

FEMM mission to The Hague, Netherlands

23 - 25 May 2022

Trafficking in human beings is among the most serious crimes that exist and it is strongly connected with sexual violence and prostitution. People being treated as second-rate citizens, exploited, forced to do things they would never do voluntarily, or to offer services they do not wish to offer – such things are incompatible with the rule of law. The policies pursued by the Dutch government have consolidated the fight against such crimes. The coalition agreement contained a commitment to further intensify the fight against human trafficking, as envisaged in the interdepartmental programme entitled [Combating Human Trafficking](#).



The Netherlands

The Netherlands, informally Holland, is a country located in Northwestern Europe with overseas territories in the Caribbean. It is the largest of four constituent countries of the Kingdom of the Netherlands (the others being Aruba, Curaçao and Sint Maarten). In Europe, the Netherlands consists of twelve provinces, and borders Germany to the east, Belgium to the south, with a North Sea coast-line to the north and west. It also shares maritime borders with both countries and with the United Kingdom in the North Sea. The country's official language is Dutch, with West Frisian as a secondary official language in the province of Friesland. The four largest cities in the Netherlands are Amsterdam, Rotterdam, The Hague and Utrecht; with a population of 17.6 million people the Netherlands are the second-most densely populated country in the European Union. The Netherlands has been a parliamentary constitutional monarchy with a unitary structure since 1848. The country has a tradition of pillarisation and a long record of social tolerance, having legalised abortion, prostitution and human euthanasia, along with maintaining a liberal drug policy. In the last years, the country has been affected by the serious issue of human trafficking, and the Dutch government has undertaken several measures to alleviate this problem.



The Hague

The Hague is a city and municipality on the western coast of the Netherlands on the North Sea. It is the administrative and royal capital of the Netherlands and its seat of government, as well as the capital of the province of South Holland. It hosts the International Court of Justice and International Criminal Court. With a population of over half a million, it is the third-largest city in the Netherlands, after Amsterdam and Rotterdam. The Hague is the seat of the Government, the States General, the Supreme Court and the Council of State of the Netherlands. However, the city is not the constitutional capital, which is Amsterdam. The city is known as the home of international law and arbitration since the International Court of Justice, the main judicial arm of the United Nations, is located in the city, as are the International Criminal Court, the Permanent Court of Arbitration, the Organisation for the Prohibition of Chemical Weapons, Europol, and approximately 200 other international governmental organisations.

Human trafficking in the Netherlands: a major issue

The Netherlands is predominantly a country of destination of victims of trafficking in human beings, but also to an increasing extent a country of origin as well as a country of transit. Human trafficking includes recruiting, transporting or receiving and housing human beings through the use of force, for the purpose of exploiting them. A direct consequence of the trafficking in human beings is prostitution and sexual violence and exploitation, which happen when a person is forced to have sex in return for money, clothes or food, which must be turned over to the exploiter.

The recently published [Human Trafficking Victims Monitor 2015-2019](#) (Slachtoffermonitor Mensenhandel 2015-2019) of the Rapporteur (2020) shows a sharp increase in the number of victims of human trafficking between 2015 and 2019 as the Coordination Centre against Human Trafficking (CoMensha) received reports on a total of 5,060 victims. Following the decrease in the number of reports in 2018, they almost doubled in number in 2019, from 668 victims in 2018 to 1,334 in 2019. One of the explanations for this rise is the massive increase in the number of African victims: in fact, roughly 18.3% of the victims were Dutch citizens.

The majority of the foreign victims originated from EU countries (Romania, Bulgaria and Poland), followed by victims originating from countries in Africa (Nigeria, Uganda and Guinea). Approximately 51.5% of the victims were female, 48.2% of the victims were male. The gender of the remaining 0.3% of the registered victims was unknown. On average, almost one third of the registered victims is under the age of 23 years (30.4%). About 54% of the presumed victims were trafficked for the purpose of sexual exploitation; 30.6% were subjected to other forms of exploitation, outside of the sex industry. A considerable part of the number of possible victims in the Netherlands remains out of the sight of the authorities involved. This Dutch Cabinet therefore has the ambition to further intensify the approach to stop human trafficking.

To better understand which groups of people are particularly at risk and why, [La Strada International](#) in partnership with Freedom Fund undertook a rapid assessment of the current gaps in the counter-trafficking response. La Strada's research, conducted over the past two months, found that unaccompanied children, undocumented people and those who might not have access to the temporary protection offered in EU countries face the greatest danger. And the dangers will grow as the war continues, with more people becoming displaced within Ukraine, making access to services and livelihoods increasingly precarious, while millions of refugees will need to settle for longer periods in other European countries and start accessing the labour market.

Sex industry as a cluster for human trafficking

Since legalising prostitution in 2000, the Netherlands has been increasingly vigilant in combating human trafficking and other forms of criminal activity. Human trafficking in the Netherlands is a problem which affects particularly women and girls, who are forced to work in the sex industry.

There is a systemic problem of human trafficking in the sex industry which is consistently raised by NGOs and this concerns the explosion of a phenomenon that some sociologists call "filmed prostitution". Filmed prostitution occurs with the complacency of certain banks who knowingly offer online services for payments to this form of trafficking and earn a percentage on these transactions.

National government

The national government has bolstered its approach to human trafficking taking a comprehensive and cooperative approach to combating it enlisting all parties that can help and it also offers support to victims. Combatting human trafficking is a priority of the government of the Netherlands. In 2018, the Dutch government published its [National Action Plan](#) for an integrated approach to human trafficking. It contains five lines of actions:

- Further development of the basic approach to combating trafficking in human beings
- Further development of the approach to combating labour exploitation
- The prevention of victimhood and perpetrator
- Strengthening the municipal approach to combating trafficking in human beings
- Sharing knowledge and information

All relevant ministries are committed to the new National Action Plan, which was to the House of Representatives on 13 November 2018. Each year, the government shares a Progress report on the Combating Human Trafficking programme. The latest progress report (2020) comes with an [associated programme results](#) table. In the government policy framework, The [Article 273F](#) of the Dutch Criminal Code represents a relevant turning point for the national legislation.

As anticipated, the policies pursued by the Dutch government have consolidated the fight against human trafficking. The coalition agreement contained a commitment to further intensify the fight against human trafficking, as envisaged in the interdepartmental programme entitled [Combating Human Trafficking](#). The programme encompasses a number of clear ambitions, such as preventing people from falling victim to human trafficking, identifying actual and potential victims quickly and effectively, providing the support they need, hindering the perpetrators as much as possible.

Judiciary

According to the [2021 Trafficking in Persons Report: Netherlands](#), the government maintained mixed law enforcement efforts. Article 273f of the criminal code criminalised sex trafficking and labor trafficking and prescribed punishments of up to 12 years' imprisonment or a fine of up to €87,000 for trafficking offenses involving an adult victim and up to 15 years' imprisonment or a fine of up to €87,000 for offenses in which the victim was a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Regional police units maintain specialised teams with trained anti-trafficking detectives and experts, and the national police has dedicated anti-trafficking officers. Specialised anti-trafficking prosecutors and judges try and hear cases.

European Commission

In 2021, the European Commission presented a new [EU Strategy on Combatting Trafficking in Human Beings \(2021-2025\)](#), focusing on preventing the crime, bringing traffickers to justice and protecting and empowering victims. Between 2017 and 2018, there were more than 14,000 registered victims within the European Union. This initiative provides for a comprehensive response to the crime – from preventing the crime, and protecting and empowering victims to bringing traffickers to justice. As trafficking in human beings is often carried out by organised crime groups, the Strategy on Combatting Trafficking in Human Beings is closely linked to the [EU Strategy to Tackle Organised Crime \(2021-2025\)](#). The strategy builds on EU's legal and policy framework to address trafficking in human beings, rooted in the [Anti-trafficking Directive](#).¹ The Strategy focuses on:

- reducing demand that fosters trafficking
- breaking the business model of traffickers through effective operational means against the criminal business model, tackling the culture of impunity by building capacity for a robust criminal justice response, as well as the digital business model of traffickers
- protecting, supporting and empowering the victims with a specific focus on women and children
- promoting international cooperation

To protect people fleeing the war in Ukraine, the EU Solidarity Platform presented a tailor-made [Common Anti-Trafficking Plan](#) to address the risks of trafficking in human beings and support potential victims. The EU Anti-Trafficking Coordinator, Diane Schmitt, developed the plan together with EU agencies and countries.

Temporary Protection Directive (TPD)

Temporary protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. The 2001 [Temporary Protection Directive](#) provides a tool for the EU to address such situations. It defines the decision-making procedure needed to trigger, extend or end temporary protection and lists the rights for beneficiaries of temporary protection.

The Temporary Protection Directive, which was adopted following the conflicts in former Yugoslavia, was triggered for the first time by the Council in response to the unprecedented Russian invasion of Ukraine on 24 February 2022 to offer quick and effective assistance to people fleeing the war in Ukraine. Since that date, Russia's military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine unable to return to their homes. Due to the scale of estimated arrivals, the European Commission identified a clear risk that the asylum systems of EU countries would be unable to process applications within the deadlines set. This would negatively affect the efficiency of national asylum processes and adversely affect the rights of people applying for international protection.

To better explain and clarify the provisions of the Directive and the Council implementing decision in the context of granting temporary protection to people fleeing the war in Ukraine, on 21 March 2022 the Commission issued [Operational guidelines](#). These guidelines are not a legally binding document and their purpose is to help the EU Member States in implementing the Directive and the Council implementing Decision.

¹ A policy timeline for the Anti-Trafficking Directive can be found here: https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/legal-and-policy-framework_en

As part of the Pact on migration and asylum, on 23 September 2020, the Commission issued a Proposal for a [Regulation addressing situations of crisis and force majeure in the field of migration and asylum](#) which foresees a new European architecture to address such situations and an updated tool for managing the situations of displaced persons from third countries who are facing a high degree of risk of being subject to indiscriminate violence, in exceptional situations of armed conflicts.

European Parliament

The FEMM and LIBE Committees have drafted a joint [report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#), which reports that many victims and traffickers remain undetected and are not included in the official statistics. Therefore much of the statistical data and reports are incomplete and do not reflect the situation adequately. Member States should intensify efforts to address trafficking in human beings in the context of migration, focusing on new patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation. More effort is needed to counter impunity by bringing to justice those who exploit and abuse the victims including those who knowingly use the victims' services.

A more coordinated approach in transnational aspects of identifying the crime perpetrators by following the flows of profits is needed. Almost all country reports emphasise that inadequate funding has been a major obstacle for efforts to protect and assist victims of trafficking.

In the report, which was adopted with 571 votes in favour, 61 against and 59 abstentions, Parliament assesses the 2011 EU Anti-trafficking Directive and calls for more robust measures against all forms of trafficking, focusing on protecting women, children and migrants. MEPs regret the absence of comparable and detailed data on the scale of trafficking across the EU, and demand that cooperation among Member States to fight what are often transnational crimes, be reinforced. Sexual exploitation remains the most prevalent and reported purpose for which people are trafficked in the EU, predominantly affecting women and girls, and perpetrated mostly by men. Asylum seekers, refugees and migrants, especially women and unaccompanied minors, are particularly vulnerable to trafficking, MEPs warn. Also, the special needs of victims such LGBTI people, persons with disabilities and people from racialised groups including Roma are often overlooked, Parliament criticises.

The internet, social media and new technologies are used to attract and trap potential victims of trafficking, including children. MEPs therefore call on the Commission and member states to address the use of online technologies in both the proliferation and the prevention of trafficking.

European Agencies

Several European Union agencies active in the field of justice and home affairs have been working together to combating human trafficking and sexual exploitation.

European Institute for Gender Equality (EIGE)

Following the Communication from the Commission to the European Parliament and the Council 'Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions' (European Commission, 2017b), the [European Institute for Gender Equality](#) (EIGE) published the [Gender-specific measures in anti-trafficking actions report](#), in cooperation with the European Commission.

Anti-trafficking efforts are more effective when they tackle factors that perpetuate discrimination and violence against women in society.

ELGE's analysis concludes that the European Union's legal and policy framework is not only gender-specific but attaches centrality to promoting gender responsive measures that implement legal or policy requirements. The Anti-Trafficking Directive, complemented by the Victims' Rights Directive, can provide a viable system for identification, support, assistance and protection of women and girls trafficked for sexual exploitation. However, there is a need to attribute concrete meaning to the gender-specific aspects of its implementation.

In the future, an intersectional analysis of the directives would be helpful to further inform on how the approach to women victims of trafficking in human beings can be more comprehensive and address specific needs created by different experiences of vulnerabilities

European Union Agency for Fundamental Rights (FRA)

FRA supports EU Member States respect the fundamental rights of all trafficked victims, including children. Based on information collected, it offers advice on how to improve the condition of victims. It also assesses and provides guidance on the early identification of trafficked victims at the EU borders. This includes training on victims' rights.

Border controls and fundamental rights at external land borders with practical tips for bordermanagement staff on identifying and referring vulnerable people including victims of human trafficking.

The recently appointed EU Anti-Trafficking Coordinator, Diane Schmitt, visited FRA on 27 January 2022. FRA and the Coordinator identified areas of cooperation to support the implementation of the EU's strategy on combatting human trafficking. The Agency offered its continuous support to strengthen the evidence base. This includes providing data and guidance in identifying and assisting victims of trafficking, sexual exploitation and severe labour exploitation.

Europol

Human trafficking is one of the EU's priorities in the fight against serious and organised crime as part of EMPACT (European Multidisciplinary Platform Against Criminal Threats) 2022 - 2025. Human trafficking is a major problem in the EU and a priority for Europol and law enforcement agencies in EU Member States. Indeed, it is one of the EMPACT priorities, Europol's priority crime areas, under the 2018–2021 EU Policy Cycle.

Europol's strategic and operational support focuses on organised criminal gangs engaged in human trafficking in at least two EU Member States. In 2007, Europol launched an operationally focussed project addressing human trafficking. Twenty-five countries are now participating. In 2014, law enforcement in these countries made 3 820 contributions to Europol's dedicated team on human trafficking, an increase of 65 % on the previous year.

United Nations (IOM)

The International Organisation for Migration (IOM) and the Ministry of Foreign Affairs of the Netherlands launched the [Cooperation on Migration and Partnerships for Sustainable Solutions initiative \(COMPASS\)](#) at the beginning of 2021. COMPASS is a global initiative, in partnership with 12 countries, designed to protect people on the move, combat human trafficking and smuggling, and support dignified return while promoting sustainable reintegration. The initiative is centred on a whole-of-society approach which, in

addition to assisting individuals, will work across all levels – households, communities, and the wider communities. According to Mariët Schuurman, Director for Stability and Humanitarian Aid of the Ministry of Foreign Affairs of the Netherlands, “The programme is a part of the Dutch comprehensive approach to migration with activities that contribute to protection and decreasing irregular migration. Research and data gathering are also important components, and we hope that the insights that will be gained under COMPASS will contribute to broader knowledge sharing on migration and better-informed migration policies.”

Experts' opinions

NGOs

The [Netherlands Red Cross](#) is one of the 192 National Societies of the International Red Cross and Red Crescent Movement, the world's largest humanitarian network. The Red Cross endeavours to prevent and alleviate human suffering wherever it may be found. For the EU Day against Human Trafficking on 18 October, Marieke van den Berg from the Netherlands Red Cross spoke at a European Parliament hearing organised by the Salvation Army EU Affairs Office and the Greens/European Free Alliance (Greens/EFA) political group. The event addressed prevention of human trafficking, and the protection and reintegration of survivors. In the Netherlands, the Red Cross partners with key actors in the asylum system to mainstream human trafficking messages into the information that asylum seekers already receive about, for example, the labour market and safety.

Over the past two years, [The Salvation Army](#) (TSA) in Europe has implemented the Safe Havens project to strengthen transnational co-operation, with the aim of providing 'safe havens' for (potential) victims of trafficking. This project has been co-funded by the Asylum, Migration and Integration Fund (AMIF) of the European Union. The Salvation Army (TSA) is deeply committed to establishing 'safe havens' for victims of trafficking, where their lives can be restored and where they can receive the support they need for rebuilding their lives. The main objective of the Safe Havens project has been to (re)integrate particularly vulnerable victims in the local community by making optimal use of the existing infrastructure of TSA's Europe anti-human trafficking (AHT) network.

The [Dutch Women's Council](#) (Nederlandse Vrouwen Raad (NVR)) was founded in 1898 as an umbrella organisation to unite women's groups across the country in their struggles for economic, legal, political, and social rights. Initially their focus was not political, but expanded to encompass women's suffrage. After more than one hundred years of operation, the council continues to strive for women's equality.

The [Dutch Council for Refugees](#) seeks to protect and defend the rights of refugees and asylum seekers in the Netherlands. Refugees have the right to a fair asylum procedure, access to adequate housing, education, health care and work. The Dutch Council for Refugees is an independent, non-governmental organisation that defends those rights. The Dutch Council for Refugees is a member of the European Council on Refugees and Exiles (ECRE). With more than 100 member organisations in 40 countries, ECRE is a pan-European alliance of NGO's protecting and advancing the rights of refugees, asylum seekers and displaced persons. Through its office in Brussels, ECRE promotes fair and humane European asylum policies and practice.

[Amnesty International](#) is an international non-governmental organisation focused on human rights, with its headquarters in the United Kingdom. The organisation says it has more than ten million members and supporters around the world. The mission of the organisation is to campaign for a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. According to a 2020 [report](#), victims/survivors of trafficking have a right to healthcare, including sexual and reproductive healthcare, and access to contraception (including emergency contraception) and safe abortion, which is hindered by prohibition and denial of access to

abortion and/or refusals of care on grounds of private beliefs of providers. As such, Amnesty International recommends ensuring that victims of trafficking can access comprehensive sexual and reproductive healthcare, including safe abortion.

[CoMensha](#) is the national Coordination Centre against Human Trafficking which also identifies the nature and extent of human trafficking. The Centre is committed to the interests and rights of victims and possible victims of human trafficking in the Netherlands in all its guises, including sexual exploitation, general labour exploitation, criminal exploitation, forced begging and forced organ removal. CoMensha offers insight into human trafficking. It is the national, independent expertise and coordination centre that defends the rights and interests of victims of human trafficking in the Netherlands. CoMensha works closely with the National Police, the Royal Dutch Marechaussee, the Inspectorate of the Ministry of Social Affairs and Employment (ISZW), the National Rapporteur on Human Trafficking and Sexual Violence against Children, various ministries and municipalities, reception centres, care institutions, the legal profession, and various other national and international NGOs, among others.

Shelters

[SHOP](#) is a knowledge and expertise centre on sex work and human trafficking, which provides information, advice, psychosocial and practical help and offer care. SHOP was founded in 1985 is located in The Hague and offers service and assistance to (former) sex workers, victims of human trafficking and other parties involved, regardless of age, nationality, sex or religion.

[FIER](#) provides assistance to children, young people and adults who are, or have been, confronted by violence such as domestic violence, sexual violence or honour violence. FIER headquarter is located in Leeuwarden and it was founded in 1978. It offers counselling and treatment and, if necessary, a safe haven. It also helps people who have gone through an experience which has left them traumatised.

[ZPOS](#) (Foundation Without Pardon on the Street) was founded on 28 March 2013 and is committed to victims of trafficking in women (forced prostitution). ZPOS's target groups are girls and women who have become victims of forced prostitution (regardless of age, regardless of nationality, with or without a document) and it is active in The Hague region.

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