function independently. This makes it more difficult for care workers to correctly identify their needs.⁴⁸

From the interviews, it is clear that children rarely become prostitutes on their own initiatives, but are nearly always introduced to prostitution by a third party.

A few of the respondents suggest that some of the girls that end up in prostitution have a high level of power: they are a little wayward, and they crave adventure. They are vulnerable, but also very powerful – a fact that is rarely emphasised. Indeed, they do not recognise themselves in the media stories about girls that have let themselves be pressured by their friends, saying, ‘I’m not such a softy’.

In addition, the interviewees identified a number of groups that are at particular risk of exploitation. These are described further below.

⁴⁸ Steunpunt Seksueel Geweld GGD Amsterdam (2005). Naar een aanpak van loverboyproblematiek: Visie en ervaringen van Amsterdamse deskundigen. Amsterdam: GGD Amsterdam.

Unaccompanied minor asylum seekers

Various interviewees from care organisations, the police, and the immigrant relief services see unaccompanied minor asylum seekers as being especially vulnerable to exploitation in prostitution. They know of unaccompanied minor asylum seekers aged between fourteen and eighteen who have been exploited as prostitutes. These come from Africa – Angola, Sierra Leone and Nigeria – and China. There are many suspected cases. Interviews with COA (Central Agency for the Reception of Asylum Seekers) -staff reveal that abuse is apparent in relief centres, and that exploitation of children is suspected. Research by the COA⁴⁹ into the safety of women and children in asylum centres suggests that girls are exploited. However, according to a member of the COA staff, *'we didn't explicitly ask about such situations, so the question is whether they occur even more frequently in practice'*.

Unaccompanied minor asylum seekers disappear from the centres on a weekly basis – mainly from relief centres. They are registered as disappearances 'with unknown destination. In 2003 and 2004 respectively, 436 and 716 minors disappeared in this way. According to respondents, some of these go to a country to file another asylum claim, and some rejoin family members staying illegally in the Netherlands or abroad. For the large part, however, it is unclear where the unaccompanied minor asylum seekers go and what happens to them. There are strong suspicions among various respondents that they fall into exploitative situations.

Such exploitation would most likely involve asylum seekers aged under fifteen, since it is easier for them to obtain stay permits. Nidos (Legal Guardian Service for unaccompanied minor asylum seekers) in The Hague reports that during a period of eight months, eight Chinese and two Indian unaccompanied minor child asylum seekers disappeared from the care centre in The Hague. The police found one of them two weeks later, working in the kitchen of a Chinese restaurant.⁵⁰ Increasingly, more children disappear immediately after arrival in the Netherlands. Proper guardianship is thus never established.

In March 2005, a number of Chinese unaccompanied minor asylum seekers disappeared from asylum centres. A few of them were found in Italy and France, where they were being exploited as prostitutes and restaurant workers, but it is unclear where the rest of the children went. The police in Den Helder also set up an investigation into the disappearance of six Chinese unaccompanied minor asylum seekers. Due to a lack of evidence and the fact that these girls didn't have any identity cards, the investigation came to a halt. It is thought that they went to reunite with other family members. Staff from the immigrant relief service report that many Indian children disappeared this year after the IND placed them in a centre. They disappeared before guardianship had been arranged, however, meaning that no one in the Netherlands was officially responsible for them and they were never reported as missing. Between October 2004 and April 2005, approximately 60 Indian children went missing in this way. It is likely that the children were sent to the UK and taken into the Indian community. According to

⁴⁹ Brouns, M. and others (2003). *Het lange wachten op een veilige toekomst; een onderzoek naar veiligheid van vrouwen en meisjes in de asielzoekersopvang*. Rijswijk: COA.

⁵⁰ NRC Handelsblad, 28 May 2005. *Eerst gevluht uit China en toen verdwenen: smokkelaars laten kinderen asiel aanvragen om ze daarna weer in hun macht te krijgen*.

Nidos, children who disappear shortly after arrival are a particular cause for concern.⁵¹ From mid-April 2005 onwards, attempts were made to organise guardianship more quickly, so that at the very least children could be registered as missing if they disappeared. In February 2005, the Minister for Integration and Immigration announced research into how many unaccompanied minor asylum seekers have disappeared and where they went.⁵² In addition, the Minister wants to take measures to ensure that fewer unaccompanied minor asylum seekers disappear in future. The research, undertaken by the Research and Documentation Centre of the Ministry of Justice, was just beginning when this report was published.

In the report, ‘The state of migrant smuggling, 2002-2003’,⁵³ the Criminal Investigation Division of the Dutch police (DNRI) reveals IND indications that a large percentage of asylum seekers, including unaccompanied minor asylum seekers, are brought to the Netherlands by migrant smugglers. 80% of all asylum seekers appear to have paid an intermediary to illegally enter the Netherlands.

Figures: Unaccompanied minor asylum seekers with unknown destination⁵⁴

	< 18 YEARS OLD, 2003	< 18 YEARS OLD, 2004
ACTUAL DEPARTURE		
Deportation	35	58
Child departs under supervision	95	47
Handed over after checks by MTV ⁵⁵	1	0
ADMINISTRATIVE DEPARTURE		
Checks on address (Departed with unknown destination)	436	716
Notification after end of detention	18	39
Other	2	5
Total	587	860

Unaccompanied minor asylum seekers rarely have the prospect of a bright future and this, according to the interviewees, makes them easy prey for traffickers. Many of them don't go to school, but instead stay in bed or hang around on the street. They have little connection with Dutch society – something that makes them extra-vulnerable – and some have no (cultural) network to look out for them. In addition, many unaccompanied minor asylum seekers originate from traumatic environments in which they had to contend with

⁵¹ Telegraaf, 28 April 2005. Politie onderzoekt verdwijningen Chinese meisjes.

⁵² TK 27062, Alleenstaande minderjarige asielzoekers, nr 41, Verslag van een algemeen overleg, vastgesteld 10 maart 2005.

⁵³ Dienst Nationale Recherche Informatie (2005). Mensensmokkel in beeld 2002-2003. Zoetermeer: DNRI.

⁵⁴ Jaarrapportage Vreemdelingenketen 2004. Bijlage behorende bij de brief van 11 februari 2005 (DDS 5334676/05/DGIAV/SCV) van de Minister voor Vreemdelingenzaken en Integratie en de Minister van Buitenlandse Zaken. (Report 2004, Ministry for Aliens matters and Integration)

⁵⁵ MTV = Mobiel Toezicht Vreemdelingen (Mobile unit for Surveillance of Aliens)

war, poverty, violence, sexual abuse, and sometimes prostitution. This makes them especially vulnerable to exploitation.

As a counterweight to the elevated risk of becoming a victim, other respondents suggest that unaccompanied minor asylum seekers tend to have a lot of drive and are likely succeed wherever they are in the world.

Moreover, some interviewees think that unaccompanied minor asylum seekers are less vulnerable than, for example, other children who stay in the Netherlands illegally. They have a legal guardian (Nidos), a place to live, rights to various social services, a social environment and thus social checks, and if everything goes well, they can attend school.

GENERAL COMMENT FROM THE COMMITTEE ON THE RIGHTS OF THE CHILD

In June 2005, the Committee on the Rights of the Child (CRC) issued a General Comment on the 'Treatment of unaccompanied and separated children outside their community of origin.' The Committee offers guidelines on how to deal with particularly vulnerable children, explicitly including child victims of trafficking. (CRC/GC/2005/6)

'Supervised unaccompanied minor asylum seekers'

Until recently, Dutch policy on unaccompanied minor asylum seekers was not applicable to children who had a family member (up to fourth removed) living in the Netherlands – so-called 'supervised unaccompanied minor asylum seekers'. The family member was considered to be responsible for the child (he or she did not have to be legally responsible), meaning that they were responsible for providing the child with suitable care 'in another country than the Netherlands'. This was also the case if a child arrived with a brother or sister over the age of eighteen. Many organisations were critical of the policy. In an earlier report by Unicef and ECPAT in the Netherlands,⁵⁶ we suggested that such children were extremely vulnerable. In July 2004, the Minister for Integration and Immigration changed the policy: unaccompanied foreign children who were supervised or cared for by an adult other than their parent(s) or a previously appointed guardian no longer qualified as 'supervised'. The same policy for all unaccompanied minor asylum seekers now applies to every minor who is not supervised by a parent or guardian.⁵⁷

Children in families seeking asylum

Some respondents – including those from the COA and Medische Opvang van Asielzoekers (MOA = Medical Care Service for Asylum seekers) – are of the opinion that children in families seeking asylum form a particularly vulnerable group. Although they are protected by the presence of their parents and family, and have a social network, some see risks. Among others, these have to do with the long period of time that the children spend in asylum centres waiting for a decision, in a hopeless situation and with little money. Additionally, these children are torn between two cultures, and this makes them very vulnerable.

⁵⁶ Unicef Nederland & ECPAT-NL (2004). Ongezien en ongehoord: Kinderhandel in Nederland: een eerste inventarisatie. Den Haag: Unicef.

⁵⁷ Brief van de minister voor Vreemdelingenzaken en Integratie, TK, vergaderjaar 2003-2004, 19637, nr. 844.

Foreign children with no residence status

Children without legal residence status – that is, without a valid residence permit – do not exist, at least in the official view. As a result, it is not known which, and how many, children are affected. We know very little about what happens to such children in the Netherlands, and how they live. According to a research report by DCI Netherlands⁵⁸ on foreign children staying illegally in the Netherlands, it appears that their situation is extremely difficult.

Workers from assistance organisations, care services and the police are unanimous in their opinion that children without legal residence status are very vulnerable. Such children are young, often have poor backgrounds, and it is probable that they could never have come to the Netherlands without help from intermediaries. There is a high risk that they will end up dependent upon exploiters.

Children who have been refused asylum and continue to stay in the Netherlands illegally, or other children without residence status who stay with family or friends or hang around the street, are extremely vulnerable. According to respondents from education and assistance organisations, these children are not only vulnerable to the sex industry, but also to work on the margins, where they will not fall in the path of work inspections or controls.

ILLEGAL IMMIGRANTS

Minor illegal immigrants, also referred to as undocumented children or children without status, can – according to Morelli and Braat⁵⁹ – be divided into five groups:

- Children of illegal economic migrants;
- Children of (processed) asylum seekers;
- Children who have come to the Netherlands to reunite with family, whose applications for asylum have been turned down;
- Children whose residence permit has expired;
- Unaccompanied children without legal status.

These children have no legal right to stay, if they had once had one, and thus are not in the Netherlands on a legitimate basis. Only if their asylum application is still being processed can they be considered to be staying in the Netherlands legitimately. Children without a legal stay permit have, on principle, no right to Dutch social provisions. In 1998, the ‘Koppelingswet’, or ‘linking law’, tied the right to social provisions to possession of a valid stay permit. In our opinion, these children do have a right to material assistance, on the basis of the UN Convention on the Rights of the Child (Article 27). Children without a legal right to stay can claim rights to education, emergency medical care and legal aid.

Children residing illegally in the Netherlands not only have right to education under the Convention, but also due to the territoriality principle they fall under the compulsory education laws and are thus obliged to attend school full-time until the age of sixteen, and part-time until the age of eighteen. If they have begun some kind of school training before the age of eighteen, then they have the right to complete it. It is not necessary to check whether a child has a legal right to stay in the Netherlands before enrolling him or her in a school.⁶⁰

⁵⁸ Braat, K. (2004). *Ik ben er wel, maar ze zien me niet: Ervaringen van ‘illegale’ kinderen in Nederland*. Amsterdam: DCI-NL.

⁵⁹ Morelli, C. and K. Braat (1999). *Kinderen zonder status. Een oriënterende studie naar de leefsituatie van ‘illegale’ kinderen in Nederland*. Amsterdam: DCI-NL.

⁶⁰ Meuwese, S., M. Blaak & M. Kaandorp (2005). *Handboek Internationaal Jeugdrecht, een toelichting voor de rechtspraak en jeugdbeleid op het Verdrag inzake de Rechten van het Kind en andere internationale regelgeving over de rechtspositie van minderjarigen*. Nijmegen: Ars Aequi Libri.

On the grounds of Article 24 of the Convention on the Rights of the Child, every child has a right to the best possible level of health and healthcare provision. Also, in the light of Articles 24 and 2 (on non-discrimination), every child has a right to be provided with such services. In the Netherlands, access to health care cannot be taken for granted by children without legal residence status since the introduction of the 1998 Koppelingswet. Illegal residents can no longer insure themselves against healthcare costs. It is only possible to finance emergency medical care by means of a special fund, the 'Koppelingsfonds'. Under this falls, among other things, care during pregnancy and preventative healthcare for children. In practice, however, there is often uncertainty about the financing options and children without legal residence status can be refused healthcare.⁶¹

With respect to illegal children's rights to social services, previous laws made no distinction concerning the child's right to stay in the country. On 1 January 2005, however, a new piece of legislation covering the regulation of claims to, access to and funding of social services became law, the Youth Care Act ('Wet op de Jeugdzorg'). This law makes explicit for the first time that children's rights to social services are linked to their legal right to stay in the Netherlands. Exceptions are made for illegal immigrants and Unaccompanied Minor Aliens (AMV). 'Illegal' children can make claims for help, accommodation and diagnosis until they are eighteen years old. They cannot claim foster care, however. Also, their claim to social services is limited to a period six months, after which the Bureau Jeugdzorg (Youth Care Office) reassesses their cases. Unlike other children, their right to claim social services ends as soon as they turn eighteen.

At first glance, illegal immigrants' rights to social services, healthcare, and education appear to be well regulated, but the juridical basis of these rights is much weaker than for other Dutch children. As a result, 'illegal' children often fall through the net. To be sure, there are exceptions in the Koppelingswet in the areas of education and medical care, but in practice such children face serious obstacles. Key aspects of education, such as money for tuition fees and travel, are not covered, making participation in a programme of education virtually impossible in practice. Carrying out work experience in companies is also often a problem. In addition, there are important gaps in the area of medical care, as only urgent healthcare is covered. All in all, these children's right to development – as set out in the Convention on the Rights of the Child – is at stake, according to the social services.

Over-eighteens

For unaccompanied minor asylum seekers with a residence permit that gives them no legal right to stay in the Netherlands after their eighteenth birthday, reaching adult status has crucial consequences. Thereafter they cannot claim care, and are obliged to leave the Netherlands. An unaccompanied minor asylum seeker who has been in possession of an AMV (Unaccompanied Minor Alien)-permit for three years can, after these three years are up, apply for a regular stay permit. This is only given if there is still no adequate relief available for the young person. The regular stay permit for continuing residence cannot then be withdrawn if relief is found at a later date.⁶²

The Minister of Justice recently decided to stop giving subsistence money to young asylum seekers.⁶³ This affects approximately 4000 young adults whose claims have been processed, and who have to return to their lands of origin. This group of young people was under the authority of Nidos, which provided – via the Ministry of Justice – the subsistence money. The money continued to be provided once they turned eighteen, since it was unclear whether they would get leave to stay or not. According to the COA,

⁶¹ Braat, K. (2004). *Ik ben er wel, maar ze zien me niet: ervaringen uit het leven van 'illegale' kinderen in Nederland*. Amsterdam: DCI-NL.

⁶² Meuwese, S., M. Blaak & M. Kaandorp (2005). *Handboek Internationaal Jeugdrecht, een toelichting voor de rechtspraak en jeugdbeleid op het Verdrag inzake de Rechten van het Kind en andere internationale regelgeving over de rechtspositie van minderjarigen*. Nijmegen: Ars Aequi Libri.

⁶³ Spits, 4 July 2005. *Toelage asielzoeker stopgezet: Justitie schaft het leefgeld af van uitgeprocedeerden*.

roughly half of this group will receive funds for return and will be able to leave the Netherlands via a departure centre. The other half, however, must either fund their own return, or look to the International Organisation for Migration (IOM) for help. According to interviewees, there is a significant chance that many from this latter group will end up involved in the illegal sector.

Children from high-risk ethnic groups

Children from self-contained, socially ethnic groups – such as the Chinese, Roma and Sinti – run a higher risk of exploitation.⁶⁴

Chinese children

This research project drew on contacts with co-researchers in the Chinese community. Respondents from care organisations working with the Chinese community have come across cases of trafficking in the past, but in recent years there have been no concrete indications that Chinese children are being exploited. They add, however, that they often have a limited view of the situation, because they are dependent upon what they are shown. Interviewees who are themselves part of the Chinese community are, in the first instance, more reluctant to give information. Human trafficking is a deeply sensitive topic, and there is great fear that the Chinese community will be cast in a bad light. More forthcoming interviewees suggest that there are clear signs that children are exploited in the Chinese community. This mostly involves children working as prostitutes or in restaurants. Non-Chinese experts and researchers involved with the Chinese community confirm that there is evidence of trafficking in children.

The diversity of Chinese languages and dialects, the broad reach of their communities across the Netherlands, and inadequate knowledge of Dutch, put Chinese immigrants in a position of significant social isolation, as much with respect to the Dutch as with respect to other branches of the Chinese community.

From 2003 to 2005, Chinese smuggling gangs featured in the news a couple of times. In ‘The state of migrant smuggling’,⁶⁵ the DNRI (Criminal Investigation Unit of the National Police) suggests that Chinese smuggling gangs are now highly organised. They are able to carry out various tasks independently and organise the smuggling in steps: after every phase of the journey, the smuggled migrants stay in a safehouse and payments are made, whereupon the journey begins again.

Within such gangs, there is a hierarchical division of tasks, or what is called ‘layered organisation’, and in contrast with other gangs, women often hold powerful positions. These gangs used to organise the transportation of many tens of people in heavy goods vehicles, but now journeys are more often made in smaller numbers in private cars. Insofar that we came across the exploitation of Chinese children in this research project, the cases involved prostitution and catering work. The Chinese community in the Netherlands is mainly active in the catering trade. In other European countries, by contrast, the Chinese are mostly active in the tanning and clothing industries.

⁶⁴ Compare: Kromhout, M. & M. van San (2003). Schimmige werelden. Nieuwe etnische groepen en jeugdcriminaliteit. Den Haag: WODC.

⁶⁵ DNRI (2005). Mensensmokkel in beeld 2002-2003. Zoetermeer: DNRI.

Roma and Sinti

The Roma and Sinti communities in the Netherlands number approximately 6000 people. They live a nomadic existence, staying in caravans and houses. The Sinti come from Western Europe and mainly live in the countryside; the Roma come mainly from Central and Eastern Europe, and tend to live in towns.

Levels of educational achievement in both the Roma and the Sinti communities are extremely low. Children have bad school attendance records and do a lot of non-school work.⁶⁶ We came across diverse cases of exploitation of Roma and Sinti children, from prostitution to domestic work. Care workers suggest that many of the Eastern European child victims have Roma backgrounds.

One investigation sent by the police in 2003 to the Public Prosecution Service involves a Roma-girl who filed a report on human trafficking. The case was dropped due to lack of evidence. It is thought that the girl invented charges in order to escape an arranged marriage with someone from the Dutch Roma community. According to a few respondents, this is a typical problem with the 'gypsy community', where the victim seeks ways to avoid an arranged marriage.

4.5 The traffickers

As part of this project, we carried out research at the BNRM into child trafficking cases that were successfully completed by the police in 2003. We looked at the number of perpetrators, their gender, and their nationalities. We also looked at whether a perpetrator was connected with a sex institution or escort agency (illegal or legal), whether a criminal network or gang was involved, and whether the case involved border crossing trafficking or trafficking within the Netherlands. Finally, the researchers looked at whether a report was filed, and whether punishment was given. The details are set out in the table below.

From research carried out by ECPAT Europe,⁶⁷ it appears that the role of organised crime in human trafficking should not be over-estimated. Often the perpetrators work in small networks or independently. Sometimes perpetrators are also family members. In the case of border-crossing human trafficking, however, organised networks are more likely to be involved.

According to one organisation, trafficking within the Netherlands is most likely to involve individuals who have one or two girls working for them. Reference is often made to connections between pimps and indeed, small networks do exist: a pimp might have a brother who runs a brothel, for example. Research by Bovenkerk into the 'loverboy' problem⁶⁸ shows that there is an informal circuit, but this is not organised. Many young people have access to wide, international network of acquaintances active in the prostitution and drugs worlds.⁶⁹

⁶⁶ Rodrigues, P. R. & M. Matelski (2004). *Monitor Racisme & Extrem-rechts*. Cahier nr. 3, Roma en Sinti. Amsterdam/Leiden: Anne Frank Stichting, Universiteit Leiden.

⁶⁷ O'Briain, M., A. van den Borne & T. Noten (2004). *Joint East West Research on Trafficking in Children for sexual purposes in Europe: the sending countries*. Amsterdam: ECPAT-NL.

⁶⁸ Bovenkerk, F. and others (2004). 'Loverboys of modern pooierschap in Amsterdam'. Utrecht: Willem Pompe Instituut voor Strafrechtswetenschappen.

⁶⁹ Contrast 7, 27 May 2005, pp.21-23. Interview with Marion van San. Loverboys of modern pooierschap?

NO. OF SUSPECTS	GENDER	NATIONALITY	CONNECTIONS	PUNISHMENT	REPORT FILED	CRIMINAL NETWORK ⁷⁰	TYPE OF TRAFFICKING
21	Both	Romanian	3, illegal escort agency	12 years (maximum punishment)	?	Network	Border-crossing
1	Male	Moroccan / Dutch	No	?	Yes	Solo	Within Netherlands
2	Both	Surinamese / Dutch	2, legal brothel	3 months closure and permit not renewed	?	Isolated group	Border-crossing
3	Male	Dutch	No	?	No	Isolated group	Within Netherlands
2	Both	Bulgarian	No	Case dismissed	Yes	Solo	Border-crossing
1	Male	Surinamese / Dutch	6, window brothel, permit status unknown	?	Yes	Solo	Within Netherlands
1	Male	Moroccan / Dutch	No	?	No	Solo	Within Netherlands
4	Both	Romanian	Unknown	?	Yes	Network	Border-crossing
6	Male	Turkish, German, Lithuanian, Dutch	2, illegal escort	Lack of permit, therefore no measures. Permit later refused.	Yes	Network	Border-crossing
2	Both	Dutch, Romanian	1, legal club	No administrative sanctions	No	Isolated group	Border-crossing
4	Both	Dutch, Bulgarian, Polish, Russian (legal)	1, club, not active	1 month closure	Yes	Isolated group	Border-crossing
1	Male	Turkish (legal)	Unknown	15 months, 1000 euros	Yes	Solo	Within Netherlands
1	Female	Belgian	1, illegal club	?	No	Isolated group	Border-crossing
8	Male	Surinamese / Dutch, Dutch	No	?	Yes	Yes	Within Netherlands

⁷⁰ The table distinguishes between three types of criminal organisation:

1. The soloist (one person exploits one or more victims. Even though many pimps network with one another, these are 'one-man operations'. Sometimes the pimp has a (marginal) helper. This is often typical of trafficking within the Netherlands).
2. Isolated criminal group (group with a minimum of two and maximum of five members who are active in the whole chain – from recruiting victims to exploiting them – and have no obvious contact with other human traffickers).
3. Criminal network (the number connected with human trafficking is a minimum of six, but is often much higher. Traffickers have more or less organised themselves. Different clusters are responsible for acquisition in various countries. Victims are bought and sold on, and are often recruited and set to work in different countries). BNRM (2004). Mensenhandel. Derde rapportage van de Nationaal Rapporteur. Den Haag: BNRM.

Various respondents suggest that loverboys copy one another. It is 'hip' to have a girl working for you. This picture also emerges from a research project on the 'loverboy' phenomenon.⁷¹ It is likely that potential offenders follow the example of older men and are initiated by experienced loverboys. Loverboys tend to conform to a distinct profile: Dutch men with an ethnic minority background, aged between twenty and thirty years old. They are often known to the police and the courts for violent offences and have a number of convictions to their names.

The police have the impression that traffickers rarely work in organised networks. Nowadays, girls are forced by their pimps to recruit others, including underage girls.

According to one aid worker, Nigerian women and girls in the red light district tend to be well organised, legal, and work for themselves. Some of these women assist their pimps in recruiting clients for the younger girls who are forced to work in the Bijlmer. African girls working as prostitutes in the Netherlands have also been found with African *madams*. Some of these came to the Netherlands a number of years ago as victims, finally paid off their debts, and became pimps themselves.

⁷¹ Van Dijke, A. & L. Terpstra (2005). *Loverboys: Feiten en cijfers, een quick scan*. Amsterdam: SWP.

5 CONCLUSIONS AND RECOMMENDATIONS

Children are at risk of being exploited at various points in their lives, and the relevant stakeholders are responsible for protecting them at these times. It is clear from the interviews and from other data sources that a number of problems are associated with protection. These problems, and the stakeholders who are responsible for dealing with child trafficking, are addressed in this chapter, as are recommendations for how to more effectively protect and support child victims of exploitation. The first section looks at general problems encountered during the research. The second section addresses specific problems encountered, with regard to prevention, giving assistance, investigation, and prosecution.

The recommendations in this chapter are not self-standing. In order to combat trafficking, attention must be given to its broader, more deeply-rooted causes: poverty, lack of (economic) prospects, unemployment, discrimination, poor education, traditional values, and the demand for cheap labour and sexual services. The demand-side of child trafficking particularly needs further research. We need to understand what the people at the end of the chain want and why, exactly, the intermediary chooses children. A little is already known about this; for instance, it is normally easier for recruiters to pick up children. We have few details about exploiters' motivations, though, aside from the assumption that it is much easier to control children than adults.

5.1 General conclusions and recommendations

5.1.1 Researching trafficking in children

Researching trafficking in children means researching covert, hidden practices. Getting information about exploitation is thus extremely difficult. For this project, we carried out as many interviews as we could so as to gather as many perspectives as possible. In addition, we undertook peer research so as to get access to victims. In doing so, we encountered a number of problems:

- a. Children from some (ethnic) groups are particularly vulnerable to exploitation, and these groups are difficult to research. Sometimes this has to do with the closed, inaccessible nature of the community (as with the Chinese community in the Netherlands). In other cases, it has to do with the situation in which the children live, such when children live illegally in the Netherlands. We managed to make contact with a few of these children via the peer research, but they were reluctant to give much information because they were afraid of deportation.
- b. (Suspected) victims do not want to talk about their experiences, and as a result their problems remain hidden. Interviewees also say that it is difficult to win the trust of a victim, who may well still be in the power of the exploiter. Thus, suspicions of exploitation often cannot be confirmed or disproved. The victim might not want to talk because he does not see himself as a victim, and / or does not want help.
- c. Various respondents, above all the police, point to the fact that the more that is known about investigation, the greater the risk that traffickers will abuse this

- knowledge. Naturally, we consider this to be a real danger. On the other hand, however, better knowledge about trafficking is essential for developing better ways of combating it. In each case, a decision should be made as to whether releasing information will hinder an investigation.
- d. Researching trafficking in children exposes a number of complex ethical dilemmas. The mere observation that a child is being exploited is not sufficient: the goal of the research is to better protect children against exploitation. Whether it always helps a child to remove her from a situation, however, can be disputable from the child's perspective. To be sure, the violation of her rights ends in the short term, but in the long term, her chance of a better future might also evaporate. In a few instances, exploitation enabled a child to earn money and to survive. Given the choice between exploitation and deportation, children chose the former.
 - e. We had difficulties gaining insights into exploitation via the little-used technique of peer research. For one thing, it was hard to find enough suitable peer-researchers, and once found, the young people were not always able or prepared to undertake the research. They were only allowed to participate if they had achieved a sufficient degree of distance from their past experiences. In addition, it was difficult for the researchers to find children, or young people who had been children when they were exploited. This is because young people with a history of exploitation want to try to live as 'normal' a life as possible, and put their past behind them. In addition, the researchers and their peers had become adults in the meantime.

5.1.2 Defining exploitation of children

There is a great lack of clarity concerning the definition of exploitation in general, and in particular, the definition of exploitation of children. The definition of exploitation in Article 273a of the Dutch criminal code offers insufficient grip on the issue. One respondent observed that *'the fact that interpretation of the definition is left to the individual interpretation in practise and to the jurisprudence leaves everyone in a state of expectation'*. For a more forceful approach to combating trafficking, a clear written definition of exploitation that can be used by all stakeholders is needed. This would be as much for the benefit of the police and the Public Prosecution Service (for investigation and prosecution), as for those who must implement measures to deal with trafficking. Moreover, a clear definition is essential as notification to other groups that might be confronted with victims, such as care organisations and prostitutes' clients.

In order to determine whether trafficking has occurred, it must first of all be established whether there is intent to exploit, and whether a third party has profited from the situation. In addition, it must be established whether there has been a serious breach of children's rights. Here we enter a grey area: what is understood by a 'serious breach'? It could mean, for example, that a child is not permitted, or cannot, go to school. But does it also apply to cases where a child is allowed to go to school, but is not given any time to do homework? Is the interpretation of the definition situation-dependent? Should some

forms of violation carry more weight than others? Are the same criteria valid for all children in all situations?

From the peer research and information given by care workers, it appears that child victims do not always know that exploitation has taken place, and do not always feel like victims.

It is up to the legislator to determine what 'normal' circumstances are. When work is carried out in circumstances that are significantly worse than in others in the Netherlands, this counts as exploitation. The question is then naturally what a 'significant' difference is. There appear to be different understandings of exploitation, namely exploitation in conformity with the stipulations of Article 273a WvSr, and broader understandings. The approach set out in Article 273a WvSr means that use can be made of far-reaching investigative methods. The question then arises whether the criminal approach is always appropriate to the crime at hand. Less serious forms of exploitation fall under the framework set by other legislation, and must be dealt with via the labour laws, commercial legislation, and child protection laws.

RECOMMENDATIONS

For the effective application of Article 273 WvSr, there must be greater clarity regarding the scope of the definition of exploitation in general, and the exploitation of children in particular. A number of issues thus need to be addressed.

1. It must be made explicit which forms of exploitation fall under the scope of the law.

In implementing the UN Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and ILO Convention no.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Netherlands is legally bound to criminalise the exploitation of children. These international instruments offer clear guidelines for the definition of exploitation of children. They stipulate, among other things, that children must be protected against 'all other forms of exploitation prejudicial to any aspects of the child's welfare'. The more specific forms of exploitation outlined in these international treaties are:

- a. economic exploitation;
- b. the use of children in the illicit production of narcotic drugs and psychotropic substances;
- c. the use of children in the trafficking of narcotic drugs and psychotropic substances;
- d. the abduction of children, in any purpose or form;⁷²
- e. sexual exploitation, including child prostitution and child pornography;
- f. the sale/trafficking of children, for whatever purpose or form;
- g. illegal adoption: 'the improper inducement of consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption';
- h. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- i. work that through its nature, or as a result of the conditions by which it is carried out, is likely to harm the health, safety, or morals of children ('hazardous work').

2. More clarity is needed regarding the defining characteristics of the specific forms of exploitation that are named in Article 273a, paragraph 2, WvSr.

Having ratified international treaties, the Netherlands is bound to specify various forms of exploitation in criminal legislation and make them punishable offences. Child prostitution and

⁷² The abduction, sale and trafficking of children, for whatever purpose or in whatever form, are covered by Article 35 of the Convention on the Rights of the Child. The abduction of children by one of the parents is dealt with under Article 11, and does not come under the section on exploitation.

other forms of sexual exploitation are already specified in individual legal determinations, but other forms of exploitation have not yet been explicitly specified in this way. There also needs to be clarification of the working definitions of 'forced or compulsory labour or services', what is meant by 'slavery and practices comparable with slavery or servitude', and the working definition of 'other forms of sexual exploitation.' These definitions must be taken up in the legal text, or if not, in measures related to the law. A more detailed elaboration should be given in, among others, the Directive of the National Office of the Public Prosecution Service on Human Trafficking. In both cases, specific attention to the position of children is a must. In order to describe in further detail what falls under the heading of exploitation, existing legal frameworks, such as the compulsory education laws and labour legislation, can be used as a guide.

3. The relationship between Article 273a WvSr and other legislation should be clarified.

The relationship between Article 273a, paragraph 1, parts 6 and 8 (concerning the wilful profiting from the exploitation of a child) and comparable provisions in (criminal) legislation is unclear. For instance, there are various provisions that criminalise forms of exploitation of children, such as Article 240b WvSr (on child pornography), Article 197b WvSr (on illegal child labour), and Article 20, paragraph 3 and Article 27 of the Law on the Adoption of Foreign Children (on the sale of children and illegal adoption). In order to allow purposeful investigation and prosecution of offenders, the relationship between the available legal instruments must be absolutely clear.

THE ILO ON THE DEFINING CHARACTERISTICS OF FORCED LABOUR

A recent report by the ILO⁷³ identifies the following defining characteristics of forced labour.

Lack of consent to work

- birth / descent into 'slave' or bonded status;
- physical abduction or kidnapping;
- sale of person into the ownership of another
- physical confinement in the work location, in prison or in private detention;
- psychological compulsion, i.e. an order to work, backed up by a credible threat;
- induced indebtedness;
- deception or false promises about types and terms of work;
- withholding and non-payment of wages;
- retention of identity documents or other valuable personal possessions.

Menace of a penalty; actual presence or threat of:

- physical violence against worker, family or closer associates;
- sexual violence;
- (threat of) supernatural retaliation;
- imprisonment or other physical confinement;
- financial penalties;
- denunciation to the authorities and deportation;
- dismissal;
- exclusion from future employment;
- exclusion from community and social life;
- removal of rights or privileges;
- deprivation of food, shelter or other necessities;
- shift to even worse working conditions;
- loss of social status.

⁷³ International Labour Office (2005). A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005. Geneva: International Labour Office.

THE REGULATION OF CHILD LABOUR IN THE NETHERLANDS⁷⁴

The combination of a general ban on child labour in the social security system and compulsory school attendance has led, over a century, to the gradual banning of child labour in the Netherlands. Nowadays children are forbidden to work in the Netherlands, unless the work accords with strict conditions. These conditions are set out in the Dutch labour laws on working times and conditions, and compliance is monitored by the state.

Children under thirteen

In principle, children may not work until they are thirteen. Exemptions to this ban can be requested, for example if a child wishes to participate in a theatrical or musical production or in a television programme. Strict limits are attached, and work- and rest-times are stipulated. A twelve-year-old may also carry out limited and light work, in the framework of an alternative punishment sentence for a criminal offence.

Thirteen- and fourteen-year olds

Thirteen- and fourteen-year olds may undertake limited work. Legislation makes a distinction between working on schooldays and on free days. On school days, children may undertake jobs in and around the house. On free days, they are permitted to carry out light, non-industrial work. Strict rules govern the number of hours that children in this age group may work. During school term, they may only do jobs outside of school time between 8:00 and 19:00, in and around the house, and not for longer than two hours per day. Babysitting in the evenings is thus not permitted. On Saturday and on other free days (excluding Sunday) thirteen- and fourteen-year olds are permitted to work for a maximum of six hours per day, but never more than twelve hours per week. During vacations, they are permitted to work for seven hours a day for four weeks (between 7:00 and 19:00), for a total of up to 35 hours a week, but never for more than three weeks in a row. When the child is fourteen, he or she may also undertake light work in an educational context, or an internship. There are separate rules governing participation in theatre, television programmes and other performances.

Fifteen-year olds

A fifteen-year old child may carry out light, non-industrial work, and is permitted to work outside of school time and in vacations for a few more hours than a child of thirteen or fourteen. During school term, fifteen-year olds may work between 7:00 and 19:00 outside of school hours for a maximum of two hours per day. On Saturdays and Sundays they may work for eight hours a day, for a total of twelve hours per week. During vacations they may work a forty-hour week, for no more than eight hours per day. In total, fifteen year olds may work for six weeks in this way, for no more than four weeks in a row. Fifteen-year olds may also have a morning paper round, for which there are a number of separate rules. They may not deliver papers before six o'clock in the morning, and there must be an agreement between child and employer that is co-signed by the child's parents or carers. No further exemptions are necessary for participation in performances, but there are still set work- and rest-periods.

Sixteen- and seventeen-year olds

Sixteen- and seventeen-year olds may more or less work normally, but are not allowed to work under specific dangerous circumstances, or if then, only under expert supervision. Work may not hinder the child's school attendance, and the child may not work for more than nine hours a day. In comparison with older employees, there are still a number of protective measures for children of this age, such as the right to longer rest periods and a ban on night work, overtime, and working on call.

⁷⁴ Meuwese, S., M. Blaak & M. Kaandorp (2005). *Handboek Internationaal Jeugdrecht, een toelichting voor de rechtspraak en jeugdbeleid op het Verdrag inzake de Rechten van het Kind en andere internationale regelgeving over de rechtspositie van minderjarigen*. Nijmegen: Ars Aequi Libri.

5.1.3 The best interests of the child

Children are dependent on adults and they are relatively easy to manipulate. If a child is exploited, such exploitation is always coupled with violations of his or her fundamental rights, such as the right to a family life, to physical and mental integrity, to name and nationality, to education, and to healthcare. All such rights are essential for the healthy development of a child, and are recognised in the UN Convention on the Rights of the Child. When dealing with trafficking in children, the protection of children's rights should thus take a central place, as set out in the UN Convention on the Rights of the Child.

RECOMMENDATIONS

The protection of human rights should be the starting point for combating trafficking in human beings.⁷⁵ A defining characteristic of a rights-based approach is that at all stages – preventing and identifying trafficking, aiding to the victim, investigation and prosecution of perpetrators and aftercare for victims – the rights and best interests of the child must take primary consideration. This has the following implications in practice.

- When making legislation, specific obligations concerning the protection of children against exploitation should be borne in mind, as set out in the UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Measures should be taken to protect children from all forms of exploitation that are harmful to any aspect of their wellbeing, including the forms of exploitation set out in Articles 32-35 of the Convention. The rights set out in the Convention are applicable to every child, regardless of status and origin, following Article 2 on non-discrimination.
- When making legislation, the human rights of individual child victims must not be undermined, attacked, or curtailed in any way. The measures must be directed at far-reaching protection of children's rights.
- The general principle from the UN Convention on the Rights of the Child should always be borne in mind: that when taking measures that affect children, the interests of the child take primary consideration, as set out in Article 3. In order to determine what a child's interests are, his or her identity, nationality, upbringing, background (ethnic, cultural and linguistic), particular vulnerabilities and protection needs should be taken into account. A number of conditions need to be in place in order to gain such insight. Interrogation must take place in a child-friendly and safe environment, carried out by qualified and trained professionals using interview techniques that allow for the child's age and gender. Additional measures are needed to safeguard the interests of unaccompanied children, in line with the guidelines offered by the Committee for the Rights of the Child.⁷⁶

⁷⁵ See also, for example, the UN High Commissioner for Human rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, OHCHR, 2002.

⁷⁶ General Comment, Committee on the Rights of the Child (CRC/GC/2005/6).

5.2 Specific conclusions and recommendations

5.2.1 Knowledge and notification of child trafficking

It appears that stakeholders frequently have inadequate knowledge about trafficking in human beings in general, and trafficking in children in particular, both with respect to the new legislation introduced in January 2005, and the specific needs of children.

Respondents from the police, for example, suggest that there is a lack of knowledge and expertise on human trafficking and the 2005 expansion of the law in the force, and that this is as true for the community police as for the immigration police. Education professionals, care workers, special investigative services such as the Social Security Investigation and Detection Service (SIOD), and institutions such as the IND (Immigration and Naturalisation Service) contend with a comparable lack of knowledge. There is also insufficient knowledge of trafficking among the legal authorities and the Public Prosecution Service. Some stakeholders think that judges do not want to have any background information about the problem, because they are scared that it will endanger their independence. Others, including the Public Prosecution Service, think that there is a view within the legal authorities that the victims themselves are responsible for preventing exploitation. On the other hand, others think that the legal authorities are making an energetic effort to punish child traffickers, and collect as much possible knowledge to that end. There thus appear to be many approaches to child trafficking within the legal sector, which can lead to legal dissimilarities.

Little is also known about the profile of (potential) offenders, despite the fact that such knowledge can help to prevent potential offenders from committing crimes.

It also appears that indications of exploitation are not recognised adequately by stakeholders such as the IND, KMar (Royal Military Police), care organisations, community police officers and the education authorities. Various stakeholders still pay little attention to other, non-sexual forms of exploitation. This is partly understandable, because the other forms of exploitation were only made explicitly punishable in January 2005. The fact that the definition of exploitation is not yet circumscribed – neither in legislation nor in jurisprudence – means that other forms of exploitation are rarely recognised.

Education authorities, school social workers and truancy officers have an important function in notifying and preventing problems among children.⁷⁷ Many schools in the Netherlands hold consultations on problem-pupils involving so-called Care Advice Teams which include youth health and youth social services, and to which also the police can be attached. Such consultations arise when it is suspected that a child is in trouble, after which appropriate help is sought. Exploitation of children might be discussed in such consultations, and professionals must thus be well informed about the issue. The Bureau Jeugdzorg (Youth Care Office) is the gateway to youth social services: its staff

⁷⁷ Truancy officers oversee compliance with the 1969 compulsory school attendance law in local authorities. If a child fails to attend school without valid or known reason, the school's headteacher warns the truancy officer. The officer will first use mutual consultation to try to make the child attend school. If necessary, he or she can set up an investigation and send a report to the Public Prosecution Service. The child, as well as the parents, can be punished with detention or a fine.

organise the search for assistance, establish what kind of care is appropriate for the child and help to locate it for them. The Bureau Jeugdzorg thus plays an important role in indicating (suspected) exploitation. Currently, however, the Bureau Jeugdzorg pays no specific attention to the issue.

Of course, merely indicating that there is a problem is not enough. From the interviews, however, it appears once (suspected) exploitation has been indicated, frequently nothing happens. Parties close to the victim do not always have the skills to discuss the signals with the children involved. Care workers, among others, find it difficult to talk about signals of exploitation, particularly if they involve sexuality and prostitution. Stakeholders are not always sure what their responsibilities are, meaning that there is a tendency for responsibilities to be passed around. In addition, some people don't appear to know where they can go for help, or where to report abuses. Moreover, there appear to be limited opportunities for offering young people the right kind of help. Various interviewees, including the police, care organisations and the immigrant relief services, say that their institutions need to provide better training in the area of human trafficking in general, and trafficking in children in particular. To be sure, training and information on human trafficking is offered to professionals in diverse institutions in the Netherlands, but little specific attention is given to working on children's issues.⁷⁸

RECOMMENDATIONS

- * Training and information is necessary for all stakeholders to improve their knowledge of trafficking in children and the different ways in which it occurs. In particular, knowledge of trafficking, its background and the specific position of children must be improved. The police, special investigative services, the Public Prosecution Service, the legal authorities and care organisations should all be first in line for training. In addition, more information should be provided to relevant parties in the private sector, and to trade unions in business sectors that are vulnerable to exploitation. In existing training on human trafficking, more specific attention should be paid to the position of children.
- * Employers and employees in sectors that are vulnerable to the exploitation of children must develop a plan of action and take a clear stand against exploitative practices. They must work with business organisations and trade unions to make sure that such cases are reported to the relevant authorities.
- * A list of typical indications of trafficking in children should be available to stakeholders who might come into contact with victims. The list should be available to various disciplines and institutions.⁷⁹
- * In the short term, those who play a role in recognising abuses must be made aware of the forms and signs of exploitation, in prostitution and in other areas.
- * Specific attention should be paid to the exploitation of children in the curricula of various training courses, such as those for school social workers, pedagogy, teacher training and medical training. People must learn to recognise the signs of exploitation and how to deal with suspected cases of exploitation.

⁷⁸ Within the Dutch police service, training on trafficking in people has been developed for police, care organisations and the Public Prosecution Service.

⁷⁹ The National Action Plan on Human Trafficking identifies a number of action points that expressly involve the promotion of better identification of human trafficking and the potential victims thereof.

* Education authorities should be trained to recognise children's problems. They should know how to communicate concerns via existing consultation processes, in order ensure that care organisations can take action. School social workers and truancy officers must also be trained to recognise exploitation.

* The Bureau Jeugdzorg must pay specific attention to identifying the exploitation of children, so that its staff can better react to children's calls for help.

* Better information is also necessary for parents, carers and the wider public, in order to prevent the exploitation of children.

* There ought to be a referral service at the national level, which can provide advice and assistance on cases as well as direct victims towards appropriate forms of help. At the same time, an inventory of existing national services should be set up. The national referral service could be linked to existing services, such as the STV (Foundation against Trafficking in Women).

5.2.2 Registration

The registration of trafficking in human beings in general, and trafficking in children in particular, is currently lacking, and this problem occurs at a number of levels.

- *No specific registration*

Child trafficking is frequently not registered by stakeholders, but instead recorded under different headings. For example, the AMK (Advice and Report Centre for Child abuse and Neglect) records cases of child prostitution as 'neglect'. Bureau Jeugdzorg registers every referral to the service, but not the reason for the referral (this system is currently under review).

- *Inadequate registration*

Registration of trafficking in children is currently inadequate. For example, registration does not record the fact that the victim is underage, the age at which the victim was recruited, the victim's nationality, and the different forms of exploitation. The STV is currently improving its registration system. In the meantime, it is making note of the age at which the victim was recruited, but unfortunately this is not recorded for every case.

- *Only prostitution is registered*

Existing registration systems do not cover forms of exploitation aside from prostitution.

- *Registration systems are incompatible*

There are a number of different registration systems in current use that are incompatible with one another, making the exchange of information difficult or impossible.

Care organisations and the police are increasingly recognising the importance of registration. Many interviewees endorsed the necessity of an unambiguous registration

system, although some had doubts about its utility due to the fact that it will take a lot of time to record victims' details.

RECOGNISING HUMAN TRAFFICKING

Teams checking up on prostitutes also have the task of spotting exploited children. These checks are mainly carried out in the legal prostitution circuit, whereas child prostitution tends to happen in the illegal prostitution sector. When investigating and prosecuting child trafficking, the police are to some extent dependent on interpreting the reports that they receive. Such interpretation is not always adequate, and crimes can be missed. Police from the mid-Holland region have developed a system in which reports by street agents are checked by a special team for indications of human trafficking. In this way, the search for information is carried out more quickly and in a more refined way.

RECOMMENDATIONS

* A national registration system should be set up, containing all details relevant to human and child trafficking in all areas of exploitation. This makes cooperation between the government, the police and care organisation essential. A national focal point would make it possible to recognise tendencies in trafficking and offer insights into an until-now badly defined group of victims. This system must be compatible with others, as far as possible. The Expertise Centre on Human Trafficking and Migrant Smuggling, the STV, and the Informatiepunt Jeugdprostitutie (Information Centre for Youth Prostitution) can play a role in this.

* The police and special investigative services should develop an unambiguous registration system that can be used for the investigation of human trafficking. The system must include specific registration of child victims of exploitation in prostitution or other sectors. Exchange of information about both forms must be possible.

* Registration within youth social services and the youth care service providers must be compatible, and it is recommended that one system is developed. The system should classify exploitation in the framework of human trafficking.

* All care and assistance organisations and police forces must report victims of human trafficking to the STV. Reports should include the age of the victim, the age at which the victim was recruited, their nationality, and the form of exploitation.

NATIONAL EXPERTISE CENTRE ON HUMAN TRAFFICKING AND MIGRANT SMUGGLING

In May 2005, the KLPD set up the National Expertise Centre on Human Trafficking and Migrant Smuggling. This provides a central point where information, knowledge and experience in the area of human trafficking and migrant smuggling can be collected, exchanged, and put at the disposal of the investigation services. The centre brings together the KLPD, the Criminal Investigation Unit, KMar, IND, and SIOD, and is housed in the North and East Netherlands branch of the Criminal Investigation Unit in Zwolle. It provides information to institutions combating human trafficking (as set out in the new version of Article 273a WvSr) and migrant smuggling. The centre collects and analyses data in this area and thus plays an important role in the registration of human trafficking and trafficking in children in particular.⁸⁰

⁸⁰ www.om.nl (the website of the Public Prosecution Service)

5.2.3 Awareness raising and prevention

Providing children with information about exploitation is of great importance in the fight against human trafficking. Various initiatives to prevent youth prostitution and exploitation have been developed in the Netherlands. Some programmes are specifically aimed at combating the loverboy problem, while others are general information campaigns that also pay attention to the risks of underage prostitution.⁸¹ For the time being, however, there are no campaigns offering information about the risks of exploitation in sectors other than prostitution. Some initiatives are directed towards high-risk groups such as unaccompanied minor asylum seekers (for example, Scharlakenkoord in Amsterdam and SAMAH, Amsterdam) or girls in crisis care (MEISA in Amsterdam). Many pupils receive information about the loverboy problem at school, but that is dependent on the school authorities' knowledge of the subject and the availability of appropriate materials. Information is only provided on a case-by-case basis.⁸² The age at which children receive information is of great importance. In the phase when the first contact is often made between offender and potential victim, victims can still be reached relatively easily. The more they fall under the exploiter's influence, the more difficult it is to rescue them. Information is currently mainly directed towards victims and not at potential offenders, although the latter is very important. It would make young men realise the consequences of, say, becoming loverboys. Not only schools, but also communities and religious institutions, such as churches and mosques, must provide information for children.

Simply providing young people with information is not enough, however. During awareness raising activities, project leaders must be alert to the children's reactions. They must be prepared to provide help and support, and to refer the children to the right sources of assistance. In addition, if children are already suffering exploitation, information-giving 'in the field', such as on the streets or to combat the spread of sexually transmitted diseases, has an important function. When a child realises her predicament, it is critical that she is made well aware of the many possibilities for help.

RECOMMENDATIONS

* Awareness-raising must become part of every school curriculum. In addition to prostitution, information must also be provided about other forms of exploitation. Campaigns must be broad, covering issues such as sex, male-female relationships, respect, self-integrity, perceptions of sexuality, group behaviour and group-induced pressure. Information provision and assertiveness training must already begin at primary school. The Informatiepunt Jeugdprostitutie should play a role in this.

* Specially tailored information must be provided to vulnerable groups that run additional risks of exploitation, such as unaccompanied minor asylum seekers and 'illegal' children.

* Information-providers must receive training on recognising problems in target groups, how to communicate with young people, and how best to help them.

⁸¹ Such as, for example, the sexual information campaign, 'Long live love', from the SoaAids foundation (2005).

⁸² In the Rouvoet motion, 25 November 2003 (Kamerstukken II 2003-2004, 25 437, nummer 35), the Dutch government was called to promote awareness-raising regarding the loverboy phenomenon in secondary schools.

* In addition to providing information in schools, more information must be given by, among others, care institutions, youth workers, and people working with street children. These people come into contact with potential victims, and can refer them to potential sources of help and means of escape. In such cases, the specific needs of the target groups should be borne in mind.

* Communities that are strongly representative of both offenders and victims have a special responsibility, and need to be aware of this. They must become involved via information campaigns and other forms of prevention-oriented activities.

* For the development of information campaigns, information, and training, more research is needed on how to reach target groups. This research should directly involve children and young people.

5.2.4 Relief and assistance

Only one relief centre in the Netherlands, Asja in Leeuwarden, is specifically intended for young victims of exploitation in prostitution.⁸³ The centre offers twelve places to girls aged between 16 and 23, with certain conditions attached: the girl must want to quit prostitution, she must not be a drug addict, and if she is a foreigner, she must have made an application for asylum or be covered by the B-9 rule.

A number of sources point to the necessity of having more such centres across the Netherlands. STV says that it has difficulties finding relief places for underage victims of human trafficking.

Girls often end up in inappropriate institutions, such as in women's shelters. The problems faced by victims of human trafficking differ from those faced by victims of domestic violence. The fact that girls have worked as prostitutes often gives them a singular and isolated position in normal relief centres,⁸⁴ and often, such institutions lack specific expertise on youth prostitution.

Child victims of sexual exploitation need special care. This is lacking in ambulatory care services: respondents suggest that there is an insufficient number of care workers with adequate knowledge about the prostitution and exploitation of children. This makes it difficult to refer victims to appropriate care. Bureau Jeugdzorg regularly deals with victims of youth prostitution, but also has no special care facilities for this purpose.⁸⁵ For underage boys working in prostitution, there are simply no specialised relief possibilities available, and boys often end up in shelters for the homeless.

There is also a lack of specialised help for child victims of exploitation other than prostitution. The STV has come across a few young people of eighteen and over who suffered such exploitation. The STV cannot deal with these cases, as its mandate only covers female victims of sexual exploitation.

⁸³ In May 2005, Asja also started a project by which girls in care are helped to start living more independently.

⁸⁴ Steunpunt Seksueel Geweld GGD Amsterdam (2005). Naar een aanpak van loverboyproblematiek: Visie en ervaringen van Amsterdamse deskundigen. Amsterdam: GGD Amsterdam.

⁸⁵ Plan Aanpak Loverboys. PvdA Noord-Holland, april 2005. www.pvda-noord-holland.nl

WHAT SHOULD A RELIEF CENTRE PROVIDE?

According to a report by the Steunpunt Seksueel Geweld in Amsterdam (Support Centre against Sexual Violence),⁸⁶ a relief centre for child victims of prostitution should provide the following:

- Safety (a secret address and secure accommodation);
- Specific knowledge of the problem;
- The methodology developed by Pretty Woman, designed to strengthen girls' positions and self-knowledge;
- Possibility of immediate placement;
- Combination of relief, practical support and assistance;
- No exclusion of girls and women who have worked as prostitutes;
- Structured days;
- As 'normal' a life as possible (including education);
- Chances to renew contact with family and social network;
- Attention to the internal aspects of relief, with a view to making sure that the girl does not return to her pimp.

Children at risk, and children already working as prostitutes, can be placed under the authority of a judge specialising in children's issues. The latter can issue an order ('Machtiging Gesloten Uithuisplaatsing, or MGU) that enables the child to be temporarily placed in a closed care institution. This offers a safe environment, designed to help the child break free of a pimp and prostitution. A few interviewees suggested that such placements cannot always be found for children. In the Province of Utrecht, a binding agreement – Protocol 13 – exists between Bureau Jeugdzorg, the RvdK, and the Utrecht police, making it possible to take a child out of prostitution and into a care institution within 24 hours. Victims can be placed in penal institutions alongside girls who have criminal convictions, and may also come into contact with male offenders, including those guilty of trafficking offences. It is possible for girls to be re-directed into prostitution in this manner.

Penal institutions do not have specific help programmes for exploited children. In 2004, the Hoenderloo Group, an institution that increasingly commits young people, helped a group of approximately eight girls with behavioural problems. The majority of these are victims of a loverboy, and the assistance is mainly directed at dealing with relational problems. If the girl repeatedly runs away or is aggressive, it is still possible to place her in the care of the legal authorities.⁸⁷

Foreign children residing illegally in the Netherlands who are also victims of trafficking have additional problems to those described above. Some are affected by language and cultural barriers, which can make connecting with care workers more difficult. In addition, it is not easy for them to find help. On the one hand, they don't know where to go; on the other, institutions do not always know the extent of a child's rights. Care

⁸⁶ Steunpunt Seksueel Geweld GGD Amsterdam (2005). Naar een aanpak van loverboyproblematiek: Visie en ervaringen van Amsterdamse deskundigen. Amsterdam: GGD Amsterdam.

⁸⁷ Steunpunt Seksueel Geweld GGD Amsterdam (2005). Naar een aanpak van loverboyproblematiek: Visie en ervaringen van Amsterdamse deskundigen. Amsterdam: GGD Amsterdam.

workers do not always have the knowledge and skills to aid children with such specific problems, such as war-induced trauma.

RECOMMENDATIONS

* More specific relief and assistance possibilities, both ambulatory and residential, must be made available to child victims of human trafficking. These must be available to girls and boys, and to victims of all kinds of exploitation. Assistance must be tailored to the culture-specific needs of victims from the Netherlands and from abroad. Research into victims' experiences of the system is essential.

* Children who are at risk of being exploited, or who find themselves in an exploitative situation, must have immediate access to placement in a closed institution. Protocol 13 should be extended nationally and become a regular part of the Bureau Jeugdzorg's policy. The Protocol should be applicable to every child in the Netherlands, including illegal immigrants. Child victims must be given separate care, away from youths with criminal convictions, and specific assistance should be given to help them deal with their experiences and learn skills to prevent them from being exploited in future.

5.2.5 Investigation

Questionable priorities and lack of capacity

In practice, the low priority given to human trafficking, and trafficking in children in particular, can undermine investigation. Many respondents wonder whether combating trafficking in children is really a priority, or whether (politicians) merely pay lip service to the issue. Respondents say that drug-related crime and fighting terrorism are 'hotter' issues that receive more attention and resources. They also point out that due to performance-related contracts, the police are more likely to pursue cases that have a better chance of success.

Some interviewees question the whole current approach to human trafficking. They point to the Dutch tendency to turn a blind eye to illegal practices (the 'gedoogbeleid'), whereby activities such as moonlighting and illegal workers are tolerated. A statement from the conference, 'Other forms of human trafficking', organised by the BNRM in cooperation with the Ministry of Justice in March 2005, reads, '*at the highest level, the question should be asked whether the Netherlands genuinely wants to deal with other forms of exploitation.*'

Many respondents think that lack of capacity, mostly in the police and the Public Prosecution Service, is one of the most important reasons why the investigation and prosecution of trafficking in human beings receives inadequate attention. Performing checks on prostitutes and researching trafficking are time-consuming, complex, specialised, and often have international dimensions. Cooperating with foreign institutions, interpreters, and so forth, all takes extra time. In turn, this lack of capacity is unmistakably attributable to the low priority that politicians assign to the issue.

Lack of clarity on non-sexual forms of exploitation

There is a total lack of clarity in current approaches to other forms of exploitation. Many respondents suggest that the responsibilities of various institutions are still unclear, including those of the SIOD, the tax authorities, the labour inspectorate, and the police.⁸⁸ Various regional police forces say they do not feel responsible for dealing with non-sexual forms of exploitation. Their expertise lies in the areas of prostitution and sexual exploitation. Moreover, they already have to contend with a lack of capacity for dealing with tackling human trafficking for sexual purposes, let alone other forms of exploitation.

The failure of passport checks

Many informants suggest passport controls are failing, for example at Schiphol airport and during checks on prostitutes. Many false, forged or stolen passports are in circulation, and according to various police interviewees, it is not difficult to uncover them. From the database, it also appears that many children with false passports enter the Netherlands or work there.

KMar are trained to identify suspicious situations at the border, intercept stolen or forged passports, and spot if someone is trying to enter the Netherlands on someone else's passport. People often slip through the net, however. The reasons for this are diverse and vary from work pressure, the demands of ensuring a smooth passage, and the sophistication of forgeries and look-alikes, to simply not paying enough attention.

The role of the Public Prosecution Service⁸⁹

The Public Prosecution Service determines whether a police investigation is stopped or continued. For the most part, this decision is based on an estimate of the case's chance of success, following the investigative indications. The National office of the Public Prosecution Service's Directive on Human Trafficking and other forms of exploitation in prostitution⁹⁰ states that investigating human trafficking is one of the Public Prosecution Service's priorities. Although for this research project, representatives from the Public Prosecution Service said that trafficking in children should always be dealt with and is given a high priority, this appears nowhere in the Directive. The latter only states that

⁸⁸ It is not known at present how the different regional police authorities are going to deal with the issue. There is currently a discussion on which police regional teams can best deal with human trafficking and migrant smuggling. The National Expertise Centre on Human Trafficking and Migrant Smuggling, set up in May 2005, will play an important role in this.

⁸⁹ Investigation and prosecution policy with respect to human trafficking has four goals: the protection of victims; exposing criminal activities and the motives of people traffickers/exploiters and the rounding up of criminal gangs linked to them; the confiscation of financial advantage; and special and general prevention. An investigation by the Public Prosecution Service starts from information provided, from among others, by the police, the teams that check up on brothels and clubs, supervisory tasks, the Central Intelligence Unit (CIE), or by other investigations. If there is enough information, the case is weighed up and a decision is made concerning whether or not to go further with the investigation. The possibility that the case will succeed and its wider social impact are important factors in this decision. (From: *Strategienota mensensmokkel en mensenhandel*, Public Prosecution Service, August 2002, Rotterdam, Chapter 4). In the first instance, a case will be dealt with at the level that it was originally brought (i.e. regional, supra-regional or national) and then, if necessary, transferred. If the case is held at a national or international level, then the National office of the Public Prosecution Service is responsible. When there are international dimensions to the case, the Public Prosecution Service cooperates with international investigative services and foreign partners.

⁹⁰ This Directive is a set of guidelines on the investigation and prosecution of human trafficking for Public Prosecution Officers and police. It states that the investigation of human trafficking is one of the Public Prosecution Service's priorities, and sets out how trafficking in humans should be investigated and prosecuted. Also included are a few elements from the offence-description and the signs by which victims of human trafficking can be recognised.

prosecution is of ‘greatest importance’ when the victim is a child. Whether a case is prosecuted or not, however, depends upon the opinion of the Public Prosecution Service, and this can be problematic. The National Public Prosecution Officer for human trafficking⁹¹ has no authority over other officers; he can recommend that a particular investigation into human trafficking or migrant smuggling is important, but the Officer concerned is free to decide whether or not to pursue the investigation.⁹²

Various police respondents suggest that cooperation between the police and the Public Prosecution Service is not always smooth. This is mostly due to lack of knowledge on the Public Prosecution Service’s part but is also due to the lack of priority given to the issue, and low capacity. Tackling human trafficking demands a lot of time and effort, because the cases are usually complex.

Respondents from other regions, however, suggested that the cooperation is excellent and that the relevant Public Prosecution Service Officers give adequate priority to human trafficking. The relationship thus appears dependent upon the individuals involved. If the Public Prosecution Service is indeed prepared to prosecute a case, lack of evidence can prove a further problem, and many cases are annulled or unsuccessful for this reason.

Given that legislation is unclear about what should be understood by exploitation, the Directive of the National Office of the Public Prosecution Service is of great importance to investigation. At the moment of writing, a working group is preparing a new Directive on human trafficking in the light of the new legislation.⁹³ This will have to address other forms of exploitation and trafficking in organs, aside from sexual exploitation, but it is not yet known how the new Directive will tackle these issues.

Immigration policy versus tackling human trafficking

Trafficking in human beings is strongly related to migration patterns. According to a report by the ECPAT Law Enforcement Group⁹⁴ many young people from Eastern Europe choose to emigrate when faced with a bleak future in their own countries. The opening up of borders with EU countries has increased opportunities for work and travel, but has also facilitated the growth of organised crime. Many victims of human trafficking fall into exploitative situations shortly after immigrating, mainly in informal and unregulated sectors of the economy.⁹⁵

KMar are charged with the investigation of migrant smuggling. In various large towns, special squads for cross-border crimes (GOC teams) also investigate human trafficking. According to respondents from the police, these teams give extra impulse to the investigation of human trafficking because they can tackle extensive trafficking cases.

⁹¹ The national Officer of Justice for human trafficking is both a contact person and a coordinator. He or she makes sure that there is coherence across the different offices.

⁹² All nineteen offices of the Public Prosecution Service have a case officer on human trafficking who is the contact person on this issue. This case officer also works on other cases, and other officers also work on trafficking cases. All of these case officers simultaneously work on migrant smuggling. Two to three times a year, a national consultation on human trafficking is held in which the case officers take part under the leadership of the Prosecutor General and the file holder trafficking in human beings within the police.

⁹³ Until 2006, the earlier Directive (based on Article 250a WvSr) is still valid.

⁹⁴ O’Brian, M., A. van den Borne & T. Noten (2004). Joint East West Research on Trafficking in Children for sexual purposes in Europe: the sending countries. Amsterdam: ECPAT-NL.

⁹⁵ Dutch National Action Plan against Trafficking in Human Beings, December 2004.

The GOC teams have been withdrawn from large towns, however, and this might well be the case with other GOC teams in the future. Because KMar is, in principle, only concerned with migrant smuggling and false and forged documents, much knowledge about the investigation of people trafficking will probably be lost in the process.

THE HUMAN RIGHTS OF TRAFFICKING VICTIMS

The Dutch Cabinet considers that in dealing with human trafficking, an approach must be adopted that focuses on prevention not repression, and takes victims' rights into account. Victims should not be 'used' by the government for investigation and prosecution, and their interests should not be overruled in the process. A chapter of the Policy Document on Illegal Aliens focuses on human trafficking, and includes measures to ensure that when addressing illegal immigration, sufficient attention must be paid to the possible victims of human trafficking who might thereby be encountered.⁹⁶

According to various respondents, restrictive migration policy has resulted in an increase in illegal immigrants, illegal residence, smuggling and trafficking. There are clear conflicts of interest between institutions responsible for tackling human trafficking and dealing with illegal immigration. While combating trafficking requires investigation and prosecution, as well as protection for the victims, immigration policy is geared to ensuring that illegal immigrants are deported as quickly as possible. In 2002 and 2003, for instance, the immigration police raided brothels in Amsterdam and Rotterdam, and many female illegal immigrants were arrested. These women were sent back *linea recta* to their land of origin, without any research into their possible links with criminal networks or trafficking.⁹⁷

Respondents from care organisations suggest that when illegal residents are found, insufficient attention is paid to the possibility of human trafficking. In addition, in recent years the police have found young immigrants working as prostitutes who were most probably underage. However, because these girls did not want to cooperate with investigations and refused to talk, they were transferred to the immigrant police and most likely deported without any further investigation being carried out.

DETENTION AND VICTIMS OF HUMAN TRAFFICKING

Every year, the immigration police place hundreds of women in detention centres prior to deportation, after they are found without valid residence documentation. The police pick up some women during checks in streetwalkers' districts and other areas where prostitutes work. Probably a number of them are victims of human trafficking. This is an alarming situation, because detention centres are no place for victims of human trafficking. Spotting the signs of human trafficking, whether at the time of arrest or in detention, supporting women, and coordination between the relevant institutions, should be priorities.⁹⁸

⁹⁶ Kamerstukken II, 2003-2004, 29 537, nr.1.

⁹⁷ ECPAT-NL (2004). Trafficking in minors in the Netherlands. Amsterdam: ECPAT-NL.

⁹⁸ BLINN (2004). Jaarverslag 2004. Amsterdam: BLINN.

RECOMMENDATIONS

* The government must clearly identify as priorities the investigation and prosecution of human trafficking in general, and trafficking in children in particular. This must also be the case for other stakeholders. The political priority must be translated into a significant effort of people and means. In order to tackle the problem effectively, the capacity available to different stakeholders should be expanded. The investigation and prosecution of human trafficking, and thus also trafficking in children, should form part of the performance-related contracts of the police and the Public Prosecution Service.

* In the new Directive of the National Office of the Public Prosecution Service on human trafficking, specific attention should be paid to the recognition of trafficking in children. Indications follow on from the violation of children's rights, set out in the UN Convention on the Rights of the Child.

- The child is seriously hindered in his or her physical, spiritual, intellectual, moral and / or social development;
- The child is separated from family or family members;
- The child can not, or may not, attend school;
- The child receives insufficient free time and rest;
- The child is insufficiently protected from drugs;
- The child is kept away from his or her peers;
- Other circumstances notable for a child in a particular age category and which can be damaging to his or her wellbeing.

* With respect to the investigation and prosecution of all forms of exploitation, responsibilities ought to be unambiguously set out so that all stakeholders know precisely what their roles are, and how they ought to work with other organisations.

More attention should be given to passport checks. KMar (Royal Military Police), the police and other organisations must be trained to quickly recognise false and forged passports.

Children should be interrogated by trained experts. The latter must be given sufficient time for the process, and make use of techniques that take account of the child's age and gender. The interrogation must take place in a child-friendly and secure environment.

* If there are doubts about the age of a victim, in principle, one should start from the assumption that one is dealing with a child. The immigration police should not deport a victim before his or her case has been investigated.⁹⁹

5.2.6 Victims reports, prosecution and juridical procedures

Very few victims of human trafficking, and child victims in particular, are prepared to file reports with the police. Some children do not see themselves as victims. Those who do recognise that they were exploited have other motives to refuse to make a statement. They might be fearful (of reprisals from the trafficker), ashamed, dealing with an unknown culture, language and set of rules, or have been discouraged from going to the police and filing a report by the people around them. Victims are also put off making reports when they see the meagre results of reports filed by other victims. The relatively light punishment that offenders receive – if punishment is given at all – provides little motivation. Only a few children taking part in the peer research had filed reports, and

⁹⁹ See also Guidelines for Protection of the Rights of Child Victims of Trafficking in South Eastern Europe, UNICEF Regional Office, Geneva 2003.

this was only the case for Dutch girls who had worked as prostitutes. Foreign children are scared of being deported and have little faith in the police. For the small group of children that do file reports, the process can be complicated by the fact that victims do not want to speak about what happened, either because they are scared of reprisals, or because of cultural differences, shame, or other reasons. The process demands a lot of time and the right approach, and thus also good supervision.

In addition, due to lack of acquaintance with the new law on human trafficking and a general lack of knowledge, the exploitation of children is often not viewed as a trafficking problem. As a result, sometimes exploitation is not followed up with investigation and prosecution. For example, the police and care workers often treat the loverboy problem as a form of sexual abuse within dependent relationships, rather than human trafficking. The case thus involves a sexual abuse in a relationship offence, with the words and actions of the victims being held against those of the offender. Using the offence of trafficking in human beings would offer more tools for tackling the problem. In order to prosecute human trafficking, it is not necessary to first have a report or complaint from the victim. A care worker or a parent can also file a report. In addition, if the police strongly suspect human trafficking – for example, if the offender has used violence against a victim or made them financially dependent – they have the power to start an investigation, if the Public Prosecution Service Officer decides to prosecute. This, of course, demands much effort and capacity from the police.¹⁰⁰ Until now, practice suggests that investigations rarely occur in the absence of a report from the victim. The current Directive on human trafficking also notes that the presence of a report is of great importance in the argumentation of a case.

With human trafficking, everything turns on winning the case. It is thus important to investigate the financing of trafficking, with a view to confiscating unlawfully gained profit. When profits are confiscated with conviction, trafficking becomes much less lucrative, and this can have a discouraging effect on traffickers. Paying profit back to victims might also encourage them to file reports.¹⁰¹

The interrogation of children who have (possibly) suffered exploitation still appears to be inadequate in some instances. Such interrogation demands expertise on a whole range of issues: children's rights, the psychosocial consequences of abuse, speaking about sexuality, interrogation techniques, and the juridical consequences of filing a report. All of this must be coupled with the ability to win a child's confidence and deal with children in a humane way. Care workers and police suggest that interrogators are not always sufficiently equipped for this difficult task.

The B-9 rule, that victims must file reports as a precondition for investigation and prosecution, is much criticised. Many interviewees think that the measure offers little protection and care to victims,¹⁰² and residence permits are seldom granted on humanitarian grounds. Why should a victim file a report when he will only receive a temporary residence permit, and will eventually have to return to his land of origin?

¹⁰⁰ Steunpunt Seksueel Geweld GGD Amsterdam (2005). Naar een aanpak van loverboyproblematiek: Visie en ervaringen van Amsterdamse deskundigen. Amsterdam: GGD Amsterdam.

¹⁰¹ Kloet, A. & A. Spee, De logistiek van de loverboy. In: Secondant, nr 2 (2005) p.27-30.

¹⁰² Compare also an overview of the problems associated with the B-9 rule: Uitvoering B9-regeling: Verslag werkconferentie 17-18 juni 2004, WODC.

Some respondents also wonder why victims of human trafficking do not receive permanent residence permits. According to interviewees, child victims make little use of the B-9 rule, as the advantages of doing so do not outweigh the disadvantages. The B-9 rule can only come into play if the Public Prosecution Service decides to start an investigation. If there is too little evidence, or if no investigation is launched, then the victim has no possibility of using the rule. A number of informants pointed out that no report is necessary to launch a legal case, but that a victim must still file a report in order to receive help via the B-9 rule.

The police are sometimes also reluctant to motivate victims to file reports. A care worker says that she had to 'peddle' the police to let a child victim of trafficking to file a report. The reaction of one policeman to the request for the B-9 rule was: *'I'm not going to do it because I don't know the first thing about it.'*

When a victim requests the B-9 procedure, the police play a role in providing information about the case to the IND. One problem with this is that the request for a residence permit on humanitarian grounds is deeply at odds with immigration policy.

Since 1 January 2005, the B-9 rule is also applicable in cases of other forms of exploitation.

When it comes to investigation, the police often have difficulty establishing the burden of proof. The police put this down to various hindrances in criminal law, such as the restrictiveness of rules and technical-juridical difficulties (for example, involving the tapping of telephones). When a case is successful, the punishment is often inadequate. As a result, there currently exists a preference for, say, someone who has provided housing to illegal immigrants to be dealt with via SIOD and the tax authorities, so that they have to pay considerable fines. The criminal approach is also used, if possible. Respondents say that in this way, at least the exploiter is hit financially.

RECOMMENDATIONS

* Use must be made of means of starting an investigation other than a victim's report. In the case of serious suspicions of trafficking, intelligence-led investigative techniques must be used to gather various kinds of evidence that, put together, can demonstrate that a case involves trafficking in human beings.

* Judges must inform themselves about the offence of human trafficking, how child victims fall into exploitative situations, and what this means for the victims and their environment. This should be the case not just for exploitation in prostitution, but also in other formal and informal sectors.

* If there is knowledge or serious suspicion that a child is a victim of human trafficking, the child should be given a residence permit on humanitarian grounds, regardless of whether he or she files a report. At the same time, better care should mean that more victims are prepared to file reports.

* In the case of repatriation, the burden of proof must be reversed. The government must demonstrate that it is safe for the child to return to his or her country of origin, rather than the child victim having to show that he or she cannot go back safely.¹⁰³

¹⁰³ At the same time, see the guidelines from the Committee on the Rights of the Child: 'children who are at risk of being re-trafficked should not be returned to their country of origin unless it is in their best interests and appropriate measures for their protection have been taken.'

5.2.7 Immigration policy and the residence status of children

Underage immigrants are vulnerable to exploitation, and there are different stages in the implementation of immigration policy where child immigrants are at risk.

The role of the IND (Immigration and Naturalisation Service)

IND staff carry out the first interrogation of the child, and draw up a risk profile. The child is questioned about his or her journey to the Netherlands, and whether an intermediary assisted them. According to various respondents, there is little chance that the real story will emerge during this interrogation. IND staff ask about exploitation, but in practice it appears that the pressure on the victim is so great that he or she does not reveal anything.

Frequently, IND staff appear to be insufficiently aware of indications of child exploitation, and there is often lack of expertise in dealing with children, especially those who have suffered trauma.¹⁰⁴ Moreover, the child's story is tested against criteria from immigration law that are not geared towards children.

By virtue of international and Dutch law, children have the right to an approach that is tailored to their situation, since they know even less than adults about the legal system, do not speak the language, often feel deeply disconnected from events and are dependent on (temporary) adult support.

In the course of this project, we found it difficult to find an IND representative who was able to outline how the organisation deals with child victims of trafficking. Neither the contact person on human trafficking nor the management convincingly and clearly explained the extent to which the IND is confronted with situations of child trafficking, and how it tackles these. Another problem identified by many interviewees concerns the transfer of tasks from the immigration police to the IND. The IND recently took up the task of admittance, which had previously been the immigration police's responsibility. However, a number of organisational problems have since arisen, and in 2005 these were recognised in a report by the Auditor General. Interviewees suggest that as a result of the centralisation of admittance tasks at the IND, an opportunity for spotting trafficking in children has been lost.

Safety in asylum centres

Concerning safety, or sometimes more accurately the lack of safety, in asylum centres for unaccompanied minor asylum seekers, there is still much to be done within the COA (Central Agency for the Reception of Asylum Seekers). In 2003, research was published¹⁰⁵ suggesting that an asylum centre should be characterised '*not as a safe harbour, but as a location with a high concentration of problems that act as threats*'. Moreover, there is a lack of clear policy concerning the security of women and girls. The COA is currently in the process of drawing on the report's recommendations and creating a safer relief environment. For example, information is provided about

¹⁰⁴ Debat 26000 gezichten, 30 June 2005, NOVA.

¹⁰⁵ Brouns, M. e.a. (2003). *Het lange wachten op een veilige toekomst; een onderzoek naar veiligheid van vrouwen en meisjes in de asielzoekersopvang*. Rijswijk: COA.

trafficking, and courses are organised for COA staff on reacting to indications of trafficking. According to some respondents, however, staff in relief centres need to become much more alert to these problems.

In addition, a number of practical issues are being addressed in order to improve physical security, such as better lighting in the centres and separate sanitation facilities. Although the respondents suggested that the COA is working on improving safety, security at the centres still appears to be inadequate. According to respondents from the MOA (Medical Care Service for Asylum Seekers), some centres show disinterest towards problems such as disappearances, loverboys, and prostitution, and take little initiative in dealing with them. From interviews with other COA staff, it appears that problems are indeed recognised, and that many suspicions exist, but that often little or nothing is done. According to COA staff, the special campus for unaccompanied minor asylum seekers, where there was separate care and high levels of supervision, was safer than the new centres provided for this group. In the new centres, girl asylum seekers are housed in buildings that are separate from those for boys and adults, but in practice anyone can walk in.

Nidos (Legal Guardian Service for Unaccompanied Minor Asylum Seekers)

A key problem area, with regard to the protection of unaccompanied minor asylum seekers, is Nidos' role as legal guardian. Regardless of where the asylum seekers are held, as the legal guardian, Nidos is responsible for the child's wellbeing and interrupted development. When something goes wrong, Nidos must intervene. According to a number of respondents, this frequently happens too slowly. Due to Nidos' massive caseload, there is minimal supervision of minor asylum seekers. If a child disappears or has difficulties, it can be days or even weeks before the guardian knows, according to one COA worker.

Children frequently disappear from asylum centres: it is unclear what happens to them, and little follow-up action is taken. Various informants are shocked that it is known that this occurs, but that no one does anything about it. It appears that no one is prepared to admit responsibility for these children. As a worker from an asylum centre put it: *'in general, it's a case of who's gone, is gone. If a kid disappears, then he's out of our sight. Investigations costs too much time and energy.'*

When an unaccompanied underage asylum seeker disappears, Nidos must report the disappearance. In principle, the COA has nothing to do with this, as the institution is 'only' responsible for relief. However, COA staff have contact with children on a daily basis, and thus notice earlier than the guardian that something is wrong. Nidos is thus dependent on COA workers for information. Once a disappearance has been noted, Nidos is responsible for taking further steps, such as warning the police. With such a heavy caseload, speedy intervention by Nidos rarely occurs. If the child remains missing, Nidos applies to be relieved of guardianship, and if this is granted, no one is officially responsible for the child and he or she might never be reported as missing. Nidos has recently tried to arrange guardianship more quickly. In the meantime, a national registration system for the number of disappearances 'with unknown destination' has

been set up, giving a better overview of this group. A protocol for filing reports on missing unaccompanied minor asylum seekers has also been set up.

Return and deportation

Children can return to their native countries either via the IND or via the IOM. The latter has an agreement with Nidos concerning the return of unaccompanied minor asylum seekers. When child asylum seekers (choose to) return via the IOM, they receive money to invest in their futures in their land of origin. According to one evaluation of the asylum seeker campus in Vught, the intended return of child asylum seekers was never realised. Of the 436 unaccompanied minor asylum seekers on the campus, only six returned to their land of origin. The largest percentage of children left 'with unknown destination'.¹⁰⁶

Children who are deported are supposed to be monitored by the institutions responsible for the deportation. In a case from the BNRM¹⁰⁷ this monitoring did not take place, and respondents suggest that too little attention is paid to the issue. Moreover they suggest that many 'illegal' children who are deported are back in the Netherlands again two or three months later.

RECOMMENDATIONS

* Children who seek asylum in the Netherlands must be treated as children first, and asylum seekers second. This means, among other things, that their age, level of development, and gender must be taken into account. At all stages of the asylum procedure, special attention ought to be given to these children and the risk that they become victims of human trafficking.

* Additional measures are needed to protect the interests of unaccompanied minor asylum seekers, corresponding with the guidelines set out by the Committee for the Rights of the Child.¹⁰⁸ Such measures include: immediate referral to a competent guardian, periodic assessment of placement, priority for procedures concerning trafficking in children, adequate information about the risks of trafficking, and measures to supervise them and give them extra attention. Return to the land of origin may only occur if no further risk exists that the child should come to irreparable harm. Children at risk of being (re-) trafficked should only be sent back to their land of origin if adequate measures have been taken to protect them.

* In the interrogation of children by the IND, extra attention should be given to informing children, checking whether the information has been understood, and offering support in the form of a representative who leads the child through the procedure.

* Measures must be introduced to protect children in asylum centres. Children must be detained securely, that is to say, separate from adults, and girls separate from boys. Staff must be alert to indications of trafficking. Given the number of unaccompanied minor asylum seekers that come to the Netherlands, this country must be able to give them adequate protection and guidance.

¹⁰⁶ Persbericht Ministerraad, 5 November 2004.

¹⁰⁷ Ongoing research by BNRM (Nation Rapporteur on Trafficking in Human Beings Office) into other forms of exploitation in the Netherlands.

¹⁰⁸ See also Committee on the Rights of the Child, General Comment no. 6, Treatment of unaccompanied and separated children outside their country of origin, June 2005 (CRC/GC/2005/6 Unedited).

5.2.8 Supervision of the prostitution sector

Interviewees from the police claim to have a reasonable overview of the legal prostitution sector. This doesn't include what goes on in the illegal circuit, however, such as prostitution via (illegal) escort agencies, 06- mobile phone numbers and the Internet. The cursory character of child prostitution and the continuous moving of victims mean that it is difficult to get an overview of the sector.

Police checks on the prostitution sector are mostly applied to the legal sector. Some police forces also control the illegal circuit, including prostitutes working from home and escorts. This occurs, for instance, under the HON-escort project,¹⁰⁹ and police force Brabant South East is particularly active in this area. However, such checks are extremely time-intensive and difficult to carry out. The system is decentralised: the rules are complicated, and the police are dependent upon the administrative sanctions and priorities determined by the local authority. There are indications that underage prostitution occurs in coffee shops and massage salons, but the police hold no supervisory powers in such instance, because these locations do not come under the heading of sex institutions. Other parties, such as the work inspectorate, do have supervisory powers, but it is not known whether these are used or not.

Care givers only have access to the legal prostitution sector. Field workers, such as staff from the GGD (Municipal health Services), must declare their origins. If there is abuse, then the brothel owner will make sure that this remains temporarily hidden. It is difficult, if not impossible, for care workers to approach prostitutes working in the illegal circuit. Many prostitutes use the Internet; indeed, care workers are increasingly approaching prostitutes via chatrooms. It is difficult to spot abuse in this way, however.

TECHNIQUES FOR SUPERVISING PROSTITUTION

The Brabant South East police force has played a prominent role in the development of techniques for the supervision and regulation of prostitution. They use fax bombardment and hotel room supervision, and make checks on appointments arranged via newspapers, magazines and the Internet. The police in this region also carry out increasing numbers of checks on escort agencies. It is the intention to apply these techniques nationally via the Expertise Centre on Human Trafficking and Migrant Smuggling.¹¹⁰

The police suggest that local authorities do not take the administrative task of supervising the sex industry seriously enough, and are too passive in their approach. For example, not all local authorities have a license system for sex institutions. When a child is found working in a sex institution, most local authorities will close it down for three months, but some are negligent on this point. When a local authority does not have a license system, it is possible that no administrative sanctions are taken following the discovery of an underage prostitute.¹¹¹

¹⁰⁹ HON = Quality Enhancement Project

¹¹⁰ Memo, Police Region Brabant South East.

¹¹¹ According to research by the BNRM, in one case no administrative measures were taken, despite the discovery of a minor, because there was no license system in place. There was a criminal intervention, however.

Local authorities are also responsible for checking up on brothels and evaluating whether or not to license them, and again, not every local authority is effective in this area. According to the Informatiepunt Jeugdprostitutie (Information Centre for Youth Prostitution), local authorities generally give too little attention to youth prostitution, and some authorities also make insufficient checks on brothels. Local authorities often lack the administrative instruments to contain the growth of the (illegal) sector. They may only apply rules and measures to certain areas; escort business, for instance, are not covered. The current legal framework is geared towards the governance of traditional brothels, but does not cover other types of sex business.¹¹²

Brothel- and window-proprietors have a responsibility to combat the exploitation of children in prostitution. Those who exploit others commit a criminal offence when children and illegal immigrants are involved, or when human trafficking takes place. The police in various regions suggest that (legal) proprietors of sex institutions do their best to exclude illegal immigrants and children. Sometimes brothel owners contact the police when they have doubts about the age of a girl or the reliability of her identity documents. A few proprietors say that when they recognise signs of human trafficking and pass this knowledge on to the police, the resulting police intervention is inadequate. Difficulties might also arise if a (potential) victim of human trafficking refuses to talk, and it can take a lot of time to win the trust of a child. A window-proprietor suggests that the prostitution sector can function as a form of reporting post, whereby both clients and exploiters can report abuses.

Closing down sex institutions when a child has been discovered acts as a warning to other exploiters, and checks and administrative sanctions can yield rich rewards. There are still many exploiters guilty of people trafficking,¹¹³ however, and continuous attention is being given to this issue.

Licensed proprietors also have an interest in seeing illegal exploiters investigated and removed from the paid sex circuit. Via contact with their own clients, they can learn more about illegal offers of sex and report these to the police and legal authorities.

Prostitutes' clients can play a key role in fighting trafficking, although little attention is paid to this issue. They can spot crimes and report them, and according to the government, clients should also report abuses to the police. Clients are often not acquainted with the signs of human trafficking, however. They should be made aware of their responsibilities when coming into contact with suspected victims of human trafficking, via national awareness campaigns.¹¹⁴

¹¹² Asante, A. & K. Schaapman (2005). *Het onzichtbare zichtbaar gemaakt: Prostitutie in Amsterdam anno 2005*. Amsterdam: PvdA-fractie Amsterdam. According to this report, most sex institutions that offer a traditional brothel and escort services have separate managements. The current legislation thus makes it necessary to have two separate licenses, or to grant exemptions. In practice, sanctions that are applied to brothel may not be applied to the escort part of the agency. Thus a local authority should use integral permits and grant exemptions.

¹¹³ BNRM (2004). *Mensenhandel: derde rapportage van de Nationaal rapporteur*. Den Haag: BNRM.

¹¹⁴ ANP bericht, 10 december 2004. *Hoerenlopers moeten loverboys aangeven*.

'NATIONAL PLAN OF ACTION FOR THE ORDERING AND PROTECTION OF THE PROSTITUTION SECTOR'

Since the lifting of the general ban on brothels in 2000, supervision of the prostitution sector has been improved via means such as the license system. In those parts of the sector that are regulated and monitored, fewer crimes are occurring. According to the Minister of Justice, issues still need to be addressed in connection with improving supervision and countering human trafficking. The government has announced various initiatives in the national action plan, 'The ordering and protection of the prostitution sector', which is intended to protect the sector from human trafficking. Measures include informing victims of human trafficking about their rights and about filing a report with the police. The plan addresses the issue of child prostitution, focusing on the loverboy problem while other victims of youth prostitution remain out of the picture. A national registry of permit-holders will be introduced in order to better supervise the escort industry, offering opportunities for supervision and protection, in cooperation with the BIBOB bureau (Office for the Enhancement of Integrity Judgements by Public Service). A code of practice will be produced for the media, on the basis that only licensed sexual service providers will be allowed to advertise.

RECOMMENDATIONS

* The police and local authorities must undertake more research into illegal prostitution and make active use of checks on hotels. They must make checks on offers of sexual services publicly advertised via channels such as daily and weekly papers, the Internet, and 06- mobile phone numbers. In order to achieve this, more manpower should be available within the police. Administrative sanctions and legislation must be made applicable to such checks.

* (Potential) clients of prostitutes must be made aware of indications of trafficking and called to account for their responsibility in fighting human trafficking. Information giving can find a place via national awareness-raising campaigns, the Internet, and information folders in sex institutions. Clients must be made to realise that having (paid) sex with children is a criminal offence. In addition, clients must be educated about the effects of exploitation on its victims, and must be encouraged to only frequent legal institutions. In addition, clients must be able to report crimes or suspicions of crimes easily and anonymously, for example to the (anonymous) crime reporting service's free telephone number (0800-7000) (Meld Misdaad Anoniem - Crime Stoppers). To be effective it must be clear that the police will act in response to tip-offs.

* Local authorities must become more active, both with respect to the license system and with the supervision of (illegal) prostitution. The license system must be applicable to all those offering sexual services, including escorts and prostitutes working from home. A national register should be set up listing all businesses licensed by local authorities.¹¹⁵

* The state must improve the legal basis for checks on escort agencies. One option is a law on escort services.

* An application to the Chamber of Commerce should be obligatory for all those offering sexual services. When placing an advertisement, newspapers and Internet providers should check the application number with the Chamber of Commerce.¹¹⁶

¹¹⁵ Asante, A. & K. Schaapman (2005). *Het onzichtbare zichtbaar gemaakt: Prostitutie in Amsterdam anno 2005*. Amsterdam: PvdA-fractie Amsterdam.

¹¹⁶ See also the action plan on 'the ordering and protection of the prostitution sector.'

* More research should be done into client behaviour in order to gain a better understanding of the behaviour of prostitute clients and other buyers of sexual services, their needs and wishes, and the influence that these have upon trafficking in minors for sexual exploitation.

INFORMATIEPUNT JEUGDPROSTITUTIE (INFORMATION CENTRE FOR YOUTH PROSTITUTION)

On 1 February 2005, Transact set up the Informatiepunt Jeugdprostitutie. The Informatiepunt supports caregivers, policy makers, the police, and the legal authorities in dealing with and preventing youth prostitution. The project, which is being financed for two years by the Ministry of Justice, advises on a national approach to youth prostitution. The Informatiepunt's key functions are:

- Putting the problem on the map;
- Stimulating research on the problem;
- Getting the issue onto various organisations' agendas;
- Compilation of good practice;
- Information provision.

5.2.9 Stakeholder cooperation

Cooperation between stakeholders is critical. Many organisations work alongside each other without adequate insights into each other's work, and as a result it is difficult for them to coordinate activities. In the first place, this demands better coordination and cooperation between different institutions working on investigation, prosecution and giving assistance. For example, interviewees identify tensions between the police and the Public Prosecution Service, between the police and the IND in the framework of the B-9 rule, and between the police and care organisations. Secondly, this demands better coordination and cooperation because of difficulties within institutions. For instance, interviewees currently see obstacles to cooperation between the police, who have the task of combating human trafficking, and the immigration police.

In May 2005, the national Expertise Centre on Human Trafficking and Migrant Smuggling was set up. This enables the police, the Public Prosecution Service, the IND and KMar, among others, to collectively address the issue of improving cooperation.

The Netherlands

Respondents from the police desire better cooperation between care organisations and the police. Caregivers should put greater effort into encouraging victims to file reports, and should report any suspicions of exploitation to the police, regardless of the victim's wishes. For care workers, promises of confidentiality, trust and contact with the client tend to come first. From their perspective, involving the police, or trying to convince the child that this is a good idea, can hinder the care process and drive the child away. In addition, some care workers have the impression that they cannot file a report themselves, because they do not see exploitation by loverboys as a form of human trafficking.

Staff from the immigrant relief service point to a lack of cooperation between the stakeholders involved in giving support to unaccompanied minor asylum seekers. For

example, there is often a lack of cooperation between the child's school, the police, and the guardian, meaning that problems are not caught early enough. According to one respondent from the COA, it too often happens that they hear from the school or the police that a child had been in trouble for a long time. Another worker expresses a feeling of impotence: *'what can we do? We read the signs, but if we report these to the police, everything depends on what they choose to do. We can make the centres as safe as we can, and we do our best, but if the other stakeholders don't do their bit, then we're powerless.'*

Responsibility for the investigation and prosecution of trafficking in children in the Netherlands lies with various different institutions. Many problem areas identified in this research stem from a lack of clarity concerning who is responsible for what, or the failure to take responsibility. Respondents from the police suggest that with cross-regional cases, the responsibility for dealing with the case is shifted from region to region. Some respondents occasionally wonder whether there is indeed anyone who feels responsible for the children. In addition, the interests or priorities of various stakeholders conflict, such as the tension mentioned earlier between approaches to human trafficking and approaches to illegal immigration.

The national government has a coordinating role in the fight against trafficking in children. The current government is weak and tentative, however, according to many interviewees. There is total lack of clarity among various stakeholders concerning the responsibilities of the various ministries. Little responsibility is taken with regard to policy direction, and the approach of those ministries that have taken up the task is lacking in capacity and continuity.

INVESTIGATING THE DISAPPEARANCE OF UNACCOMPANIED MINOR ASYLUM SEEKERS

At the end of 2004, KMar started an investigation into the smuggling of young Chinese asylum seekers, after receiving disturbing reports from Nidos. Eighteen suspects were eventually detained.¹¹⁷ The gang would have sold tens of Chinese children over the last eighteen months, and some of these would have been sent on to other European countries, such as Italy and France.¹¹⁸ However, KMar did not investigate where the children are residing, because they do not carry out investigations beyond the Netherlands. In the meantime, the investigation has been discontinued.¹¹⁹ A nationally coordinated investigation is normally set up in the event of such large disappearances, when there are strong suspicions of organised crime, and all the relevant investigative services participate. In Den Helder, the immigration police took up the case of the disappearance of five young Chinese girl-asylum seekers. Such an investigation is dependent, however, upon the police officers' knowledge of human trafficking, and this was lacking. The police investigation was dropped at the beginning of May. The girls' location could not be ascertained, and without sufficient leads – such as identity documents – little more could be done. The police suspect that the children were reunited with their families, but do not know for sure.¹²⁰

¹¹⁷ NRC 7 April 2005. Smokkelaars Chinese kinderen opgepakt.

¹¹⁸ Trouw, 29 April 2005. Chinese kinderen verdwijnen in illegale circuit.

¹¹⁹ NRC Handelsblad, 28 May 2005. Eerst gevlucht uit China en toen verdwenen: smokkelaars laten kinderen asiël aanvragen om ze daarna weer in hun macht te krijgen.

¹²⁰ Trouw, 11 May 2005. Verblijfplaats van Chinese kinderen blijft onbekend.

International

Trafficking in human beings often takes place at the international level, and thus must also be tackled internationally. The respondents identify difficulties with current international methods. The international pursuit of human trafficking is generally considered to be complex, certainly if it involves forms of exploitation other than sexual exploitation. Such cases can involve not only criminal, but also economic and tax-related aspects and labour rights issues.

In the case of border-crossing trafficking, cooperation between various institutions is essential, and such cooperation is sometimes insufficient. Countries are deeply attached to their sovereignty, according to one worker from KMar. Contacts with other countries are also sometimes complicated by corruption. Police and other investigative services say that all the problems at the national level, such as lack of capacity, knowledge and registration, are magnified at the international level. Cross border human trafficking also often raises difficult questions in the area of jurisdiction. If a trafficker has come to the Netherlands via Germany, when is the crime said to have begun? Interviewees suggest that working with interpreters also creates difficulties.

Europe

Some interviewees, namely the police, think that Europol¹²¹ does not function well. The organisation is mainly concerned with collecting information. Before Europol may become involved in a particular case, there must be evidence of organised crime in more than two countries. *'And then member states often blow the whistle, because they do not want to hang out their dirty washing in public. Moreover, we're dependent on the information that they give us and the questions that they set'*, according to one worker from Europol.

According to the Schengen Agreement, every member state has a duty to register asylum seekers entering its borders. If an asylum seeker makes an appeal in a European country, the latter can check whether the asylum seeker was previously elsewhere in the EU. If so, the first country must take care of the deportation or treatment of the appeal. The new member states will become parties to the Schengen Agreement after 2007. However, information-exchange between EU member states is already poor: it is impossible to find out who has a Schengen visa, and where someone travels in and out of the Schengen area.

There is no European asylum policy at the Community level. This can result in the 'waterbed effect': if one country tightens up its asylum policy, then the traffickers and smugglers simply move on to other countries. In Europe, whether asylum policy is strict or flexible in comparison with that of neighbouring countries is a constant consideration, and various neighbouring states are currently turning their attention to this issue.

¹²¹ Europol is an intergovernmental organisation composed of the member states of the European Union, and active in preventing and fighting international organised crime, in response to calls from one or more member states. In addition, the organisation regularly publishes information on criminal trends in Europe.

THE IMPACT OF EU EXPANSION

A number of interviewees from the police mentioned EU expansion and its impact on human trafficking. With the exception of the Czech Republic, the countries that joined the EU in May 2005 form its long eastern border. Carrying out adequate checks is virtually impossible due to the length of the border, and corruption also appears to be a problem.¹²² EU expansion has other consequences, however. Residents of the new member states do not need visas to travel freely within the EU. Like other member states, the Netherlands has set quotas for the admission of labour from the new member states, in order to protect the Dutch labour market from cheap competition. If an employer wishes to bring labour to the Netherlands from a new member state, then a permit must be requested. Permits are rarely issued, except in areas of particular demand. It is thus difficult for people from the new member states to work legally in the Netherlands. They are often found working illegally, sometimes as prostitutes. If discovered they can legally remain in the Netherlands, however, and the police have no authority to pick them up. Opinion is divided on the implications of EU enlargement for human trafficking. Europol suggests that fewer border controls will lead to an increase in human trafficking.¹²³ On the one hand, the free traffic of goods and people means fewer opportunities for checks and thus more opportunities for traffickers. But the fact that more people can now travel freely to the Netherlands makes them less dependent on traffickers. Moreover, many are of the opinion that the EU offers opportunities for better-harmonised legislation, methods for tackling human trafficking, international investigation and cooperation. To be sure, the EU also offers better development chances for poorer countries, which means fewer reasons for young people to leave their native countries in search of a better future.

RECOMMENDATIONS

- * Cooperation between the various stakeholders responsible for combating trafficking in human beings is a necessity, and the government must play a central role in this. The national Expertise Centre on Human Trafficking and Migrant Smuggling forms an important pivot, as does the STV. Informatiepunt Jeugdzorg plays a key role in the collection and dissemination of knowledge on the exploitation of children in prostitution.
- * Care and assistance organisations that provide support to victims of exploitation must maintain contact with the police via a special contact person.
- * Cooperation at the international and European levels must improve in the coming years. The government ought to be much more active than at present in stimulating the making of workable international and European agreements on combating trafficking in human beings. The fight against trafficking in children must be the spearhead of the whole enterprise.

¹²² Dienst Nationale Recherche Informatie (2005). Mensensmokkel in beeld 2002-2003. Zoetermeer: DNRI.

¹²³ Europol (2005). Trafficking in people for sexual exploitation in the EU: A Europol perspective (2004/2005).

6 CONCLUSION

This research sought to shed light on three key issues.

- Who are the victims of exploitation of children in the Netherlands, who is at risk, and where and how does exploitation take place?
- Are current measures designed to protect children against trafficking effective, according to various stakeholders?
- Are more, or different, measures, including preventative measures, necessary to effectively protect children against exploitation?

Trafficking in children is a phenomenon that is kept carefully hidden from view, as much by victims as by offenders. Researching such a phenomenon is thus a precarious undertaking. It is difficult to find concrete information, to separate fact from rumour, and to piece together an overview from the different pieces of information.

Despite these problems, we succeeded in finding a great deal of information, analysing it critically, and in so doing, offering a clear picture of trafficking in children in the Netherlands. Obviously, this picture cannot be complete due the fact that so much of the problem is hidden from view.

The concrete information that we found concerns 230 child victims of trafficking: 73.5% have been exploited in prostitution only, 9.1 % in prostitution as well in other formal and informal labour sectors, and 17.4% have been exploited specifically in other sectors, such as domestic labour, the hotel and restaurant sector, the cleaning business, the drugs trade and in other criminal activities. In addition, odd jobs such as chores, folding and distributing leaflets, loading and unloading, and drudgery are sometimes done under exploitative circumstances. Illegal adoption is also included in the database. Prostitution of minors predominantly occurs in the escort service and in private houses, arranged through the internet and mobile communication. About 93% are girls and 7% are boys. Approximately half of the girls are victims of a 'loverboy', mostly Dutch nationals with an ethnic minority background, aged between twenty and thirty years old. The other minors have been exploited in prostitution in other ways. In prostitution most minors, about 40%, are sixteen and seventeen years old. Half of the boys are younger than sixteen years old, and about 20% of the girls are under sixteen. For other forms of exploitation, minors younger than twelve years old constitute the biggest group (35%); this is mainly due to the number of cases of illegal adoption. 20% of the minors exploited in other sectors are aged between thirteen and fifteen years old, and 20% are aged between sixteen and seventeen years old.

Dutch nationals as well as foreign minors are victims of trafficking. Victims come from 31 countries from all over the world. Of the victims of exploitation in prostitution, almost 30% are of Dutch origin and 30% have a Moroccan, Turkish, Surinam or Antilles background. Of these, approximately 60% are Dutch nationals. The rest mostly come from countries in Africa and Eastern Europe. Only 5% of the victims of exploitation in other sectors have Dutch nationality.

Unaccompanied Asylum seeking Minors, often mentioned as being particularly vulnerable to exploitation, represent almost 6% of the victims of exploitation in

prostitution. They have not been reported as victims of exploitation elsewhere, however. Quite a number of victims are residing in the Netherlands illegally: 13% of the victims are in prostitution and 37.5% are victims in other sectors.

Victims of exploitation in prostitution as well as victims of exploitation in other sectors seem to have the same vulnerabilities, such as psychological and emotional problems, low self-esteem, a history of (sexual) abuse and neglect, and problems at home. An investment in the child protection system could contribute to prevention.

It is thus clear from the research that the exploitation of children in the Netherlands exists, and that it involves Dutch nationals (about 50% of the sexually exploited) as well as foreigners. Previous research had already established that children are exploited as prostitutes, and the picture that already existed was reinforced and highlighted by the results of this research. The media and policymakers' primary focus on loverboys veils the much broader extent of exploitation in the prostitution sector.

We cannot, however, provide the so-called 'hard facts', and say how many children are exploited in the Netherlands. On the basis of this research, we would not dare to venture such an estimate. The facts that came to the fore during our research, however, demonstrate that exploitation involves more than mere incidents, and takes place in such a manner and on such a scale that it can be termed structural exploitation. Following the words of the Dutch Minister of Justice Mr. Donner during the presentation of the 2004 report: 'every child is one too many', it appears justifiable to conclude that the number of underage victims reported in our research is certainly too many.

Naturally, a thorough overview of child trafficking is indispensable for tackling the problem. Although, as suggested, the picture of child trafficking offered in this report is incomplete, we think that more research (with new respondents) would reveal few new facts. In order to gain additional insights into child trafficking, the reporting of cases in an unambiguous and effective national registration system is necessary. For this, obviously, exploitation outside as well as within prostitution must be included. Only with the aid of good registration practice can changes be measured and the effectiveness of policies judged.

Although the national government made the fight against human trafficking in general, and the trafficking of children in particular, a priority, it appears from this research that in practice, the problem is not given the priority it deserves. Attention to human trafficking in general is lacking, and this problem is even greater for child trafficking. This relates to all phases in combating trafficking: prevention, recognition, protection, investigation, prosecution, relief, support, and supervision of return.

The problems associated with all of these phases have been set out in this report. Various proposals for improvement have been made, the most specific of these being directed to one or more stakeholders. The rights and interests of the child must be the starting point for all these different measures in the fight against trafficking in children.

ACKNOWLEDGEMENTS

Doing research into a phenomenon that does everything it can to stay hidden is no easy task. The exploitation of children and child trafficking fall absolutely into this category: offenders and victims do their utmost to prevent anyone from noticing that anything is going on. Even when exploitation does come to light, it is recorded inadequately due to the lack of a national registration system. All in all, not an easy starting point for a research project.

This situation came as no surprise to us. During previous research we had come across such forms of exploitation, but this time, there were two significant differences. First, in this project we had to deal with the whole range of the problem, covering both prostitution and other forms of exploitation. Moreover, we made use of all the research methods – within limits – that were available to us, allowing us to go more broadly and more deeply into the issue. We would thus like to thank all 246 people who allowed us to interview them in the context of this research. Without their information, trust and support, this research would not have been possible. They were extremely committed and untiring, even when we bothered them more than once. The research using the ‘snowball method’ created an avalanche of data that took much more time to sort out than expected. Deadlines were thus overrun many times, and the number of hours taken up by the research way exceeded original estimates. The stories that we heard were often very moving. Frequently we found ourselves asking, ‘why has no one intervened, why have we let this happen?’ In order to do something to prevent children from becoming victims, we carried out this research with determination, hoping that our modest contribution might make a difference.

We were not the only people carrying out the research, and thus we would like to thank a few more people. First of all, those people who provided continuous guidance and assistance, and who were integral to making this report possible: Theo Noten (ECPAT) and Maud Droogleever Fortuyn (Unicef). The contribution of our co-researchers was also indispensable. Each contributed their own expertise: Mirjam Blaak (Chinese children), Kordula Braat (illegal immigrants), Sharon Detrick (legislation and interviews), Arnout Esser (database), Diana de Gooijer (research Public Prosecution Service and legal authorities), Esther Kruijen (supervision of peer research), the Alexander Foundation and especially Kitty Jurrius and all the young people that took part in the peer research. We thank Krista Krufft and Emmy Janssen (Plan Nederland), Monika Smit (BNRM) and Goos Cardol (RvdK) for their valuable contributions in the end phase of the project.

Anke van den Borne and Karin Kloosterboer

Acronyms and names of institutions and organisations

Below is a list of institutions and acronyms used in the report. Some of the names of institutions have been translated. Dutch acronyms have been used, even when the name of an institution had been translated into English.

AMK	Advice and Complaints Bureau on Child Abuse
BNRM	Bureau of the Dutch National Rapporteur on Trafficking in Human Beings
COA	Central Agency for the Reception of Asylum Seekers
DCI-NL	Defence for Children International, The Netherlands
DNRI	Criminal Investigation Division of the Dutch Police
ECPAT-NL	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, The Netherlands
EU	European Union
GGD	Municipal Health Services
IEM	Trafficking in Human Beings Information Unit
IKPS	Police Information Node System
IND	Immigration and Naturalisation Service
IOM	International Organisation for Migration
KLPD	National Police Agency
KMar	Royal Military Police
NRM	Dutch National Rapporteur on Trafficking in Human Beings
OM	Public Prosecution Service
RIAGG	National Police Project on Prostitution and Trafficking in Human Beings
RvdK	Council for Child Protection
SIOD	Social Security Investigation and Detection Service
STV	Foundation against Trafficking in Women
UN	United Nations
WvSr	Dutch Criminal Code
Landelijk Expertise Centrum Mensenhandel en Mensensmokkel	National Expertise Centre on Human Trafficking and Migrant Smuggling
Bureau Jeugdzorg (BJZ)	Youth Care Office
Nidos	Legal Guardian Service for unaccompanied minor asylum seekers
Steunpunt Seksueel Geweld	Support Centre against Sexual Violence
Platform Jeugdprostitutie	Network for Organisations Working on Youth in Prostitution
Informatiepunt Jeugdprostitutie	Information Centre Youth Prostitution
Pretty Woman	Support Centre for minors in prostitution and minors at risk
Asja	Relief centre for young victims of exploitation in prostitution
MOA	Medical Care Service for unaccompanied minor asylum seekers

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SUMMARY

Introduction

On 1 January 2005, Dutch legislation on trafficking in human beings was brought into line with existing international conventions. In Article 273a of the Dutch penal code, exploitation of minors in prostitution, exploitation for other purposes, and trafficking in organs are now considered to be criminal offences. According to this article, the exploitation of a minor in prostitution and pornography is a trafficking offence. Trafficking in minors is carefully hidden, both by the exploiters and by the victims of such crimes. This makes it difficult to prevent and recognize as a problem as such, to investigate and prosecute the perpetrators, and to protect and assist the victims.

Methodology

The study investigated whether, where and how minors are being exploited; who the (potential) victims are; whether they are receiving adequate protection; and whether existing measures to combat trafficking in minors are effective.

In total, 246 people from 221 different organisations from all over the Netherlands were interviewed: employees from law enforcement, the public prosecutors office, government policymakers, immigration services, youth care agencies, health care agencies, child protection agencies, organisations working with refugees and asylum seekers, schools, NGOs and the media. They were asked whether, in the course of their work, they had encountered child victims of trafficking and exploitation, and what, according to them, were the key issues in combating this phenomenon. In addition, the registration systems of several care organisations and police regions were researched for figures on minors. The National Rapporteur on Trafficking in Human Beings provided police cases involving minors that had been investigated and prosecuted successfully in 2003. The police provided figures from the years 2003 and 2004 concerning possible child victims of trafficking. Using a peer research technique (former victims interview other (former) victims), information from (former) victims was also obtained. Using information from the interviews, a database was compiled containing data concerning minors who were victims of exploitation in the period 2003-2005. On the basis of these data, inferences can be made about the nature, but not the actual size, of the problem of (sexual) exploitation of minors in the Netherlands. The results do give a clear indication of the forms of exploitation that exist in the Netherlands, of the background of the underage victims, and of the factors which made these minors vulnerable to exploitation.

Numbers and characteristics

The database contains information on 230 child victims: 73.5% have been exploited in prostitution only, 9.1 % in prostitution as well as in other formal and informal labour sectors, and 17.4% have been exploited specifically in other sectors, such as domestic labour, the hotel and restaurant sector, the cleaning business, the drugs trade and in other criminal activities. In addition, odd jobs such as doing chores, folding and distributing leaflets, loading and unloading, and drudgery are sometimes done under exploitative circumstances. Illegal adoption is also included in the database.

The prostitution of minors predominantly occurs in the escort service and in private houses, arranged through the internet and mobile communication. About 93% are girls and 7% are boys. Approximately half of the girls are victims of a 'loverboy' scam, but the other minors have been exploited in prostitution in other ways. In prostitution most minors, about 40%, are sixteen and seventeen years old. Half of the boys are younger than sixteen years old, and 20% of the girls are under sixteen. For other forms of exploitation, minors younger than twelve years old constitute the biggest group (35%); this is due to the number of cases of illegal adoption. 20% of the minors exploited in other sectors are aged between thirteen and fifteen years old, and 20% are aged between sixteen and seventeen years old.

Dutch nationals as well as foreign minors are victims of trafficking. Victims come from 31 countries from all over the world. Of the victims of exploitation in prostitution, almost 30% are of Dutch origin, and a little more than 30% have a Moroccan, Turkish, Surinam or Antilles ethnic background. Of these, about 60% are Dutch nationals. The rest mostly come from countries in Africa and Eastern Europe. Of the victims of exploitation in other sectors, only 5% have Dutch nationality.

Unaccompanied Asylum seeking Minors, often mentioned as being extra vulnerable to exploitation, represent almost 6% of the victims of exploitation in prostitution. They have not been reported as victims of exploitation elsewhere, however. Quite a number of victims are residing illegally in the Netherlands: 13% of the victims are in prostitution and 37.5% are victims in other sectors.

Victims of exploitation in prostitution, as well as victims from exploitation in other sectors, seem to have the same vulnerabilities, such as psychological and emotional problems, low self-esteem, a history of (sexual) abuse and neglect, and problems at home.

Conclusions

To be able to protect minors from trafficking and exploitation and to prosecute the exploiters, it is necessary to identify the key problems encountered when fighting this problem. These problems concern all stakeholders involved with combating trafficking. The most important issues are summarised below.

Recognizing and Identification of victims

The recognition and identification of (potential) victims of trafficking and exploitation is currently insufficient. Relevant stakeholders, including law enforcement officials, care givers, social workers, and teacher, lack the necessary knowledge. They don't know what the indicators are, and when or where they apply. If a suspicion of trafficking arises, most of them don't know how to react or who to contact.

One of the reasons for this is that there is no clear definition of the term 'exploitation' in Dutch legislation, aside from prostitution and pornography.

Protection of and care for victims

Victims of trafficking are receiving inadequate protection and care. The reasons for this include:

- A lack of shelter and care facilities for victims of exploitation in prostitution, as well as in other sectors. For example, there is no shelter for boys, who mostly end up in shelters for the homeless.
- There is a conflict of interest between immigration policy and policies aimed at combating trafficking. The immigration police want illegal immigrants to leave the country as soon as possible, whereas the anti-trafficking unit wants to protect potential victims of trafficking and find out about trafficking mechanisms. As a result, situations occur such as immigrant girls who are victims of exploitation in prostitution being sent back to their countries of origin, without being treated as victims of trafficking.
- The B-9 regulation (consisting of a three months reflection period for the victim to decide whether to cooperate with the police; protection; and a temporary stay during the police investigation and court case in the Netherlands, with access to education, medical care, and legal support) offers little to victims who want to cooperate with police, and is rarely used. Why should a victim cooperate, when she will eventually have to return to her country of origin or a third country, without any guarantee for her personal safety or that of her family?

Combating trafficking in minors is not a priority

Although the Dutch government has declared that combating trafficking in minors is a priority, there is a lack of capacity, knowledge and cooperation within law enforcement and care organisations concerning the issue, and there is no coordination at the national level.

Most stakeholders are extremely interested in giving combating trafficking in minors the priority it deserves. But they lack the human resources, the time and the money to do so.

Recommendations

The study resulted in several recommendations to the Dutch government. Some of these are summarised below.

- The legislator must clarify which specific forms of exploitation of minors are penalized in Article 273a of the Dutch penal code, so as to enable all stakeholders to spot them and react to the problem adequately. To get a national overview of the size and nature of the problem, the police, care providers and other stakeholders must register cases completely and unambiguously. Anonymous data have to be exchangeable so as to enable the mechanisms of trafficking and exploitation to be understood.
- The provision of good information and training must lead to better preventive measures, easier recognition and identification of potential victims, and to successful investigation and prosecution of exploiters.
- There should be enough and adequate shelter facilities and specific care facilities for different groups of victims,
- Child victims of trafficking should be offered a permanent residence permit in the Netherlands.
- (International) cooperation between organisations should be significantly improved and coordinated at ministerial level.
- There should be structural support for organisations such as the National Rapporteur on Trafficking in Human Beings, The National Expertise Centre on Trafficking and

Smuggling in Human Beings and the Information Centre on Prostitution of Children and Youth to strengthen their position.

- The Dutch government states that combating trafficking in human beings and (sexual) exploitation of minors is a priority. This must be reflected in the means and human resources that are made available to law enforcement and care providers to specifically address this problem. In this way, for example, illegal forms of prostitution can be more effectively combated and adequate care for victims can be made available at the regional level.

- Only a good national action plan (covering goals, timeframe, responsible actors, and a budget) under the responsibility of the Dutch government and an integrated multi-stakeholder approach can provide minors with structural and successful protection against (sexual) exploitation.

PARTNERS

ECPAT Netherlands (ECPAT-NL)

ECPAT-NL has been campaigning against the commercial sexual exploitation of children in the Netherlands since 1995. Via lobbying, research, campaigns and education, ECPAT-NL raises awareness among the many sectors affected by child sexual exploitation, including governmental agencies, the private sector, NGOs, and the general public. ECPAT-NL is part of ECPAT International, a network of 70-plus organisations in more than 70 countries throughout the world, with its international secretariat in Bangkok. ECPAT-NL was the NGO representative in the Dutch Government's delegation to the Second World Congress Against Commercial Sexual Exploitation of Children, held in Japan in 2001. ECPAT-NL coordinates the ECPAT Europe Law Enforcement Group, and has been responsible for its Programme against Trafficking in Children for Sexual Purposes in Europe since 2002. The results of the group's research into child trafficking in sixteen European countries was published in 2004, and the programme is currently developing training material for the police, social workers, and support organisations that come into contact with potential victims of exploitation. For more information, see: www.ecpat.nl.

Defence for Children International The Netherlands (DCI-NL)

DCI-NL is an international children's rights organisation that was founded in 1979, the International Year of the Child. DCI has national sections in more than 40 countries, and an international secretariat in Geneva. DCI promotes and protects children's rights worldwide by:

- a. providing information about children's rights to children and adults;
- b. investigating and exposing rights violations;
- c. taking action against rights violations, and
- d. setting up programmes in developing countries to further the cause of children's rights.

For more information, see: www.defenceforchildren.nl.

ECPAT-NL and DCI-NL are contributors to the Dutch National Action Plan combating the Sexual Abuse of Children and are participants in the Action Plan project team.

ECPAT-NL and DCI-NL have been working in close partnership since 2003. The UN Convention on the Rights of the Child forms the basis for both organisations' work.

Unicef Netherlands

Unicef, the UN's children's rights organisation, works in 157 countries for the structural improvement of children's rights, in line with the provisions of the international Convention on the Rights of the Child. Unicef develops programmes in areas such as health, food security, education, safe drinking water, and the protection of vulnerable children. These programmes are carried out in cooperation with national and local authorities, local people and NGOs. For more information, see: www.unicef.nl.

Unicef is active in the fight against child trafficking, undertaking research, influencing policy, and running education and assistance programmes. The Florence-based Unicef research organisation, the Innocenti Research Center, is researching child trafficking in Europe (publication expected in April 2006), and has produced an analysis of European policy measures in this area. Unicef aims to develop ways to improve prevention and protect victims of exploitation. For more information, see: www.childtrafficking.org.

ECPAT International and UNICEF were joint organisers of the First and Second World Congresses Against Sexual Exploitation of Children, held in Sweden (1996) and in Japan (2001).

Plan Nederland

This report was co-financed with the support of Plan Nederland, a development organisation that works worldwide for the status and rights of children. Plan works with local organisations to improve the living environment and chances of children in the areas of education, health, nutrition and food security. Within this overall framework, HIV/Aids, livelihoods, water and hygiene are important themes.

Plan's activities are particularly aimed at children in difficult circumstances, such as street children and children who have experienced abuse or exploitation. Plan believes in the participation of children in its work, and involves them actively in the establishment, execution, monitoring and evaluation of programmes.

Plan Nederland supports programmes tackling the (sexual) abuse of children in Asia, Latin America and Africa, while recognising that child abuse also has cross-border dimensions. For this reason, Plan Nederland believes that it is important to assess the causes and effects of child abuse within a global framework. This means that the role played by countries such as the Netherlands should not be overlooked.

Questionnaire Guidelines

This questionnaire will serve as a guideline for the interview. The balance of particular questions and topics addressed will depend upon the interviewee.

The research project is concerned with both the sexual exploitation of children and other forms of exploitation and trafficking.

In Dutch law, the concept of trafficking in children is understood to mean: ‘the recruiting, transportation, harbouring, or subsequent reception of a person with an aim to exploit a person or make their organs available for remuneration, when that person has not yet reached the age of eighteen years. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory work or services, slavery, slavery-like practices or servitude’ (Article 273a of the Criminal Code).

By ‘exploitation’, we mean activities such as begging, looting parking meters, building, making clothing/sewing, tanning, mechanics/factory work (machines, cars), domestic service/servitude (diplomatic immunity of diplomats and embassy personnel), agricultural and horticultural work, trafficking in organs, tourist industry, catering (restaurants, Chinese), (forced) marriage, adoption, (tourism-) shops, street trading, stealing, drug trafficking, sport (football), etc.

Indications of trafficking and exploitation include: the child cannot, or may not, attend school; freedom (of movement) is limited; the child must work long hours and in all conditions; he/she is scared of the consequences of refusing to do what is asked of him/her; does not have free disposal of earnings; abstains from medical help; not in possession of own travel documents; threatened with or uses violence (indications of trafficking described in the Public Prosecution Service’s Directive on ‘trafficking in human beings and other forms of exploitation’).

A Introduction

1. Name of interviewee
2. Name of organisation and function
3. Has your organisation / have you encountered the topic of the trafficking and exploitation of children? If so, how?
 - direct contact with victims
 - direct contact with target group (which target group?)
 - via network
 - via interest
4. What do you understand by the trafficking and exploitation of children?

B Experience of trafficking and exploitation of children in the Netherlands

5. *Are you aware of practices in the Netherlands by which children are/were the victims of child trafficking or other forms of exploitation?*

Yes/No

If yes, describe the case(s).

- (a) Gender
- (b) Nationality
- (c) Age
- (d) Form of exploitation?
- (e) Trafficking involved?
- (f) If the case involves foreign children: how do they enter the Netherlands? (legally, illegally, tourist visa, application for asylum, temporary work permit, coerced, voluntarily)
- (g) How did the child end up in the situation?
- (h) How was the child recruited for illegal activities?
- (i) Who were the traffickers / exploiters? Was there specific use of 'loverboy' tactics?
- (j) What are the children's circumstances / how are they treated by the exploiters / where are they staying?
- (k) Has the child received help? If so, from whom? Was the help adequate?
- (l) What is the child's current situation?
- (m) Which indications are present? Have there been other violations of the child's rights?

When the case involves prostitution, also ask:

- (a) Where does the prostitution take place? (town plus location)
- (b) How do the clients locate the prostitute?
- (c) How much is charged?
- (d) Who are the clients?

C Estimation of risk

6. *Do you think that trafficking and exploitation of children occurs? Or (when someone has already cited cases) could even more trafficking / exploitation be taking place?*

- (a) Which groups of children are involved? (foreign children such as tourists; illegal children, that is, children without a valid stay-permit; immigrant children; children seeking asylum, including unaccompanied minor asylum seekers; refugee children)
- (b) In what ways are they exploited, and does trafficking occur?
- (c) Are boys or girls involved?
- (d) What is their nationality?
- (e) Age?
- (f) How does the child end up the situation?

- (g) Who are the exploiters / traffickers?
- (h) If the cases involve foreign children, how do they enter the Netherlands? (legally, illegally, tourist visa, application for asylum, temporary work permit, coerced, voluntarily)
- (i) What are the children's circumstances / how are they treated by the exploiters / where are they staying?
- (j) Which indications are present? Have there been other violations of the child's rights?

When the cases concern prostitution, also ask:

- (k) Where does the prostitution take place? (town plus location)
- (l) How do the clients locate the prostitute?
- (m) How much is charged?
- (n) Who are the clients?

7. Where did you come across this information?

Suspicious

Hear-say (from whom?)

Read it

From children themselves

D Legislation

In 2000, the Netherlands signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, part of the UN Convention against Transnational Organised Crime (the so-called 'Palermo Protocol'). The definition of the offence of trafficking in human beings is expanded in the Protocol to include trafficking for purposes of exploitation other than sexual exploitation. The Dutch Government is bound to reflect this provision in national legislation, including criminalising trafficking in people (and, by extension, children) for purposes other than sexual exploitation. It is expected that the relevant legislation will be adapted shortly. The new legislation will also comply with the provisions of the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children.

According to Dutch law, trafficking in children means: 'the recruiting, transportation, harbouring, or subsequent reception of a person with an aim to exploit a person or make their organs available for remuneration, when that person has not yet reached the age of eighteen years. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory work or services, slavery, slavery-like practices or servitude' (Article 273a, Criminal Code).

8. Are you acquainted with the new legislation on human trafficking? If so, what do you think the consequences of the new legislation will be?

9. Do you think that the current legislation is adequate and applied well in practice?

- (a) What are the problem areas?
- (b) What changes should be made?

E Investigation and prosecution

10. *Which parties are involved with investigation and prosecution? Who is responsible for what?*
11. *How have investigation and prosecution gone in practice?*
12. *Have you knowledge of cases involving the investigation and prosecution of trafficking in people? If so, which forms of trafficking and exploitation occurred, who was involved (offenders and police), what was the sentence, what was the eventual punishment?*
13. *What are the problem areas in relation to investigation and prosecution?*
14. *How can criminal prosecution be improved?*

F Policy measures / Care and protection of children

15. *Are you aware of specific policy measures that have been taken in the Netherlands to protect children from trafficking and exploitation (by the government or by other actors)? Which measures, taken by whom?*
 - (a) Are you acquainted with prevention, relief and repatriation programmes in the Netherlands?
 - (b) If so, which ones, and what experience do you have of them?
 - (c) Do you think that these measures are adequate?
 - (d) What are three key needs with respect to prevention, rehabilitation and repatriation? What has to be done in order to realise these?
16. *In your opinion, which parties are responsible for protecting children from these sorts of practices? For example, school, support organisations, the government, local authorities? How do these responsibilities play out?*
17. *Which difficulties do you encounter in working with this group and protecting children from trafficking and exploitation?*
18. *Have you further suggestions for additional measures that should be taken?*
19. *Which key areas must protection / victim support adequately address? For example, housing, residence permit, B-9 rule, return, supervision, etc.*
20. *Where are the problem areas in Dutch asylum policy? Which changes should be made to current asylum policy in order to protect children from trafficking and exploitation?*

Other

21. *Are you aware of research on this topic?*
22. *Are there children in the Netherlands who have possibly been adopted in the absence of legally valid permission from the natural parents? (Protocol to UN Convention on the Rights of the Child).*