



Fact sheet for the Human Trafficking Offenders Monitoring Report 2013-2017

Human trafficking is a violation of human dignity and integrity and breaches personal freedom. Yet despite this, the exploitation of children and adults is a daily reality. In the Netherlands, there are an estimated 5,000 to 7,500 victims every year. A considerable number of offenders is responsible for this. Only a small number of them are processed in the criminal justice system.

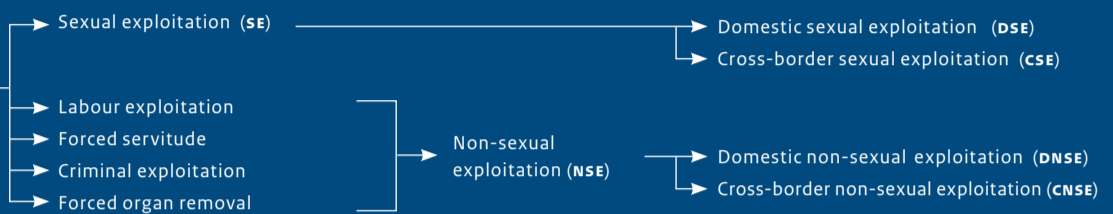
The Human Trafficking Offenders Monitoring Report 2013-2017 shows the number of offenders during the various phases from the moment the offence takes place. The following phases are distinguished:

- Prevalence
- Identification
- Investigation
- Summons
- Conviction
- Re-socialisation
- Recidivism

The numbers in the left-hand section of the figure below represent the average annual number of offenders in each phase of the criminal justice system about which information is available. The right-hand section of the figure shows the types of human trafficking in which these offenders were involved.

THE RESEARCH

TYPES OF HUMAN TRAFFICKING



COMMENTS REGARDING THE RESEARCH

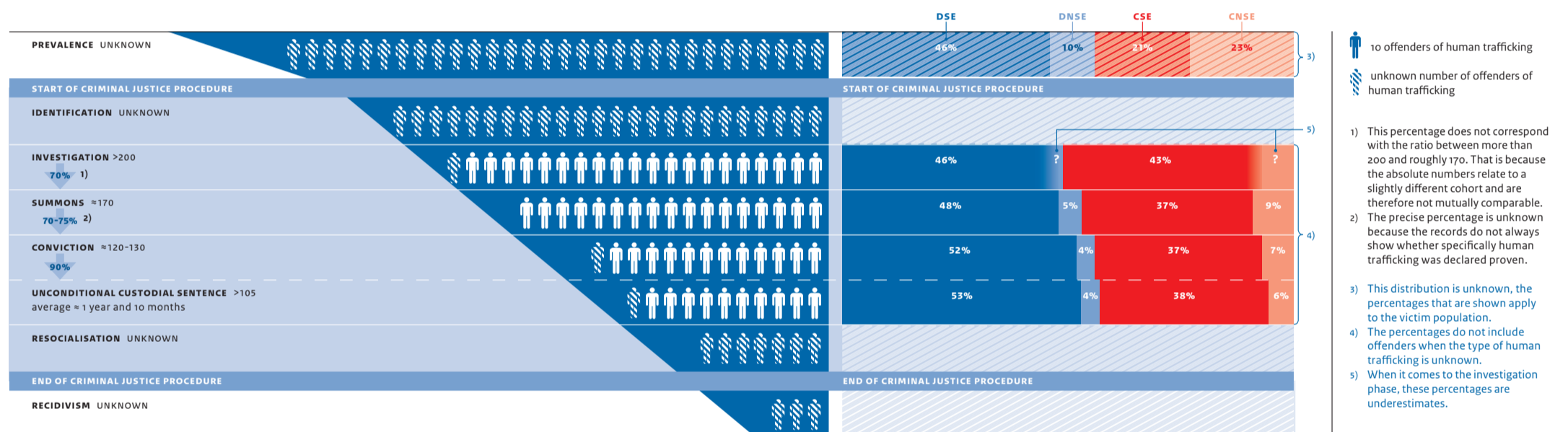
There is no information available on the number of offenders involved in human trafficking in the Netherlands every year, i.e., the prevalence of offending.

The same applies for the first phase of the criminal justice system: identification. It is not possible to determine from the records of the investigative agencies (the police, the Inspectorate SZW and the Royal Netherlands Marechaussee)

which indications lead to an investigation into human trafficking, and which indications do not. Furthermore, this monitor does not include any data on offenders who, after conviction, return to society under the supervision of

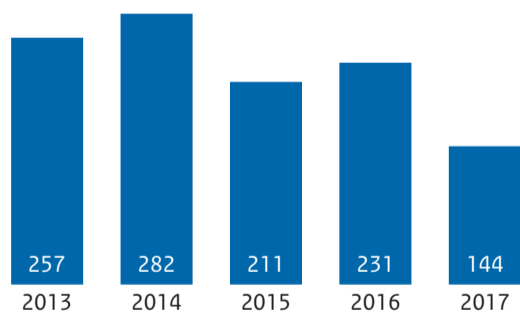
the probation service (resocialisation). Finally, there is also no information available on convicted offenders who relapse into crime – and human trafficking in particular (recidivism).

THE FINDINGS



INVESTIGATION

During the period 2013-2017, the police, the Royal Netherlands Marechaussee, and the Inspectorate SZW (which only investigates labour exploitation) launched on average 200 investigations into human trafficking each year. These investigations resulted in an average of just over 200 suspects registered at the Public Prosecution Service each year. That number has declined significantly in the last few years.



SUMMONS

After the preliminary investigation, the case file is sent to the Public Prosecution Service. For each suspect, the Public Prosecution Service decides whether the case will be brought to court (by issuing a summons). On average, the Public Prosecution Service issues a summons in almost 70% of cases. The other cases are usually dismissed due to lack of sufficient evidence.

CONVICTION

When a summons has been issued, the court decides on the basis of the evidence whether the suspect is guilty of human trafficking. Between 70% and 75% of the suspects who receive a summons are convicted of human trafficking. Of those convicted, 90% receive an unconditional custodial sentence, with an average length of 1 year and 10 months. The sentences vary greatly. Many different factors influence the sentence (for example, the year in which the judgment is rendered, whether the victim is a minor, and the type of human trafficking). It is

unclear how exactly these factors influence the sentence (and each other). Consequently, it is impossible to determine the extent to which similar sentences are imposed in comparable human trafficking cases, and what factors play a role in the sentence.

DOMESTIC SEXUAL EXPLOITATION (DSE)

Offenders of domestic sexual exploitation constitute the largest group of offenders in the criminal justice system (almost half of the total). More than a third of the offenders in this category are aged 22 or younger. It is worrying that such a large number of young offenders are involved in a crime as serious as human trafficking. Offenders of domestic sexual exploitation are summonsed, convicted and punished with an unconditional custodial sentence only slightly more often than offenders of other types of human trafficking.

DOMESTIC NON-SEXUAL EXPLOITATION (DNSE)

Only one in twenty offenders who are tried and convicted

of human trafficking are involved in domestic non-sexual exploitation. That so few victims and offenders of domestic non-sexual exploitation are identified might suggest that this is a blind spot for the institutions involved. This would be highly undesirable, since it would mean that this group of victims do not receive adequate protection in the Netherlands and that offenders can act with impunity.

CROSS-BORDER NON-SEXUAL EXPLOITATION (CNSE)

Few cases of exploitation outside the sex industry are investigated. Moreover, fewer cases go through the criminal justice system compared to other types of human trafficking cases. As a result, only approximately fifteen cross border non-sexual exploitation cases are brought to court every year. It appears that the investigative agencies have greater difficulty gathering sufficient evidence in these cases, the Public Prosecution Service is (partly for that reason) less inclined to issue a summons, and the courts find fewer cases proven and impose unconditional custodial sentences less often.

THE RECOMMENDATIONS

1. Investigate how many offenders commit each of the four types of human trafficking

Insight into the prevalence of offending is important for determining whether measures intended to combat human trafficking are effective. At present, there is a severe lack of insight. The National Rapporteur therefore recommends that the Minister for Migration commissions a study to determine the most effective method of measuring the prevalence of the various types of human trafficking and then use that method to produce a reliable estimate.

2. Investigate how many offenders of human trafficking become repeat offenders

Preventing offenders from re-offending is an important priority in efforts to combat human trafficking, but at present the frequency of recidivism is unknown. The National Rapporteur recommends that the Minister for Migration commissions a study into the recidivism of offenders of the various types of human trafficking.

3. Provide insight into the entire reactive, offender-focused approach to human trafficking

In light of the decline in the number of registered offenders (and victims), it is essential to intensify efforts to combat human trafficking. Since a lot of information on the offender-targeted approach – and the intended intensification – is not registered, it is impossible to properly measure its impact. More information should not only be collected on the four types of human trafficking within the criminal justice system, but also on the identification phase, financial investigations and the administrative approach to human trafficking. The National Rapporteur therefore recommends that the Minister for Migration facilitates the monitoring of the entire criminal justice approach, as well as the administrative approach to human trafficking.

4. Improve and expand the efforts to investigate and prosecute non-sexual exploitation

There is a wide variety of cases of non-sexual exploitation. These include labour exploitation, criminal exploitation and forced organ removal. In practice, combating exploitation outside the sex industry is regarded as complex, resulting in a situation where these types of cases are seldom brought before a court. The National Rapporteur therefore recommends that the Public Prosecution Service (as the party responsible for the investigation) takes up a larger number and a greater variety of cases of non-sexual exploitation, in order to increase knowledge about the phenomenon and to harmonise judicial law-making.

5. Investigate which factors lead to a particular sentence in human trafficking cases

There is a need for more clarity regarding the sentences imposed in human trafficking cases, which lack uniformity. This calls for a clear understanding of the factors that a court takes into consideration (consciously or unconsciously) when determining a sentence. This knowledge could be of help in coming to befitting and consistent sentences. The National Rapporteur recommends that the Minister for Migration orders an in-depth analysis to ascertain the effect of the factors that influence sentencing in human trafficking cases.