

NETHERLANDS (Tier 1)

The Netherlands is primarily a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, though, to a lesser extent, it is a transit country for such trafficking. Women from the Netherlands, Nigeria, Romania, Hungary, Bulgaria, and Guinea are the top six countries of origin for victims of sex trafficking in the country. Approximately 138 victims identified last year were male; these men and boys were subjected to forced prostitution and various forms of forced labor, including in: agriculture, horticulture, construction, food processing, catering, cleaning, and the drug trade. These male victims were primarily from Romania, China, Ghana, Indonesia, and Nigeria. Groups vulnerable to trafficking include single underage asylum seekers, women with dependent residence status obtained through fraudulent or forced marriages, women recruited in Africa, and East Asian women in massage parlors. Criminal networks are often involved in forced prostitution and forced labor involving foreigners, while those involved in forced prostitution of Dutch residents work independently, often recruit through the Internet, and exploit one to two victims at a time.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The Dutch national anti-trafficking rapporteur and police continued to take a self-critical approach to addressing human trafficking, further enhancing Dutch anti-trafficking efforts. Officials demonstrated particular progress in the difficult task of identifying victims. The government also forged partnerships with other countries to enhance global anti-trafficking efforts.

Recommendations for the Netherlands: Vigorously investigate, prosecute, convict, and punish labor trafficking offenders; continue efforts to ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; enhance overall awareness of trafficking crimes among judges; continue to closely monitor, scrutinize, and advance the government's response to human trafficking; and continue to share best practices with other countries, in particular on victim identification and assistance, protection of unaccompanied foreign minors, and establishment of rapporteurs, to enhance global anti-trafficking efforts.

Prosecution

The government demonstrated progress in convicting sex trafficking offenses, though prosecutions of labor trafficking offenses remained low. The Netherlands prohibits all forms of trafficking through Criminal Code Article 273. In July 2009, at the initiative of the Justice Minister, the government toughened the maximum sentences for trafficking in persons from 15 years' to 18 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. The 2009 national rapporteur's report stated that the law does not precisely define where poor employment conditions end and labor trafficking begins. In 2009, eleven regional human trafficking prosecutors were appointed to handle complicated human trafficking cases. Police completed and referred for prosecution 215 human trafficking investigations in 2008, the last year for which trafficking statistics were available, compared with 281 in 2007. In 2008, verdicts were handed down in 116 cases, of which 79 were convictions, compared with 73 convictions in 2007. There were 33 acquittals, and 4 dismissals in 2008, compared with 14 acquittals and 2 dismissals in 2007. According to the national rapporteur, since 2006, when the definition of trafficking was expanded to include labor exploitation, the government has prosecuted 12 labor trafficking cases, resulting in convictions of two trafficking offenders in 2007, and one in 2008 and 2009. The average sentence for convicted sex trafficking offenders was approximately 21 months, the same average for sentences imposed in 2007. The highest sentence for labor trafficking – a four-year prison term – was handed down in 2009. During the year, the Justice Minister tightened the rules for granting parole to convicted criminals after two convicted trafficking offenders escaped during temporary parole. There were no reports of trafficking-related official complicity during the reporting period. In 2009, the government-funded Judiciary Study Center began to offer special anti-trafficking courses to public prosecutors as well as judges. The Dutch government forged anti-trafficking partnerships with other governments by providing trafficking-specific technical expertise on investigating and prosecuting trafficking cases, specifically collaborating with the Netherlands Antilles, Aruba, Nigeria, Bulgaria, Romania, and Hungary.

Protection

The Netherlands made clear progress in ensuring the protection of trafficking victims during the reporting period, specifically by identifying and assisting an increased number of victims. The government continued to provide training to help law enforcement officials, labor inspectors, immigration officers, and other authorities identify and assist trafficking victims, and in 2009, the government registered 909 victims, an increase from 826 victims in 2008. Local governments were responsible for regulating and inspecting legalized prostitution venues, on average six times per year; the national police monitored performance of this requirement.

The Netherlands has an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provided victims with legal, financial, and psychological assistance, shelter (in facilities that also serve victims of other crimes), medical care, social security benefits, and education financing. In addition, the Dutch national victim registration center gave workshops in the Netherlands Antilles and

Curacao on setting up referral mechanisms for trafficking victims. Dutch authorities provided temporary residence permits to allow foreign trafficking victims to stay in the Netherlands during a three-month reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement, and separately, during the investigation and prosecution of their traffickers. The government provided permanent residence status to some victims, based on particular conditions. Since January 2008, the government has provided single underage asylum seekers with intensive counseling in secure shelters that protect them from traffickers; since then, the Justice Ministry has reported that fewer have disappeared from state care. The government encouraged victims to assist in the investigation and prosecution of traffickers. Nevertheless, victims were often reluctant to assist law enforcement personnel, due to fear of reprisals from traffickers. There were no reports that victims were punished for unlawful acts committed as a direct result of being trafficked. To facilitate safe and voluntary repatriation, the Ministry of Foreign Affairs has developed a system to evaluate victims' safety in five countries of return. The Ministry considers the country's legal framework, women's social and economic situation, availability of shelter and social reintegration programs, and the risk of reprisals, among other criteria.

Prevention

The government made progress in trafficking prevention during the reporting period. The Justice Ministry continued to fund a multimedia awareness campaign about trafficking targeted at people in, and clients, of prostitution, as well as residents, shopkeepers, and taxi-drivers in areas where prostitution occurs. An NGO that received government funding organized an open-air exposition in The Hague with pictures and stories of 20 trafficking victims. The government-funded, autonomous, national rapporteur on trafficking monitored the government's anti-trafficking efforts and, during the reporting period, published its seventh report. The government continued implementation of its national anti-trafficking action plan and maintained an inter-ministerial national task force, chaired by the chief public prosecutor of Amsterdam, to coordinate governmental anti-trafficking efforts. During the year, the Justice Minister launched a child sex tourism awareness campaign that informs Dutch tourists that child sex abuse is a punishable offense, and that they can report suspect situations to a special website. The government provided over \$2.7 million for anti-trafficking and anti-child sex tourism programs in many countries in various regions throughout the world during the reporting period. The Dutch military provided training to all military personnel on the prevention of trafficking and additional training on recognizing trafficking victims for Dutch troops being deployed abroad for duty as international peacekeepers.