

# TRAFFICKING IN HUMAN BEINGS

## Supplementary figures

### Sixth report of the Dutch National Rapporteur

C.E. Dettmeijer-Vermeulen (*Dutch National Rapporteur on Trafficking in Human Beings*)

M. Boot-Matthijssen

E.M.H. van Dijk

H. de Jonge van Ellemeet

M. Smit

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## Abbreviations used

B9 regulation	Chapter B9 of the Aliens Act Implementation Guidelines
BNRM	<i>Bureau Nationaal Rapporteur Mensenhandel</i> Office of the Dutch National Rapporteur on Trafficking in Human Beings
Comensha	<i>Coördinatiecentrum Mensenhandel</i> Coordination Centre for Human Trafficking
EU	<i>Europese Unie</i> European Union
IND	<i>Immigratie- en Naturalisatiedienst</i> Immigration and Naturalisation Service
KLPD	<i>Korps Landelijke Politie Diensten</i> National Police Services Agency
NGO	<i>Niet-gouvernementele organisatie</i> Non-governmental organisation
NRI	<i>Nationale Recherche Informatie</i> National Crime Intelligence Service
NRM	<i>Nationaal Rapporteur Mensenhandel</i> National Rapporteur on Trafficking in Human Beings
NRM3	<i>Derde rapportage van de Nationaal Rapporteur Mensenhandel</i> Third NRM Report
NRM5	<i>Vijfde rapportage van de Nationaal Rapporteur Mensenhandel</i> Fifth NRM Report
PPS	Public Prosecution Service
SD	Standard deviation
SiBa	<i>Statistische informatievoorziening en Beleidsanalyse</i> Statistical Data and Policy Analysis Unit
STV	<i>Stichting Tegen Vrouwenhandel</i> Foundation against Trafficking in Women
THB	Trafficking in Human Beings
WODC	<i>Wetenschappelijk Onderzoek- en Documentatiecentrum</i> Scientific Research and Documentation Centre

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## Introduction

### 1.1 Introduction

Continuing the regular pattern of alternating between comprehensive reports with qualitative

and quantitative information and shorter statistical updates, this sixth report of the Dutch National Rapporteur on Trafficking in Human Beings (NRM) is devoted mainly to statistics covering the period up to and including 2006. The Dutch government has not yet given a detailed response to the fifth report, which appeared in the summer of 2007, nor has it been debated in parliament. Consequently, some of the 66 recommendations made in that report have not yet been implemented. Others have already been addressed or measures are currently being prepared to address them. For example, national legislation is being drafted with a framework for more stringent rules governing municipal bye-laws relating to establishments where commercial sexual services are provided (recommendation 2<sub>NRM5</sub>); there have been some positive developments with regard to the B9 regulation for victims of human trafficking, for example with respect to temporary residence permits, and with regard to continued residence (recommendations 4 to 10<sub>NRM5</sub>); a Human Trafficking Task Force has been set up and talks are underway on category-oriented initial reception for victims of human trafficking (recommendation 35<sub>NRM5</sub>). Moreover, in 2007 the police again published a Police Monitor on prostitution and human trafficking (*Korpsmonitor prostitutie & mensenhandel*) detailing their efforts and success in monitoring licensed prostitution and combating illegal prostitution and human trafficking. The first trend report on the position of victims of human trafficking who have been exploited in the sex industry also appeared in 2007. Although these and other developments are not covered in detail in this statistical report, some recent developments in the Netherlands are briefly described in this introductory chapter.

## **1.2 Exploitation in sectors other than the sex industry**

The fifth report contained a lengthy section on trafficking in human beings (THB) with a view to exploitation in sectors other than the sex industry. One of the conclusions was that the absence of a precise definition of exploitation had hampered efforts to identify, investigate and prosecute human trafficking in sectors outside the sex industry in the period immediately following the entry into force of Article 273f of the Dutch Criminal Code. In the meantime, several (new) chain partners have taken steps to combat exploitation in these other sectors and to make provision for suitable care for victims of this type of THB. We confine ourselves here to mentioning the first criminal prosecutions that were brought against persons charged with this form of human trafficking.

Up to 1 February 2008, four investigations had led to prosecutions for the exploitation of workers in sectors other than the sex industry. In November 2006, a number of defendants

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who were charged with using Bulgarians living illegally in the Netherlands to pick hemp were acquitted of human trafficking. In another case, the chef and sous-chef of a Chinese restaurant were also acquitted of human trafficking in the district court and the court of appeal. The public prosecution service has appealed that decision to the Supreme Court. In the autumn of 2007, the prosecution of three individuals for human trafficking with a view to the exploitation of Polish cleaning ladies also failed. At the time of writing, the verdicts in this case can still be appealed. The first convictions, which are not yet final and conclusive, came in December 2007. In that case, the district court described the conditions under which the defendants had housed and employed their illegal Indian domestic staff as tantamount to human trafficking. An important factor in this case was that the defendants had created a situation in which these people were entirely dependent on them, to the extent that it constituted a serious violation of their physical and mental integrity and their personal freedom. The case law up to now confirms that Article 273f of the Dutch Criminal Code only relates to excessive abuses in employment situations. At the same time, there are numerous pitfalls when it comes to weighing up the facts and circumstances in cases involving forms of exploitation in sectors other than the sex industry. Examples include the question of whether or not the worker had any realistic alternative, the relevance of who took the initiative for a finding that there has been human trafficking and whether or not the employee agreed to particular conditions. The scope of the prohibition on THB 'not related to the sex industry' will probably become progressively clearer through case law. Developments should be guided by the principles laid down in the treaties that the Netherlands has signed and ratified

and European legislation.

### **1.3 Some developments around B9 and continued residence**

One of the positive developments with respect to Chapter B9 of the Aliens Act Implementation Guidelines (the B9 regulation) is that since 14 November 2007 a temporary residence permit can also be granted to victims who do not report a case of THB but do cooperate in some other way with the investigation and prosecution.<sup>1</sup> This latest version of the B9 regulation contains a passage on granting aliens who are in alien detention a period for reflection: "If there is evidence that an alien in detention is a victim of human trafficking, the police must inform the alien of the possibility of reporting the crime to the police or otherwise cooperating with the criminal investigation or prosecution. The suspected victim of human trafficking is then also entitled to the reflection period. The consequence of the granting of the reflection period shall be that the grounds for the detention shall lapse and the detention must therefore be ended". However, the passage also states that the reflection period shall only be granted in these cases if the public prosecution department and the police agree to it. It is not yet clear what the criteria will be and what the implications of these conditions will be in practice.

<sup>1</sup> For example, by making a statement or testifying as a witness.

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Recommendation 8<sup>NRM5</sup> was that the grounds for continued residence under section a of chapter B16/7 in the Aliens Act Implementation Guidelines (the victim has reported a criminal offence for a prosecution that has led to a conviction) should not be confined to prosecutions that have led to a conviction for *human trafficking*. There should be a presumption in law that repatriation would involve risks for the victim if the indictment included human trafficking even if the suspect is convicted of another criminal offence relating to THB but not for THB itself. This recommendation was adopted in the most recent amendment of this section of the Aliens Act Implementation Guidelines.

Furthermore, in accordance with another recommendation of the NRM the grounds for continued residence have been amended to more clearly reflect the fact that after three years in the B9 regulation the length of time the victim has resided in the Netherlands constitutes the humanitarian ground on which an application for continued residence can be approved. It has also been made explicit that the stated grounds for approving continued residence, such as fear of reprisals, fear of prosecution for prostitution and the absence of possibilities for social reintegration, are not exhaustive.<sup>2</sup>

### **1.4 Appointment of Human Trafficking Task Force**

The fifth report on human trafficking concluded with the observation that many of the 66 recommendations were concerned with putting into practice arrangements that were already laid down in black and white and that a 'high-level' THB Task Force, with representatives from all the relevant chain partners, could play an important role in stimulating and facilitating that. This recommendation was quickly addressed and a task force was indeed established on 27 February 2008 under the chairmanship of the member of the Council of Procurators General responsible for the THB portfolio. The decree establishing the task force, which will meet three times a year, states that one of its duties is to identify and to solve or address bottlenecks. The NRM, who is herself a member of the task force, assumed from the outset that such a task force would also include representatives of NGOs. When it became clear that this was possibly not the intention, she repeatedly urged that NGOs should participate. The fact that the victim assistance is not represented in the task force is a missed opportunity

### **1.5 Municipalities (Amsterdam)**

Municipalities also have a responsibility in preventing and tackling human trafficking. One of the municipalities that has been particularly active in this regard is Amsterdam. In response to findings of abuses in the Red Light District, the city put forward a package of measures designed, among other things, to crack down on human trafficking. For example, <sup>2</sup> Other examples might be that the alien is suffering from psychological problems and is being treated in the Netherlands, is responsible for the care of children who were born in the Netherlands or are pursuing their

one of the proposals is to make enjoying financial benefits directly from a relationship with a prostitute a criminal offence. Other suggestions are to bar pimps who cause a nuisance from the area and to raise the minimum age for working as a prostitute to twenty-one. The package also contained preventive measures, some of them targeted at offenders, such as training for prostitutes to help them resist the overtures of people who might exploit them and securing the involvement of imams to help tackle the problem of loverboys. The desirability and feasibility of these and other measures are still being studied. Meanwhile, the city has already closed and/or bought up a number of brothels and premises where window prostitution was carried on.

The NRM endorses the need for creative and innovative approaches in dealing with the problem of human trafficking. At the same time, it is vital to pursue an *integrated* approach and in that context the illegal prostitution circuit must also be firmly dealt with, especially since the envisaged plans are likely to lead to a shift of prostitution to the 'illegal circuit'. Police capacity must be released for this.

### **1.6 Trend report on the position of victims of human trafficking**

The 2006 trend report on the position of victims of THB who have been exploited in the sex industry (Van Vianen et al., 2007) presented the findings of a monitor that was developed to periodically survey the position of these victims on the basis of a number of indicators. The intention was to measure the trend every two years, but it is impossible to acquire reliable information on quite a number of indicators and the researchers have concluded that before monitoring the situation again investment will be needed to improve the quality of registration and information gathering. Another question raised is whether the Bureau of the NRM (BNRM) can include some of the indicators that are reliable in the annual THB reports. A number of the indicators used in the monitor are already regularly included in the BNRM reports; others can be added. It has to be noted here that, as Vianen et al. (2007) also mentioned, in several of the databases that are used it is impossible to differentiate according to the sector in which the exploitation occurred. Whereas in 2006, the year covered by the first trend report, there were still only occasional cases of exploitation in sectors other than the sex industry, which will have little or no effect on identified trends, this will change with the growing attention devoted to this phenomenon. This is also a problem for BNRM. Although BNRM's area of operations encompasses human trafficking in general, it is nevertheless very important to be able to indicate in the reports which part of the quantitative data about investigations, prosecutions and B9 applications and permit awards relates to exploitation in the sex industry and which part relates to exploitation in other economic sectors or perhaps to human trafficking with a view to the removal of organs.

An important added value of the trend report was that various databases were linked to each other, which provided more insight into which databases can be linked and what information those linkages yield.

### **1.7 The contents of the report**

Chapter 2 is concerned with the victims of THB. It contains data about their age, gender and country of origin from the Coordination Centre for Human Trafficking (*Coördinatiecentrum Mensenhandel – Comensha*) and information about B9 applications and permit awards from the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst; IND*). Chapter 3 presents data relating to suspects of THB and perpetrators convicted of THB, with statistics about their age, country of origin and gender. The data come from the public prosecution service.

Chapter 4 concerns the prosecution of suspects of human trafficking. It contains data on the number and nature of the cases registered with the public prosecution department, how the cases were handled by the public prosecutor and the disposition of the cases by the courts. Finally, a word of thanks is owed to all the individuals and agencies that have contributed to

this report.

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## Victims

### 2.1 Introduction

This chapter contains statistical data on victims of THB. The background details include the age, gender and country of origin of the victims. There are also statistics about the number of applications and permits awarded under the B9 regulation and (concise) information about compensation awarded to victims. The information comes from the Coordination Centre for Human Trafficking (*Comensha*), formerly the Foundation against Trafficking in Women (*Stichting tegen Vrouwenhandel; STV*) and the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst; IND*). The information about compensation comes from the records of the public prosecution service.

### 2.2 Register of victims maintained by Comensha

One of Comensha's tasks is to register (possible) victims of THB. These are victims who have been reported to Comensha in various ways and by various reporters rather than victims who can be regarded as 'official victims' on the basis of a formal assessment against specific criteria.<sup>1</sup>

However, not all victims are identified and victims who have been identified are not all reported. Because Comensha relies on third parties for information and says itself that it lacks the capacity needed to retrieve this information to the extent that it is available elsewhere, little is known<sup>2</sup> about many of the victims that have been reported. Consequently, it is in practice impossible to produce cross tabulations on more than basic features such as country of origin, age and gender. There is possibly also some duplication, especially where the information is limited.

The number of (possible) victims of THB registered by Comensha has grown annually: from 403 in 2004 to 424 in 2005 and to 579 in 2006.<sup>3</sup> The information in this section is based largely on databases provided by Comensha. The figures presented differ in several respects

<sup>1</sup> This is an important point because these statistics on victims are often compared with data from other countries, which usually relate exclusively to the 'officially recognised victims' and for that reason, as far as foreign victims are concerned, can best be compared with the Dutch B9 figures.

<sup>2</sup> One of the recommendations in the fifth report on human trafficking was that the registration of clients by the STV (as it was then called) should be improved.

<sup>3</sup> There were 716 notifications in 2007 (figures published from Comensha's victim registration on 11 March 2008).

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from the figures in the STV's annual reports.<sup>4</sup> For some statistics reference is made to the annual reports. If so, it is explicitly stated.

#### 2.2.1 Country of origin

Table 2.1 contains the rankings of the five most common countries of origin of victims of THB for each year.<sup>5</sup>

*Table 2.1 Ranking of the most common countries of origin of (possible) victims registered by Comensha, per annum<sup>6</sup>*

**Country 2001 2002 2003 2004 2005 2006**

Netherlands 5 4 1 1 1 1

Nigeria 4 2 3 4 3 2

Bulgaria 1 1 1 2 2 3

Romania 3 2 3 4 4

China 5

Czech Republic 5

Russian Federation 2 5 5

Ukraine 3 4

Brazil 5

As in the two preceding years, the Netherlands was the most common country of origin of victims of THB. Nigeria, Bulgaria and Romania were ranked second, third and fourth, positions they have occupied, in different orders, for the last three years. The previously identified

emergence of China as an important country of origin (STV Nieuws, 1, 2007) is reflected in that country's entry as a newcomer in the top five in the table in fifth place.

There are 55 different nationalities represented among the victims registered with Comensha in 2006. Table 2.2 lists the most common nationalities.<sup>7</sup> Appendix 4 (Table B2.2) contains a complete list of all nationalities in alphabetical order.

<sup>4</sup> The BNRM received a STV database, which was naturally anonymous but could be broken down to individual victims, for the first time for 2006. This provided more insight into the limitations of the registration. According to Comensha, the data reported here are the correct ones (Comensha, e-mail communication).

<sup>5</sup> The most recent year determined the order in which the countries are listed in the table.

<sup>6</sup> Based on the nationality of the (possible) victims.

<sup>7</sup> A nationality is included if at least five victims were of that nationality in one or more of the years in the period from 2002 to 2006.

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*Table 2.2 Nationality of (possible) victims registered by Comensha, per annum*

**Nationality 2002 2003 2004 2005 2006**

N % N % N % N % N %

Albanian	8 2%	2 1%	8 2%	2 0%	1 0%
Angolan	3 1%	2 1%	2 0%	8 2%	2 0%
Belarussian	8 2%	- -	12 3%	3 1%	- -
Brazilian	- -	12 5%	5 1%	8 2%	17 3%
Bulgarian	59 17%	48 19%	55 14%	52 12%	39 7%
Cameroonian	10 3%	5 2%	11 3%	4 1%	4 1%
Chinese	8 2%	8 3%	9 2%	5 1%	29 5%
Congolese	3 1%	1 0%	- -	3 1%	5 1%
Czech	6 2%	3 1%	2 0%	18 4%	3 1%
Dutch	18 5%	11 4%	59 15%	98 23%	146 25%
Hungarian	1 0%	- -	3 1%	9 2%	13 2%
Indian	- - - - -	- - - - -	- - - - -	- - - - -	7 1%
Lithuanian	13 4%	9 4%	3 1%	3 1%	6 1%
Moldavian	14 4%	1 0%	6 1%	2 0%	2 0%
Moroccan	4 1%	2 1%	11 3%	11 3%	9 2%
Nigerian	45 13%	21 8%	39 10%	28 7%	86 15%
Polish	9 3%	3 1%	8 2%	13 3%	27 5%
Romanian	22 6%	31 12%	45 11%	23 5%	34 6%
Russian	16 5%	11 4%	14 3%	13 3%	12 2%
Sierra Leonean	12 3%	11 4%	6 1%	14 3%	20 4%
Slovakian	2 1%	2 1%	3 1%	10 2%	2 0%
Thai	3 1%	5 2%	2 0%	2 0%	3 1%
Togolese	6 2%	2 1%	2 0%	2 0%	2 0%
Turkish	5 1%	1 0%	2 0%	2 0%	5 1%
Ukrainian	5 1%	14 5%	8 2%	10 2%	10 2%
Yugoslav	- -	1 0%	2 0%	5 1%	1 0%
Other	42 12%	32 12%	70 17%	49 12%	56 10%
Unknown	21 6%	19 7%	16 4%	27 6%	38 7%
Total	343 100%	257 100%	403 100%	424 100%	579 100%

In 2006, 146 (25%) of the victims registered with Comensha were from the Netherlands. In that year there was an increase (in absolute and percentage terms) in the number of victims with Brazilian, Chinese, Nigerian and Polish nationality. There are still many victims from Bulgaria but their share of the total declined. India appeared in the list for the first time in 2006 (7 victims). The growth in the number (and share) of victims with Moroccan and Czech nationality reported in 2004 and 2005 did not continue.

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### 2.2.2 Age

Table 2.3 contains the age distribution of the victims registered with Comensha from 2001 to 2006.

*Table 2.3 Age distribution of (possible) victims registered with Comensha, per annum*

**Age 2001 2002 2003 2004 2005 2006**

N % N % N % N % N % N %

10 to 14 years	2 1%	- -	2 1%	3 1%	1 0%	10 2%
15 to 17 years	25 9%	41 12%	18 7%	23 6%	23 5%	93 16%
18 to 23 years	86 30%	130 38%	112 44%	165 41%	167 39%	222 38%
24 to 30 years	39 14%	56 16%	54 21%	141 35%	150 35%	151 26%
31 to 40 years	12 4%	19 6%	25 10%	61 15%	50 12%	66 11%

41 years and older 1 0% 5 1% 5 2% - - 15 4% 9 2%  
 Unknown 119 42% 92 27% 41 16% 12 3% 18 4% 28 5%  
 Total 284 100% 343 100% 257 100% 405 100% 424 100% 579 100%  
 Source: STV (annual reports).

As in the preceding years, the majority of registered victims in 2006 were in the age group from 18 to 30 years. There was a striking increase in the number of registered under-age victims, particularly in the age group from 15 to 17 years.

Of the 101 under-age victims whose age and nationality are known, 35 were Dutch, 32 were Nigerian, six were Chinese, six Sierra Leonean, five Bulgarian and four Romanian.<sup>8</sup> The other under-age victims had 13 different nationalities.<sup>9</sup>

### 2.2.3 Gender

There were 30 men or boys among the 579 newly registered victims in 2006. Five of them were minors, two of whom were younger than 15. The countries of origin were – with the number of men or boys from that country between brackets - India (7), China (4), Bangladesh, Nigeria and Turkey (each 3), Congo (2), Armenia, Azerbaijan, Bulgaria, Chile, Cameroon, Mauritania and Sierra Leone (one each). The country of origin of one man is not known. Five of the 30 men were employed in prostitution, the four Chinese men worked in the hospitality industry, but the largest number of cases (nine men) related to employment in agriculture and horticulture (STV Annual Report 2006, p.8).

<sup>8</sup> The proportion of under-age victims varies from 12 % (for Bulgarian and Romanian victims) to 37% (for Nigerian victims).

<sup>9</sup> Six under-age victims were of Congolese, Moroccan or Surinamese nationality (two each) and seven victims were Armenian, Italian, Lithuanian, Mongolian, Russian or Turkish respectively.

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The number of reports of male victims was far greater in 2006 than in previous years and is still increasing.<sup>10</sup> This is probably due to the increased attention being given to exploitation outside the sex industry and the launch of investigations into THB in other sectors. In 2005, the 424 newly registered victims included just two men, both of whom were exploited in prostitution. One man or boy was reported in 2004<sup>11</sup> and none in 2003.

### 2.2.4 Place of residence

Table 2.4 presents an overview of the place of residence of the victims registered in 2006 at the time they were reported.

*Table 2.4 Place of residence of (possible) victims at the time of registration with Comensha (2006)*

Place of residence	Women	Men	Total
N %	N %	N %	N %
independent	110 20%	110 19%	
reception facility	83 15%	1 3%	84 15%
(aliens)detention <sup>12</sup>	60 11%	16 53%	76 13%
lodging	42 8%	1 3%	43 7%
on the street	11 2%	11 2%	
abroad	9 2%	9 2%	
departed for unknown destination			
	7 1%	7 1%	
country of origin	5 1%	5 1%	
hospital /municipal mental health care institution			
	3 1%	1 3%	4 1%
closed facility <sup>13</sup>	1 0%	1 0%	
other/unknown <sup>14</sup>	218 40%	11 37%	229 40%
Total	549 100%	30 100%	579 100%

Many of the victims reported to Comensha are – as far as is known – living independently at the time of registration, 15% are staying in some form of reception facility and a substantial proportion (13%) are in (aliens) detention. The latter category includes a relatively large proportion of men: it covers 53% of the men compared with 11% of the women. The victims in 10 49 men were registered in 2007 (figures published from Comensha's victim registration on 11 March 2008).

<sup>11</sup> Oral communication from STV.

<sup>12</sup> 'Aliens' is placed between brackets, but this group consists mainly of people in aliens detention.

<sup>13</sup> This would include closed accommodation for a victim of a loverboy.

<sup>14</sup> In most cases the place of residence is not known, in some cases they are staying with parents. This latter option is in fact included as a separate category in the Comensha registration data for 2007 (information from Comensha,

by e-mail and verbally).

detention also seem to include a relatively large proportion of Nigerians (at least 26). And 20 of the victims in detention (18 girls and 2 boys) are minors.

### 2.2.5 Further background information about the victims

In 2003 Comensha started using a computer system with various relevant (background) variables. After initial problems, from 2005 it should have had more information than previously about registered (possible) victims, but it is still proving difficult to retrieve this information, so that much of the information is still lacking for many clients in 2006. Nevertheless, it has again been decided to present some (background) characteristics that may be interesting. However, since the following figures and percentages have to be regarded as minima due to the absence of many statistics they are not compared with the data for 2005.

Of the victims registered with Comensha in 2006 it is known that at least:

- 73 of the 549 registered female victims (13%) have children. The children of 25 of them live with their mother in the Netherlands, the children of twelve victims live elsewhere in the Netherlands and those of 23 victims live in the country of origin. It is not known where the children of the other victims are living (Source: STV Annual Report 2006, p.8);
- 14 of the (female) victims (3%) were pregnant at the time of registration, of whom two were under-age and 119 (22%) were not (this information is not known for the other 75%). A relatively large number of the Chinese women and girls were pregnant (3 out of 10);
- 15 (4%) of the total of 579 victims used drugs, 156 (27%) did not (this is not known for the other 408 - 70%);
- 35 victims (6%) were (also) exploited outside prostitution,<sup>15</sup> 387 (67%) were not (this not known for 157 - 27%);
- 101 victims were offered a period for reflection. This represents 26% of the victims that are known not to have Dutch nationality. 144 victims (36%) were not offered a reflection period and the information is not known for the other non-Dutch victims.
- 49 victims availed of the reflection period. This represents 12% of the victims that are known not to have Dutch nationality.
- 208 victims (36%) reported the crime and 101 (17%) did not. The reflection period had not expired for 52 victims and for the others it is not known whether they reported the crime.

(Source: STV records)

<sup>15</sup> This was in agriculture and horticulture (16 victims), the hospitality sectors (11 victims), household work (5 victims), 'within the marriage' (2 victims) and in abattoirs (1 victim).

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## 2.3 Victims in the B9

### 2.3.1 B9 applications and permit awards

In 2006 the IND received 180 B9 applications and granted 150 permits. This is more than twice as many as in the previous year, representing an enormous increase. It concerns a specific category of victims/witness-reporters of THB, namely persons who are living illegally in the Netherlands and (are willing to) cooperate with the police and public prosecution service. It is *not* possible to calculate a percentage of permit awards from these figures since B9 applications are not all dealt with in the same year as the application. We refer to Appendix 2 for an explanation of the research and some additional explanatory notes to the data.

### 2.3.2 Age of persons with (application for) B9

Table 2.5 presents the age distribution of victims/witnesses who applied for or received a B9 in 2005 or 2006.

*Table 2.5 Age distribution of persons with (application for) B9 (2005 and 2006)*

**Age B9 applications 2005 B9 applications 2006 B9 awards 2005 B9 awards 2006**

**N % N % N % N %**

0 to 10 years 2 3% 1 1% - - - -

11 to 17 years 5 7% 33 18% 5 8% 27 18%

18 to 25 years 36 47% 82 46% 29 48% 70 47%

26 to 30 years 22 29% 29 16% 18 30% 23 15%

31 to 40 years 10 13% 25 14% 8 13% 24 16%

41 years and older 2 3% 10 6% 1 2% 6 4%  
 Total 77 100% 180 100% 61 100% 150 100%

As in the preceding year, almost half of the persons for whom a B9 was requested or issued in 2006 were aged between 18 and 26. Given the sharp rise in the number of applications and awards in 2006, not surprisingly the absolute number of applications/awards increased in almost every age category. In percentage terms, the only substantial increase occurred in the 11-to-17 age group, while the proportion of applications/awards declined sharply among 26-to-30 year-olds. In 2006, the applicants included 34 under-age persons and 27 under-age persons were awarded a B9 permit in the same year. Among the under-age persons, some children of victims and children of witnesses were also registered – incidentally and mistakenly – as B9 applicants. The youngest child, a boy, is probably the child of a victim. One of the 11-to 17 year-olds (also a boy) was probably also the child of a victim.

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### 2.3.3 Gender of persons with (application for) B9

The expected shift in the gender of the victims (more male victims) as a result of the expansion of the article in the law on human trafficking does indeed seem to be transpiring.

Whereas in 2005, the first year after the law was amended, almost all B9 applicants were women (96%), in 2006 11% of the applicants were men. The B9 awards show a similar trend: 2% for men in 2005 and 11% in 2006

### 2.3.4 Origin of persons with (application for) B9

Table 2.6 contains an overview of the most common nationalities of victims and witnesses that were awarded or applied for a B9 permit.<sup>16</sup> There is a table with a complete list of all nationalities in Appendix 4 (Table B2.6).

*Table 2.6 Nationality of persons with (application for) B9 (2005 and 2006)*

**Nationality Applications 2005 Applications 2006 Awards 2005 Awards 2006**

**N % N % N % N %**

Bulgarian	12	16%	19	11%	11	18%	18	12%
Chinese	2	3%	9	5%	1	2%	9	6%
Nigerian	6	8%	43	24%	4	7%	33	22%
Polish	3	4%	9	5%	3	5%	2	1%
Romanian	6	8%	26	14%	6	10%	24	16%
Russian	5	7%	3	2%	5	8%	3	2%
Sierra Leonean	7	9%	11	6%	8	13%	10	7%
Other	34	44%	59	33%	22	36%	50	33%
Unknown	2	3%	1	1%	1	2%	1	1%
Total	77	100%	180	100%	61	100%	150	100%

In 2006 almost a quarter of the victims /witnesses of THB for whom a B9 residence permit was requested or issued had Nigerian nationality, which represents an enormous increase compared with the previous year. This places Nigeria at the top of the list of countries of origin of victims and witnesses 'in the B9'. Romania ranks second in terms of applications and awards in 2006, followed by Bulgaria, which headed the list in 2005.<sup>17</sup>

In Table 2.7 the victims/witnesses that were awarded or applied for B9 are classified according to region of origin. In the table a distinction is made within Europe – where many of the victims come from – between countries that were member states of the EU in 1995, countries that were members of the EU in 2004 or were candidates for membership of the EU at

<sup>16</sup> A nationality is included in the table if five or more victims/witnesses who applied for/were awarded a B9 possessed that nationality in at least one of the years 2005 and 2006.

<sup>17</sup> As in 2000 and 2001. NRM5

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that time and joined in 2007, non-EU countries in Eastern Europe and non-EU countries in Western Europe. The other categories in the table are the different continents.<sup>18</sup>

*Table 2.7 Region of origin of persons with (application for) B9 (2005 and 2006)*

**Region of origin Applications 2005 Applications 2006 Awards 2005 Awards 2006**

**N % N % N % N %**

EU: 1995	2	3%	-	-	2	3%	-	-
EU: new (candidate)								
member states 2004								
	26	34%	62	34%	26	43%	51	34%

Non-EU countries in  
 Eastern Europe  
 15 20% 13 7% 10 16% 12 8%  
 Non-EU countries in  
 Western Europe  
 1 1% - - 1 2% - -  
 Africa 19 25% 76 42% 17 28% 60 40%  
 Latin America and  
 Caribbean  
 4 5% 2 1% 1 2% 2 1%  
 Asia 8 10% 25 14% 3 5% 23 15%  
 Unknown/stateless 2 3% 2 1% 1 2% 2 1%  
 Total 77 100% 180 100% 61 100% 150 100%

In both 2005 and 2006, the majority of the victims and witnesses for whom a B9 residence permit was requested or granted came from the countries that joined the EU in 2004 and 2007, Africa and non-EU countries in Eastern Europe. Africa's share increased substantially in both absolute and percentage terms, while that of the non-EU countries in Eastern Europe declined, particularly in relative terms.

### 2.3.5 Continued residence

Many victims and witnesses wish to remain in the Netherlands on expiry of the B9.<sup>NRM3</sup> As reported in the fifth report on trafficking in human beings, the IND's contact persons for human trafficking received 34 applications for continued residence in 2006, of which – in first instance – equal numbers were accepted and rejected (17 and 17).

### 2.4 Compensation

The fifth report on trafficking in human beings described the various methods by which victims of human trafficking can secure compensation for material or immaterial damage. One way for the victim is to join the criminal prosecution as an injured party. The victim's civil claim is then handled concurrently with the criminal case. The court can, in addition to awarding the civil claim, also impose a compensation order. The victim can ask for this, but the court can also impose this sanction *ex officio*. In imposing a sentence the court can also

<sup>18</sup> Only included in the table if persons who were awarded or applied for B9 came from there.

attach a special condition that a sum of money has to be paid to the Criminal Injuries Compensation Fund (*Schadefonds Geweldsmisdrijven*) or to another institution that represents the interests of victims of crimes. Victims can also make a claim on the Criminal Injuries Compensation Fund,<sup>19</sup> avail of mediation on the issue of compensation – although this is not an obvious option given the nature of the crime – or institute proceedings for compensation in civil court.

Data from the public prosecution service provide (some) information about the decisions on compensation in criminal and civil law cases. Before presenting them, Table 2.8 first provides an overview of the number of perpetrators that were convicted of human trafficking (alone or in combination with other offences)<sup>20</sup> in the period 2003 to 2006 and the sentences they received (for more detailed information about this, see chapter 4, table 4.8).

*Table 2.8 Sentences imposed after conviction for human trafficking, per annum*

**Principal sentence<sup>21</sup> 2003 2004 2005 2006**

No principal sentence 1 - - -  
 Only conditional principal  
 sentence  
 3 3 2 1  
 Custodial sentence 65 (72%) 103 (70%) 75 (88%) 63 (90%)  
 Community service 7 8 4 6  
 Fine 4 2 - -  
 Total 80 116 81 70

Table 2.9 contains information about the decisions, if any, that were made with respect to compensation in the above criminal cases.

*Table 2.9 Decisions on compensation*

**Decision on compensation 2003 2004 2005 2006**

None 63 79% 91 78% 54 67% 41 59%  
 Rejected/declared inadmissible 8 10% 3 3% 4 5% 6 9%  
 Order to pay compensation 3 4% 7 6% 7 9% 12 17%

(Partial) award of civil claim - - - 2 2% 2 3%

Order to pay compensation and

(partial) award of civil claim

6 7% 15 13% 14 17% 9 13%

Total 80 100% 116 100% 81 100% 70 100%

19 In 2007, 25 applications were made to the fund by victims of human trafficking and 18 applications were awarded.

20 In other words, cases in which charges of human trafficking were brought but there was no conviction are ignored.

21 These are *unconditional* sentences.

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Although no compensation was awarded in more than half of the cases in 2006 in which defendants were convicted of human trafficking, there is clearly an upward trend in the sense that it is an issue that the criminal courts are being asked to decide on increasingly frequently. This most frequently results in an order to pay compensation or in an order to pay compensation measure combined with the (partial) award of a civil claim. It has to be realised however that this refers to the number of cases in which such judgments are rendered. The judgments can relate to more than one victim and vary with respect to different victims.

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It is not known how many victims actually received compensation on the basis of the above judgments nor what may have been (solely or additionally) claimed (and received) through the other channels of compensation.

22 When there is a rejection/declaration of non-admissibility (with respect to a particular victim) and an order to pay compensation, a (partial) award of a civil claim or a combination of both (with respect to one or more other victims), the judgment is classified one of these last three categories.

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### 3

## Suspects and convicted offenders

### 3.1 Introduction

This chapter contains statistics about persons suspected of THB whose prosecution for THB was registered with the public prosecution services (PPS). The number fluctuates from year to year and there were 201 in 2006. This chapter also contains data about offenders convicted of THB in first instance. This number also fluctuates from year to year and there were 70 in 2006. The information relates to their age, gender and country of origin. The information about the suspects covers the period from 2002 to 2006 and the data about convicted offenders cover the period from 2003 (the first year for which these data were available) to 2006. The information comes from the PPS database.

### 3.2 Age

#### 3.2.1 Age of suspects

Table 3.1 provides an overview of the ages of suspects registered with the PPS, broken down by age group.

Table 3.1 Age of suspects, by year of registration

Age 2002 2003 2004 2005 2006

N % N % N % N %

Younger than 18 years 3 1% 7 4% 4 2% 4 3% 11 5%

18 to 25 years 70 35% 29 19% 79 36% 58 42% 62 31%

26 to 30 years 44 22% 29 19% 35 16% 23 17% 27 13%

31 to 40 years 48 24% 60 38% 59 27% 21 15% 49 24%

41 to 50 years 24 12% 19 12% 24 11% 20 14% 35 17%

51 to 60 years 7 3% 8 5% 15 7% 10 7% 11 5%

61 to 70 years 3 1% 3 2% 2 1% - - 3 1%

n.a. (legal entity) - - 1 1% 1 0% - - 1 0%

Unknown 1 0% - - 1 0% 2 1% 2 1%

Total 200 100% 156 100% 220 100% 138 100% 201 100%

In almost 70% of the cases registered in 2006 the suspects were aged between 18 and 41 at the time of the first offence of THB.<sup>1</sup> The average age of the suspects was 32 (SD 11.4) and

<sup>1</sup> The same person may be suspected of more than one THB offence.

eleven suspects were minors (5%), which is more than in previous years in both absolute and relative terms.

Over the entire period from 2002 to 2006 the average age of the suspects was also 32 (SD 10.9). The female suspects were on average slightly younger: 29 (SD 10.8).

### 3.2.2 Age of convicted offenders

Table 3.2 contains similar information about the age (at the time of the crime) of the persons *convicted* in first instance of THB in the period 2003 to 2006. It is important to note here that the year in which an offence is registered by the PPS is not always the same year as the court renders its verdict. For that reason, the figures in the tables for registered and convicted persons do not relate to precisely the same persons. In theory, for example, there may be more convictions of under-age offenders than registered suspects who were under-age at the time of the offence in a particular year.

*Table 3.2 Age of persons convicted of THB, by year of conviction*

**Age 2003 2004 2005 2006**

**N % N % N % N %**

Younger than 18 years	-	-	2	2%	1	1%	4	6%
18 to 25 years	15	19%	35	30%	31	38%	29	41%
26 to 30 years	23	29%	19	16%	14	17%	11	16%
31 to 40 years	24	30%	40	34%	23	28%	17	24%
41 to 50 years	11	14%	12	10%	8	10%	5	7%
51 to 60 years	5	6%	6	5%	3	4%	2	3%
61 to 70 years	2	2%	2	1%	-	-	1	1%
Unknown	-	-	-	-	1	1%	1	1%
Total	80	100%	116	100%	81	100%	70	100%

Of the persons convicted of THB in 2006, 81% were aged between 18 and 41 years at the time of the first offence and four of the convicted offenders (6%) in that year were minors at the time of the offence.

### 3.3 Country of origin

#### 3.3.1 Country of origin of suspects

Over the entire period from 2002 to 2006, the suspects came from 55 different countries. In each of the years between 2002 and 2005 the suspects came from 20 or more different countries. In this respect, 2006 surpasses every other year with suspects from 32 different countries of birth.

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Table 3.3 contains the rankings of the five most common countries of birth of suspects.<sup>2</sup> An accent indicates that the countries concerned share the position in the rankings.

*Table 3.3 Rankings of the most common countries of birth of suspects, by year of registration*

**Country 2002 2003 2004 2005 2006**

**Ranking Ranking Ranking Ranking Ranking**

Netherlands	1	1	1	1	1
Turkey	3'	4	2	3	2
Romania	4	2	3	4'	3
Morocco	5'	2	4'		
Bulgaria	2	3	4'		
Hungary	4'				
Surinam	5'	4'			
(former) Soviet Union	5				
Albania	3'				

The table shows that, as in preceding years, the Netherlands ranks first as the country of birth of suspects and that Turkey and Romania maintain a 'stable position' in the top five.

Table 3.4 contains a list (in alphabetical order) of the principal countries of origin of the suspects.

<sup>3</sup> See Table B3.4 in Appendix 4 for a complete list.

*Table 3.4 Countries of birth of suspects, by year of registration*

**Country of birth 2002 2003 2004 2005 2006**

**N N N N N**

Albania	26	5	-	-	-
Bulgaria	27	19	14	4	13
(former) Czechoslovakia	2	-	2	5	3
(Federal Republic of) Germany	-	1	5	1	-
Hungary	1	-	-	6	1
India	-	-	-	-	7

Iraq 6 - 2 - 2  
 Morocco 3 3 9 17 13  
 Netherlands 51 46 91 54 76  
 Netherlands Antilles 1 2 7 3 4  
 Nigeria 7 5 4 - 2

2 The most recent year (2006) is taken as the point of departure for determining the order in which the countries are listed in the table.

3 The criterion used for inclusion in this table is that at least five suspects came from the country concerned in one of the years between 2002 to 2006 or at least ten came from that country in the entire period. The figures for the years 2002 to 2005 differ slightly from those in earlier reports due to corrections in PPS data. Since the discrepancies are minor, they are not illuminated any further.

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*Continued Table 3.4*

**Country of birth 2002 2003 2004 2005**

**N N N N N**

Poland 4 - 3 3 3  
 Romania 8 22 23 6 14  
 (former) Soviet Union 7 11 8 2 7  
 Surinam 5 10 9 6 11  
 Turkey 26 16 24 15 18  
 (former) Yugoslavia 6 3 3 4 6  
 Other<sup>4</sup> 16 11 14 12 20  
 Unknown 4 2 2 - 1  
 Total 200 156 220 138 201

As in preceding years, the Netherlands was the most common country of origin of suspects registered by the PPS.<sup>5</sup> Turkey, Morocco, Bulgaria and Romania also stand out as being relatively frequently the country of birth of suspects (more than 5% of the cases). India is a striking newcomer in the list. Reviewing the entire period from 2002 to 2006, besides the large proportion of Dutch suspects, there are also large percentages of suspects born in Turkey, Bulgaria and Romania. Albania no longer seems important in this regard and the significance of Nigeria seems to be declining, although the reports of (arrests in) THB cases at the end of 2007 and the beginning of 2008 raise the suspicion that this impression of Nigeria's position as a country of origin of suspects may change again.

**3.3.2 Country of origin of convicted offenders**

The previous section concerned the countries of birth of *suspects* of THB registered with the PPS. Table 3.5 contains a list of the five most common countries of birth of persons *convicted* of THB in the period from 2003 to 2006.<sup>6</sup>

*Table 3.5 Rankings of countries of birth of persons convicted of THB, by year of conviction*

**Country 2003 2004 2005 2006**

**Ranking Ranking Ranking Ranking**

Netherlands 1 1 1 1  
 Morocco 5' 2  
 Turkey 4' 3 2 3'  
 (former) Czechoslovakia 3'

4 Some cases (1 in 2003, 1 in 2004 and 1 in 2006) involved legal entities.

5 Suspects are not registered on the basis of ethnic background.

6 Once again, the most recent year (2006) is taken as the point of departure for determining the order in which the countries are listed in the table. An accent indicates that the countries concerned share that ranking in the table.

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*Continued Table 3.5*

**Country 2003 2004 2005 2006**

**Ranking Ranking Ranking Ranking**

Bulgaria 2 4 5' 4'  
 Hungary 4'  
 Romania 4' 2  
 Surinam 5' 3'  
 (former) Soviet Union 5' 4  
 Albania 3

The table shows that the Netherlands consistently occupies first place as country of birth of convicted THB offenders and that Turkey and Bulgaria occupy a 'stable position' in the top five. Table 3.6 presents the most common countries of birth of persons convicted of THB.<sup>7</sup> Table

B3.6 in Appendix 4 contains a complete list.

*Table 3.6 Countries of birth of persons convicted of THB, by year of conviction*

**Country of birth 2003 2004 2005 2006**

**N N N N**

Albania 9 2 - -

Belgium 2 1 2 -

Bulgaria 16 11 4 4

Colombia - - 1 -

(former) Czechoslovakia - - - 6

(Federal Republic of) Germany - 1 1 -

Greece 1 - - 1

Hungary - - 2 4

Indonesia 1 - 1 -

Marocco 2 7 3 13

Netherlands 26 37 36 21

Netherlands Antilles - 2 3 -

Nigeria - 5 - -

Poland 1 - - 1

Romania 7 18 3 3

(former) Soviet Union 5 7 5 -

Surinam 1 7 8 1

Thailand 1 1 - 1

Turkey 7 14 9 6

7 Only the 12 countries of birth for which there was only a single instance in these years are omitted from the table.

They are Lithuania and Sudan (2004), Iran, Korea and the US (in 2005) and Angola, Ghana, Great Britain, Iraq, Cape Verde, Kuwait and Sierra Leone (2006).

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*Continued Table 3.6*

**Country of birth 2003 2004 2005 2006**

**N N N N**

(former) Yugoslavia - 1 - 1

Country unknown 1 - - 1

Other - 2 3 7

Total 80 116 81 70

As in preceding years, the Netherlands was the most common country of birth of persons convicted of THB in 2006.<sup>8</sup> As in the case of registered suspects, the former Czechoslovakia and Hungary are relatively common countries of birth of convicted offenders, together with Morocco, Turkey and Bulgaria. Over the entire period from 2003 to 2006, in addition to the fact that the overwhelming majority of convicted offenders are Dutch, a striking feature is the proportion of convicted offenders who were born in Turkey, Bulgaria, Romania and Morocco, although the number of convictions of Bulgarians, Romanians and – to a lesser extent – Turks does seem to be declining.

### **3.4 Gender**

#### **3.4.1 Gender of suspects**

Most suspects are male; in 2006 they accounted for 83% of the total. The 32 female suspects registered by the PPS came from Bulgaria, Romania, the (former) Soviet Union (each 5), the Netherlands (4), Morocco (3) and Brazil, Hungary, Hong Kong, India, Iran, (former) Yugoslavia, Lithuania, Nigeria, Poland and (former) Czechoslovakia (each 1).

There are clear differences between the countries of origin. Confining ourselves to the main countries of origin of suspects listed in Table 3.4, what stands out is that the Turkish suspects do not include any women and that there are few women among the Dutch suspects (5%), while 38% and 36% respectively of the Bulgarian and Romanian suspects are women.

Whereas it was observed in the previous report that scarcely any of the Moroccan suspects were women (not more than 2 to 3% measured over the previous five years), the figure in 2006 was 23% (3 of the 13 suspects were women).

Although Nigeria is no longer significant as a country of origin of suspects registered with the PPS, the number of women among Nigerian suspects is worthy of mention: of the 18 suspects registered in the period 2002 to 2006, 78% were women.

<sup>8</sup> Convicted persons are not registered on the basis of ethnic background.

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### 3.4.2 Gender of convicted offenders

A review of the convictions for THB in 2006 shows that 13 of the 70 persons convicted – in first instance – were women. That is 19%, which is slightly more than the year before, but similar to the situation in 2003 and 2004.<sup>9</sup> These 13 women came from the Netherlands, Morocco, Romania and (former) Czechoslovakia (each 2) and Bulgaria, Great Britain, Hungary, Poland and Thailand (each 1). There are stark differences between countries in terms of the proportion of women among the convicted offenders. For the eight countries which accounted for more than ten convicted offenders in the period from 2003 to 2006, the percentage ranges from 0% (Albania) to 35% (former Soviet Union).<sup>10</sup>

<sup>9</sup> Convictions of women for THB: 13 in 2003 (16%), 21 in 2004 (18%) and 10 in 2005 (12%).

<sup>10</sup> The proportion of women among the persons convicted of THB from the other six countries is 3% (Turkey), 8% (Netherlands and Morocco), 17% (Surinam), 23% (Bulgaria) and 29% (Romania).

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## 4

### Prosecution

#### 4.1 Introduction

This chapter presents the results of (secondary) analyses of the trafficking in human beings (THB) cases in the public prosecution service (PPS) database for the period 2002 to 2006.<sup>1</sup> For each year, the number of cases registered with the PPS, handled by the PPS and disposed of by the courts is given. In other words, no cohort was followed. The research method is explained in Appendix 2.

With the entry into force of Article 273a of the Netherlands Criminal Code on 1 January 2005 – renumbered without amendment of the text as Article 273f of the Code in mid-2005 – exploitation in sectors other than the sex industry and certain activities relating to the removal of organs were also brought within the definition of ‘human trafficking’. Unfortunately, the text of the article makes it impossible to give an indication – within the PPS data – of the nature of the exploitation on the basis of the sections and subsections of the article (in the sex industry, in other economic sectors or in relation to the disposal of organs). What we do know is that all cases up to the end of 2005 relate to exploitation in the sex industry, and that several cases in 2006 involve exploitation in other sectors. None of the cases relate to the removal of organs.

#### 4.2 THB cases registered with the Public Prosecution Service

##### 4.2.1 Number of registered cases

In 2006, 201 cases were registered with the PPS in which human trafficking was (solely or also) suspected (Article 250*ter* (old), Article 250a (old), Article 273a (old) or Article 273f).<sup>2</sup> In the context of prosecution, a (criminal) case is understood to mean a case against a single suspect.

Table 4.1 shows how many cases there were in each year and (as far as is known) how many of these cases (also) involved under-age victims.<sup>3</sup>

<sup>1</sup> These were again performed for this report by the Statistical Data and Policy Analysis Division (SIBA) of the Ministry of Justice's Scientific Research and Documentation Centre (WODC).

<sup>2</sup> Including cases that were later dropped by the PPS or in which the charges did not ultimately include THB.

<sup>3</sup> Criterion: registration under sections and subsections of the article which imply that the victims were under-age.

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*Table 4.1 Number of registered cases, including cases (also) involving under-age victims, per annum*

**Year Registered cases Cases that (also) involve under-age victims**

**N N %**

2002 200 27 13%

2003 156 41 26%

2004 220 32 15%

2005 138 36 26%

2006 201 24 12%

The number of registered cases fluctuates: the small numbers of registered cases in 2003 and 2005 were followed by substantial numbers of cases in 2004 and 2006.

The number of cases that (also) involve under-age victims also fluctuates: in both absolute

and relative terms, the number declined in 2004, increased in 2005 and fell again in 2006. Over the entire period from 2002 to 2006, at least 17% of all cases solely or also involved under-age victims. This says nothing about the total *number* of under-age victims, since there may be more than one involved in each case.

#### 4.2.2 'Nature' of the cases

Breaking down the THB cases registered with the PPS according to the different sections *within* the articles on human trafficking in the Criminal Codes produces the results shown in Table 4.2.

Table 4.2 'Type' of THB, by year of registrations

'Type' of THB 2002 2003 2004 2005 2006

N % N % N % N % N %

250ter/a section 1	52	26%	31	20%	60	27%	22	16%	4	2%
250ter/a section 2	148	74%	125	80%	160	73%	41	30%	27	13%
273a/f section 1	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	25	18%	64	32%
273a/f section 3	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	46	33%	103	51%
273a/f section 4	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	4	3%	1	0%
273f section 5	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	2	1%
Total	200	100%	156	100%	220	100%	138	100%	201	100%

4 Under-age victims may also be involved in cases registered under sections and subsections of the article other than those referred to in an earlier footnote.

5 Perhaps superfluously: registration, summons or conviction under Article 273f section 3, 4, 5 or 6 concerns the aggravating circumstances under which THB is committed (Article 273f section 1).

6 Article 250ter/a section 3, Article 273a, section 5 and Article 273a/f section 6 are not mentioned in the table because there were no cases under those provisions in the period concerned.

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The vast majority of the THB cases in the period 2002 to 2006 concerned aggravated human trafficking: these are cases in which two or more persons act in concert *or* there is a victim who is younger than 16 years of age *or* serious physical injury is inflicted. Non-aggravated human trafficking also occurred fairly frequently in that period. In 2005 and 2006, five cases were registered under Article 273a/f, section 4 (THB committed by two or more persons acting in concert, in which there was *also* a victim younger than 16 involved) and two cases were registered in 2006 under Article 273f, section 5 (human trafficking resulting in serious physical injury).

The offence of THB is often committed in combination with other offences.<sup>7</sup> A case may therefore involve more than one offence.

Table 4.3 provides an overview of the most serious registered offences in each THB case.<sup>8</sup>

Table 4.3 Most serious offence, by year of registration

Most serious offence 2002 2003 2004 2005 2006

N % N % N % N % N %

Sexual violence	14	7%	14	9%	26	12%	16	12%	36	18%
Other violence	7	3%	2	1%	13	6%	7	5%	2	1%
Crimes against property	-	-	1	1%	-	-	-	-	1	0%
Vandalism/public order	-	-	-	-	2	1%	-	-	-	-
THB: 250ter/a section 1	43	21%	23	15%	43	20%	16	12%	4	2%
THB: 250ter/a section 2	131	65%	109	70%	131	60%	37	27%	26	13%
THB: 273a section 1	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	21	15%	44	22%
THB: 273a/f section 3	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	35	25%	80	40%
THB: 273a section 4	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	4	3%	1	0%
THB: 273a section 5	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	2	1%

Other offences under the Criminal

Codes

5 2% 7 4% 5 2% 2 1% 5 2%

Total 200 100% 156 100% 220 100% 138 100% 201 100%

In the last few years, THB was the only, or the most serious offence, in around 80% of the cases. In most of the cases in which there was another, more serious offence in addition to

<sup>7</sup> Such as arranging entry to the country for an illegal alien, (attempted) rape or complicity therein, possession or use of weapons, (attempted) intentional deprivation of liberty or complicity therein and offences relating to drugs, the production and use of false or forged travel documents and assault and duress.<sup>NRM3, NRM5</sup>

<sup>8</sup> The classification adopted by Statistics Netherlands (Centraal Bureau voor de Statistiek), in which the offence with the most severe potential punishment 'prevails', has been modified by creating a separate category for THB. Where there are combinations of offences with equal punishments, THB is included in the list as the most serious offence. If there are then still several offences with the same potential punishment, whichever offence

was committed earlier prevails.

<sup>9</sup> They involve, for example, (THB in combination with) fraud, bribery of a public official, making a false charge, bigamy, inducing a minor to drunkenness or abducting a minor.<sup>NRM3</sup>

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THB, that offence usually involved a form of sexual violence. In 2006, sexual violence was the most serious offence in 18% of cases involving THB.

Whereas the previous report identified a – gradual – decline in the (registration of) THB in combination with ‘participation in a criminal organisation’ (Article 140 of the Criminal Code), to the point where it did not occur at all in 2005, that combination did occur again in 2006 on 29 occasions (in 14% of the cases). It would therefore appear that resources are not - or no longer - being devoted mainly to cases designed to deliver a ‘short, sharp blow’ to perpetrators and relating to suspects operating on their own, a possible explanation that was put forward as a point of concern in the last report.

### 4.3 Cases dealt with by the Public Prosecution Service

Table 4.4 contains an overview of the number of cases, by year of registration, in which the suspect was remanded in custody.

*Table 4.4 Remand in custody, by year of registration<sup>10</sup>*

**Remanded in custody** 2002 2003 2004 2005 2006

**N % N % N % N % N %**

Yes 155 78% 130 83% 161 73% 102 74% 152 76%

No 45 22% 26 17% 59 27% 36 26% 49 24%

Total 200 100% 156 100% 220 100% 138 100% 201 100%

In 2006, more than three-quarters of the suspects were on remand at the time their case was brought before the court. This percentage has remained reasonably stable over the years.

The previous sections involved cases registered with the PPS. Table 4.5 covers the cases dealt with by the PPS in those same years.<sup>11</sup>

<sup>10</sup> Here too there are minor discrepancies compared with the figures presented in the previous report.

<sup>11</sup> The reason why more cases were dealt with by the PPS than were registered with the PPS in 2006 is that no cohort was followed and the PPS does not always make a decision on whether to prosecute in the same year as a case is registered. Once again, there are (minor) discrepancies in this table compared with figures presented in previous reports.

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*Table 4.5 Cases dealt with by the PPS, by year in which they were dealt with*

**Disposition of the case** 2002 2003 2004 2005 2006

**N % N % N % N % N %**

THB summons<sup>12</sup> 111 68% 116 66% 175 71% 99 72% 163 75%

Unconditional decision not to

prosecute

40 25% 42 24% 61 25% 28 20% 41 19%

Summons for other offences<sup>13</sup> 10 6% 11 6% 4 2% 2 1% 10 5%

Transfer of jurisdiction<sup>14</sup> - - 2 1% 2 1% 1 1% 1 0%

Joinder<sup>15</sup> 1 1% 4 2% 1 0% 2 1% 1 0%

Conditional decision not to

prosecute<sup>16</sup>

- - - 2 1% 4 3% - -

Out-of-court settlement<sup>17</sup> 1 1% - - 1 0% 2 1% - -

Total 163 100% 175 100% 246 100% 138 100% 216 100%

The number of cases dealt with by the PPS displays a similar pattern to the number of cases registered with the PPS: 2004 was a peak year with 246 cases dealt with. That was followed by a relative trough in 2005 with only 138 cases dealt with, whereupon the PPS handled a substantially larger number of cases in 2006.

As in previous years, the issuing of a summons was by far the most common manner in which cases were handled in 2006 (in 80% of the cases in 2006). Most summonses were issued solely or jointly for THB, some exclusively for other offences. The number of cases in which an unconditional decision was taken not to prosecute declined slightly to 19% of the cases in 2006. The decisions were based mainly on technical grounds, the most common reason being ‘a lack of evidence’.

Prosecutions were unconditionally dropped more often in cases where non-aggravated THB was suspected than in cases where there were aggravating circumstances.<sup>18</sup>

12 This refers to a summons solely or jointly for THB.

13 These are cases in which, despite an earlier suspicion of (and registration under) THB, the summons ultimately did not include a charge of THB but did include charges of one or more other criminal offences.

14 To another district or another country.

15 Joinder is the merging of different criminal offences into a single case.

16 A conditional decision not to prosecute is a provisional postponement by the PPS of the decision on whether to prosecute.

17 An out-of-court settlement involves the (voluntary) payment of a sum of money to the PPS, whereupon the PPS abstains from prosecuting.

18 In 2006, non-aggravated: 64% summonses for THB and 26% unconditional decisions not to prosecute; aggravated: 81% summonses for THB and 15% unconditional decisions not to prosecute.

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#### 4.4 Settlement by the court

To recapitulate: in 2006 there were 201 cases registered with the PPS in which there was a suspicion of THB. In that same year, the PPS dealt with 216 cases and the courts dealt (in first instance) with 100 cases in which the charges included THB.<sup>19</sup>

Table 4.6 give an overview of the judicial decisions, by year in which the case was settled.

*Table 4.6 Settlement in first instance, by year of settlement*

**Settlement 2002 2003 2004 2005 2006**

**N % N % N % N % N %**

Conviction 84 88% 105 91% 135 89% 98 86% 90 90%

Acquittal 10 11% 5 4% 11 7% 13 11% 10 10%

Discharge from further

prosecution

---- 1 1% ----

PPS inadmissible 1 1% 1 1% -----

Cases joined at hearing -- 5 4% 4 3% 3 3% --

Total 95 100% 116 100% 151 100% 114 100% 100 100%

Once again, a large majority of the cases brought to court in 2006 led to a conviction (90%).

In 10% of the cases there was an acquittal. The other forms of settlement did not occur at all in 2006 and only occasionally in the preceding years.

##### 4.4.1 Sentence imposed for most serious offence

Table 4.7 gives an overview of the sentences imposed in first instance for the most serious offence in the charges.<sup>20</sup>

*Table 4.7 Sentence imposed in first instance for the most serious offence, by year of settlement*

**Most serious offence Judgment 2002 2003 2004 2005 2006**

THB: 250ter/a section 1 Conviction 12 (92%) 10 (91%) 21 (87%) 19 (86%) 2

Criminal Code Acquittal 1 1 2 1 2

Discharge from further

prosecution

-- 1 --

Cases joined at hearing --- 2 -

Total 13 11 24 22 4

THB:250ter/a section 2 Conviction 61 (87%) 81 (89%) 95 (91%) 48 (81%) 24 (86%)

Criminal Code Acquittal 9 4 6 10 4

<sup>19</sup> Cases that were registered with the PPS as (including) THB but in which the summons was exclusively for other offences are therefore no longer included below.

<sup>20</sup> Percentages are only given for cells with ten or more.

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*Continued Table 4.7*

**Most serious offence Judgment 2002 2003 2004 2005 2006**

PPS inadmissible - 1 - - -

Cases joined at hearing - 5 3 1 -

Total 70 91 104 59 28

THB: 273a section 1 Conviction g n.a. n.a. n.a. 3 10 (92%)

Criminal Code Acquittal n.a. n.a. n.a. 1 1

Total n.a. n.a. n.a. 4 11

THB: 273a section 3 Conviction n.a. n.a. n.a. 5 30 (97%)

Criminal Code Acquittal n.a. n.a. n.a. 1 1

Total n.a. n.a. n.a. 6 31

THB: 273a section 4 Conviction n.a. n.a. n.a. - 4

Criminal Code Total n.a. n.a. n.a. - 4

Sexual violence Conviction 8 9 8 16 (100%) 12 (92%)

Acquittal - 2 - 1

PPS inadmissible 1 - - - -  
 Cases joined at hearing - - 1 - -  
 Total 9 9 11 16 13  
 Other violence Conviction 1 2 3 6 6  
 Acquittal - - 1 - 1  
 Total 1 2 4 6 7  
 Crimes against Conviction - 1 - - -  
 property Total - 1 - - -  
 Vandalism/ Conviction - - 2 - -  
 public order Total - - 2 - -  
 Other Conviction 2 2 6 1 2  
 Total 2 2 6 1 2  
 Total Conviction 84 (88%) 105 (91%) 135 (89%) 98 (86%) 90 (90%)  
 Acquittal 10 5 11 13 10  
 Discharge from further  
 prosecution  
 - - 1 - -  
 PPS inadmissible 1 1 - - -  
 Summons annulled - - - - -  
 Cases joined at hearing - 5 4 3 -  
 Total 95 116 151 114 100

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**4.4.2 Conviction for THB**

*Sentences imposed*

Table 4.8 contains an overview of the sentences imposed in the cases in which the suspects were (also) convicted of THB. In other words, cases in which a summons was served but there was no conviction for THB are ignored.<sup>21</sup>

*Table 4.8 Sentences imposed, by year<sup>22</sup>*

**Convicted for Principal sentence<sup>23</sup> 2002 2003 2004 2005 2006**

THB: 250ter/a section 1 No principal sentence<sup>24</sup> 1 - - - -

Criminal Code Only conditional principal sentence  
1 1 - 2 1

Custodial sentence<sup>25</sup> 12 12 20 22 4

Community service 1 3 3 2 -

Fine - 2 - - -

Total 15 18 23 26 5

THB: 250ter/a section 2 No principal sentence - 1 - - -

Criminal Code Only conditional principal sentence  
2 2 3 - -

Custodial sentence<sup>26</sup> 44 (83%) 53 (85%) 83 (89%) 45 (96%) 21 (87%)

Community service<sup>27</sup> 7 4 5 2 3

Fine - 2 2 - -

Total 53 62 93 47 24

THB: 273a/f section 1 Custodial sentence n.a. n.a. n.a. 3 14

Total n.a. n.a. n.a. n.a. 3 14

THB: 273a/f section 3 Custodial sentence<sup>28</sup> n.a. n.a. n.a. 5 20 (87%)

<sup>21</sup> That happened in 20 (22%) of the 90 cases in 2006 in which the summons did include THB and which resulted in a conviction.

<sup>22</sup> In this table there are also discrepancies compared with the figures presented in previous reports. Some of them are substantial.

<sup>23</sup> These are *unconditional* sentences, unless otherwise stated.

<sup>24</sup> An additional sentence may be imposed (for example, confiscation) or a measure (for example, detention under a hospital order). Contrary to what the term suggests, the court can impose only an 'additional' sentence (Article 9 section 5 of the Code of Criminal Procedure).

<sup>25</sup> The combination of a custodial sentence and a community service order is included in the category 'custodial sentence'. This combination was imposed three times in the period 2002 to 2006.

<sup>26</sup> Combinations of a custodial sentence and a fine or a community service order are included in the category 'custodial sentence'. These combinations were imposed eight and twelve times respectively in the period 2002 to 2006.

<sup>27</sup> The combination of a community service order and a fine is included in the category 'community service'. This combination was imposed four times in the period 2002 to 2004.

<sup>28</sup> The combination of a custodial sentence and a community service order is included in the category 'custodial sentence' and was imposed once (in 2006).

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*Continued Table 4.8*

**Convicted for Principal sentence 2002 2003 2004 2005 2006**

Criminal Code Community service 29 n.a. n.a. n.a. - 3  
 Total n.a. n.a. n.a. 5 23  
 THB: 273a section 4 Custodial sentence n.a. n.a. n.a. - 4  
 Criminal Code Total n.a. n.a. n.a. - 4  
 Total convictions No principal sentence 1 1 - - -  
 Only conditional principal sentence  
 3 3 3 2 1  
 Custodial sentence 56 (82%) 65 (81%) 103 (89%) 75 (93%) 63 (90%)  
 Community service 8 7 8 4 6  
 Fine - 4 2 - -  
 Total 68 80 116 81 70

**Custodial sentences**

In 2006, unconditional custodial sentences were imposed in 63 (90%) of the aforementioned 70 THB cases, 23 times in combination with an (unconditional) community service order or fine.

The average term of the custodial sentence in 2006 ranged from just over 9 months (285 days, SD 114) for a conviction under Article 273a/f section 4 (an offence committed in concert) to roughly 22 months (669 days, SD 486) for a conviction under Article 250ter/a section 2 (under-age victims).

Perhaps more revealing is Table 4.9, which shows the terms of custodial sentences broken down into different categories. Percentages are only given where the subtotals are 20 or more.

*Table 4.9 Terms of custodial sentences imposed, per annum*

**Conviction for Term of custodial sentence 2002 2003 2004 2005 2006**

THB: 250ter/a section 1 Up to 1 year 4 6 9 (45%) 9 (41%) 2  
 Criminal Code 1 to 4 years 7 6 10 (50%) 12 (55%) 1  
 More than 4 year 1 - 1 (5%) 1 (5%)<sup>30</sup> 1  
 Total 12 12 20 22 4  
 THB: 250ter/a section 2 Up to 1 year 13 (30%) 19 (36%) 34 (41%) 19 (42%) 8 (38%)  
 Criminal Code 1 to 4 years 26 (59%) 26 (49%) 41 (49%) 18 (40%) 11 (52%)  
 More than 4 years 5 (11%) 8 (15%) 8 (10%) 8 (18%) 2 (10%)  
 Total 44 53 83 45 21

THB: 273a/f section 1 Up to 1 year n.a. n.a. n.a. 1 10

29 The combination of a community service order and a fine is included in the category 'community service' and was imposed once (in 2006).

30 This is a sentence of life imprisonment (for murder, rape and other sexual offences in combination with THB).

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*Continued Table 4.9*

**Conviction for Term of custodial sentence 2002 2003 2004 2005 2006**

Criminal Code 1 to 4 years n.a. n.a. n.a. 2 3  
 More than 4 years n.a. n.a. n.a. - 1  
 Total n.a. n.a. n.a. 3 14  
 THB: 273a/f section 3 Up to 1 year n.a. n.a. n.a. 1 7 (35%)  
 Criminal Code 1 to 4 years n.a. n.a. n.a. 2 12 (60%)  
 More than 4 years n.a. n.a. n.a. 2 1 (5%)  
 Total n.a. n.a. n.a. 5 20  
 THB: 273a section 4 Up to 1 year n.a. n.a. n.a. - 4  
 Criminal Code 1 to 4 years n.a. n.a. n.a. - -  
 More than 4 years n.a. n.a. n.a. - -  
 Total n.a. n.a. n.a. - 4  
 Total Up to 1 year 17 (30%) 25 (38%) 43 (42%) 30 (40%) 31 (49%)  
 1 to 4 years 33 (59%) 32 (49%) 51 (50%) 34 (45%) 37 (43%)  
 More than 4 years 6 (11%) 8 (12%) 9 (9%) 11 (15%) 5 (8%)  
 Total 56 (100%) 65 (100%) 103 (100%) 75 (100%) 63 (100%)

In 2006 almost half of the custodial sentences imposed in first instance were for less than one year.

The table above relates to convictions for THB. Reviewing the most serious offence for which an offender was convicted, as in previous years the highest average custodial sentence in 2006 was imposed where violence was the most serious offence: 832 days (SD 678), or just over 27 months.<sup>31</sup>

**4.5 Appeal?**

The PPS data only contain information about the settlement of cases in first instance. It is also known whether an appeal was lodged in a case, and by whom. Table 4.10 provides an overview.<sup>32</sup>

<sup>31</sup> This involves five cases in all.

<sup>32</sup> Here too there are (minor) discrepancies compared with figures in the previous reports.

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*Table 4.10 Appeal lodged, by year of settlement (in first instance)*

**Appeal lodged 2002 2003 2004 2005 2006**

**N % N % N % N % N %**

None 47 49% 69 59% 91 60% 57 50% 57 57%

Only by public prosecutor 11 12% 6 5% 6 4% 13 11% 5 5%

Only by suspect 23 24% 28 24% 46 30% 25 22% 26 26%

By both parties 14 15% 13 11% 8 5% 19 17% 12 12%

Total 95 100% 116 100% 151 100% 114 100% 100 100%

The table shows that an appeal was lodged in 43% of the cases in 2006, most often by the suspect, either exclusively or as well as the public prosecutor.<sup>33</sup> The percentage fluctuates slightly over the years.

<sup>33</sup> The suspect – naturally – does so in the event of a conviction, the public prosecutor does so most frequently in the event of an acquittal.

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*\*This bibliography is an annex to the original Dutch report; not all references thus appear in the current English translation*

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## **Appendix 1**

### **THB provision in the Dutch Criminal Code**

Article 273f Criminal Code (in force since 1 January 2005)

(non-official, English translation)

(1) Any person who:

1. 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;
2. 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 has not yet reached the age of eighteen years;

3. 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;
4. forces or induces another person by the means referred to under (a) 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 (1) 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;
5. 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;
6. wilfully profits from the exploitation of another person;
7. wilfully 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 (1);
8. wilfully 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;
9. forces or induces another person by the means referred to under (a) 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;

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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:

1. offences as described in the first paragraph if they are committed by two or more persons acting in concert;
2. 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 circumstance referred to in paragraph 3 under (b), 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.

(7) Article 251 is applicable mutatis mutandis.

\*A fifth category fine is a fine of maximum € 67,000,- "(€ 74,000,- as of 1 Januari 2008)"

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## Appendix 2

### Explanation of the research methods

BNRM collects information in a variety of ways. This appendix briefly explains the research methods used.

## **1 The B9 research**

### *Objective and research questions*

In principle, every year BNRM analyses the files provided by the Immigration and Naturalisation Service containing records of all the applications for and awards of residence permits under the B9 regulation (B9 residence permits).

The research questions are:

- For how many victims /witnesses was a B9 residence permit applied for?
- To how many victims /witnesses was a B9 residence permit granted?
- What are the (background) characteristics of persons who were granted a B9 residence permit?

### *Research method*

At BNRM's request, the IND – the agency to which applications for residence permits under the B9 regulation are submitted – supplies files with records of all contacts with persons between 2001 and 2006 in which the B9 regulation played a role. In other words, these files contain records of all applications for B9 residence permits (initial applications and applications for an extension), as well as all decisions to approve applications (even if they were made later, for example after an objection or appeal procedure and/or the extension of a residence permit on other grounds). BNRM aggregated and consolidated all the files at a personal level. For various reasons that are explained in the fifth report on human trafficking<sup>NRM5</sup>, this report (in Chapter 2) only covers the years 2005 and 2006.

Where they are relevant, reference is made to the results for the period up to 2002, as published in the 3rd report of the NRM. For the classification by year, as before the automatically assigned and therefore reliable 'entry date' is used.

### *Reservations concerning the research*

The B9 data only relate to victims and witnesses of THB living illegally in the Netherlands. After all, it is only for them that it is necessary to suspend deportation pending the investigation and prosecution. The regulation provides for a temporary residence permit for both foreign victims and foreign witnesses who report human trafficking or have otherwise cooperated in an investigation and prosecution. The IND does not register whether a person received a B9 residence permit as a victim or as a witness.

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## **2 The PPS data research**

### *Introducion*

At BNRM's request, analyses are carried out each year on part of the PPS national database devoted to 'human trafficking', which contains information provided by 19 district offices of the PPS about the prosecution of suspects.<sup>1</sup> The analyses give an impression of the course of the proceedings in first instance. PPS data contain information about cases and offences. By contrast with police investigations, for the purpose of prosecution a (criminal) case is understood to mean the case against a single suspect. Criminal cases against individual suspects may involve multiple offences. The results of the research are presented in Chapter 3 (Suspects and convicted offenders) and Chapter 4 (Prosecution).

### *Objective and research questions*

The objective of the study was to provide insight into the prosecution of suspects of THB in the Netherlands. The research questions were:

- How many cases relating to THB were registered with the PPS in 2006?
- How often are under-age victims involved?
- What is the breakdown of the suspects in terms of gender, age and country of origin?
- What is the breakdown of persons convicted of THB in terms of gender, age and country of origin?
- What offences other than THB are those persons suspected of?
- How did the PPS deal with cases in 2006?
- How did the courts settle cases in 2006?
- How often do the various parties lodge an appeal against judgments of the court?
- What trends have occurred over time with respect to THB?

### Research method

The cases in which THB is registered (as one of the offences) were selected from the overall PPS database. The analyses do not follow a particular cohort. Instead, the analysis reviewed how many cases were registered and how many were dealt with by the PPS or settled by the courts.<sup>2</sup>

### Additional remarks

The PPS data only include the principal charges in the indictment. Furthermore, if there are several principal offences in the charges only the first offence is registered in the PPS data. This means not only that the PPS data provide only a limited impression of the total number of THB offences (namely that portion that comes to the attention of the police and is referred to the PPS) but also that the portion of the information that does reach the PPS and

<sup>1</sup> The analyses are carried out by the Statistical Data and Policy Analysis Division (SIBA) of the Ministry of Justice's Scientific Research and Documentation Centre (WODC).

<sup>2</sup> This means that they are not necessarily always the same cases.

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that may play a role in the course of the prosecution is not to be found in the PPS data. It is not known how much information may be lost in this way.

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## Appendix 3

### Notes to tables and statistics

#### 1 Notes to tables

This report contains a number of tables. These notes contain some remarks that are important for the interpretation of the tables.

Due to rounding off, the tables do not always come to precisely 100%. To make the tables easier to read, however, the totals are always given as 100%.

If numbers are given in a column, the letter N is used at the top of that column to denote the word 'number'.

In the tables a dash (-) is used to indicate that the number is zero and that the associated percentage is 0%. When the number is higher than zero, but the percentage after rounding off is 0%, 0% is used instead of a dash.

#### 2 Notes to the statistics used

Averages are sometimes given in this report, for example the average age of suspects in THB cases registered with the PPS. In that case, the number (N, see above) and the standard deviation (SD) are also often given. The standard deviation expresses the extent to which the numbers over which the average is calculated differ. The higher the standard deviation, the more they vary.

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## Appendix 4

### Additional tables

Table B2.2 Nationality of (possible) victims registered with Comensha, per annum

Nationality 2002 2003 2004 2005 2006

N % N % N % N % N %

Afghan - - - - 1 0% - - - -

Albanian 8 2% 2 1% 8 2% 2 0% 1 0%

Algerian 1 0% - - - - - - - -

Angolan 3 1% 2 1% 2 0% 8 2% 2 0%

Antiguan/Barbudan - - - - - - 1 0% - -

Armenian - - 3 1% 3 1% - - 4 1%

Azerbaijani - - - - - - - - 1 0%

Belarussian 8 2% - - 12 3% 3 1% - -

Belgian 1 0% - - - - 2 0% 1 0%

Bengal - - - - 1 0% - - 3 1%

Beninese - - 1 0% 1 0% 2 0% - -

Bosnian 1 0% 1 0% - - 1 0% - -

Brazilian -- 12 5% 5 1% 8 2% 17 3%  
 British ---- 2 0% ----  
 Bulgarian 59 17% 48 19% 55 14% 52 12% 39 7%  
 Burundian 1 0% ---- 2 0% 1 0%  
 Cameroonian 10 3% 5 2% 11 3% 4 1% 4 1%  
 Canadian ---- 1 0% ----  
 Chilean ----- 2 0%  
 Chinese 8 2% 8 3% 9 2% 5 1% 29 5%  
 Colombian 2 1% 1 0% 4 1% 1 0% --  
 Comorean ----- 1 0%  
 Congolese 3 1% 1 0% -- 3 1% 5 1%  
 Croatian 1 0% ----- 1 0%  
 Cuban 3 1% -- 2 0% ----  
 Czech 6 2% 3 1% 2 0% 18 4% 3 1%  
 Dominican 3 1% -- 2 0% 1 0% --  
 Dutch 18 5% 11 4% 59 15% 98 23% 146 25%

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**Nationality 2002 2003 2004 2005 2006**

**N % N % N % N % N %**

Ecuadorian 1 0% -- 1 0% ----  
 Egyptian -----  
 Eritrean ---- 1 0% ----  
 Estonian -- 2 1% 1 0% -- 1 0%  
 Ethiopian 1 0% 2 1% 2 0% 1 0% 1 0%  
 Finnish ----- 1 0%  
 French 1 0% -----  
 Georgian 1 0% 1 0% ---- 2 0%  
 German 1 0% 1 0% 1 0% 2 0% --  
 Ghanaian 2 1% 1 0% 6 1% 2 0% 1 0%  
 Greek ----- 1 0% --  
 Guinea-Bissauan ---- 5 1% 4 1% --  
 Guinean 6 2% 5 2% 3 1% 4 1% 8 1%  
 Guyanese 1 0% -----  
 Hungarian 1 0% -- 3 1% 9 2% 13 2%  
 Indian ----- 7 1%  
 Indonesian 1 0% 1 0% ---- 2 0%  
 Iranian 1 0% -- 5 1% -- 3 1%  
 Iraqi ---- 2 0% ----  
 Irish -- 1 0% -- 1 0% --  
 Italian ----- 2 0% 1 0%  
 Ivorian 4 1% 2 1% 2 0% ----  
 Jamaican ----- 1 0%  
 Kenyan ---- 2 0% 1 0% 3 1%  
 Kyrgyz -- 1 0% -----  
 Latvian 1 0% -- 1 0% 3 1% 3 1%  
 Lebanese ----- 1 0%  
 Liberian -- 2 1% 1 0% 1 0% --  
 Lithuanian 13 4% 9 4% 3 1% 3 1% 6 1%  
 Luxembourgger ---- 1 0% ----  
 Macedonian ---- 1 0% ----  
 Malaysian ---- 1 0% ----

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**Nationality 2002 2003 2004 2005 2006**

**N % N % N % N % N %**

Mauritanian ----- 1 0%  
 Mexican ---- 1 0% ----  
 Moldavian 14 4% 1 0% 6 1% 2 0% 3 1%  
 Mongolian 2 1% ---- 2 0% 1 0%  
 Moroccan 4 1% 2 1% 11 4% 11 3% 9 2%  
 Namibian ----- 1 0% --  
 Nigerian 45 13% 21 8% 39 10% 28 7% 86 15%  
 North-Korean ----- 1 0% 1 0%  
 Norwegian ----- 1 0% --  
 Pakistani ---- 1 0% ----  
 Philippine -- 1 0% 2 0% ----  
 Polish 9 3% 3 1% 8 2% 13 3% 27 5%  
 Portuguese ----- 1 0% --  
 Romanian 22 6% 31 12% 45 11% 23 5% 34 6%  
 Russian 16 5% 11 4% 14 3% 13 3% 12 2%

Rwandan 1 0% -- 1 0% ----  
 Senegalese ---- 2 0% 1 0% --  
 Sierra Leonean 12 3% 11 4% 6 1% 14 3% 20 3%  
 Slovakian 2 1% 2 1% 3 1% 10 2% 2 0%  
 Somali 1 0% 1 0% ---- 2 0%  
 South-African ----- 2 0%  
 Sudanese 1 0% -- 2 0% 1 0% 2 0%  
 Surinamese 1 0% 1 0% 3 1% 1 0% 2 0%  
 Taiwanese 1 0% 1 0% -----  
 Tanzanian ----- 1 0%  
 Thai 3 1% 5 2% 2 0% 2 0% 3 1%  
 Togolese 6 2% 2 1% 2 0% 2 0% 2 0%  
 Tunisian ----- 1 0%  
 Turkish 5 1% 1 0% 2 0% 2 0% 5 1%  
 Ugandan 1 0 3 1 -- 4 1% --  
 Ukrainian 5 1% 14 5% 8 2% 10 2% 10 2%  
 Uzbekistani ---- 2 0% 1 0% --  
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**Nationality 2002 2003 2004 2005 2006**

**N % N % N % N % N %**  
 Vietnamese ---- 3 1% 1 0% --  
 (former) Yugoslavian -- 1 0% 2 0% 5 1% 1 0%  
 Zimbabwean ----- 2 0% --  
 Unknouwn 21 6% 19 7% 16 4% 27 6% 38 7%  
 Total 343 100% 257 100% 403 100% 424 100% 579 100%

*Table B2.6 Nationality of persons with B9 application or permit (2005 and 2006)*

**Nationality Applications 2005 Applications 2006 Awards 2005 Awards 2006**

**N % N % N % N %**  
 Albanian 1 1% 1 1% 1 2% 1 1%  
 Angolan -- 2 1% -- 2 1%  
 Armenian 1 1% 2 1% 1 2% 2 1%  
 Belarussian 2 3% -- 1 2% --  
 Bengalese -- 2 1% -- 2 1%  
 Brazilian 1 1% 1 1% -- 1 1%  
 British 1 1% -- 1 2% --  
 Bulgarian 12 16% 19 11% 11 18% 18 12%  
 Burundian 1 1% 1 1% 1 2% 1 1%  
 Cameroonian 1 1% 1 1% -- 2 1%  
 Cape Verdean -- 1 1% -- 1 1%  
 Chinese 2 3% 9 5% 1 2% 9 6%  
 Congolese -- 3 2% -- 2 1%  
 Croatian -- 1 1% -- 1 1%  
 Czech 2 3% 3 2% 2 3% 3 2%  
 Dominican 1 1% 1 1% 1 2% 1 1%  
 Estonian -- 1 1% -- 1 1%  
 Ethiopian -- 1 1% ----  
 Guinean 2 3% 4 2% -- 3 2%  
 Hungarian 1 1% 2 1% 1 2% 2 1%  
 Indian -- 3 2% -- 3 2%  
 Iranian 1 1% -----  
 Iraqi -- 1 1% ----  
 Italian 1 1% -- 1 2% --

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**Nationality Applications 2005 Applications 2006 Awards 2005 Awards 2006**

Latvian -- 1 1% 1 2% 1 1%  
 Libanese -- 1 1% -- 1 1%  
 Lithuanian -- 1 1% ----  
 Mauritanian -- 2 1% -- 1 1%  
 Moldavian -- 4 2% -- 3 2%  
 Moroccan 2 3% 4 2% 1 2% 1 1%  
 Nigerian 6 8% 43 24% 4 7% 33 22%  
 Nigerien 1 1% -- 1 2% --  
 North Korean -- 1 1% -- 1 1%  
 Norwegian 1 1% -- 1 2% --  
 Polish 3 4% 9 5% 3 5% 2 1%  
 Romanian 6 8% 26 14% 6 10% 24 16%  
 Russian 5 7% 3 2% 5 8% 3 2%  
 Senegalese ---- 1 2% --  
 Sierra Leonean 7 9% 11 6% 8 13% 10 7%

Slovak 2 3% -- 2 3% --  
 South African -- 1 1% -- 1 1%  
 Sudanese -- 3 2% -- 3 2%  
 Surinamese 2 3% -----  
 Taiwanese -- 1 1% -- 1 1%  
 Tanzanian -- 1 1% -- 1 1%  
 Thai 1 1% 1 1% 1 2% 1 1%  
 Togolese -- 1 1% -- 1 1%  
 Turkish 1 1% -----  
 Ugandan 1 1% 1 1% 1 2% 1 1%  
 Ukrainian 4 5% 4 2% 1 2% 4 3%  
 Uzbek 2 3% -- 2 3% --  
 Vietnamese 1 1% -----  
 Unknown/stateless 2 3% 2 1% 1 2% 2 2%  
 Total 77 100% 180 100% 61 100% 150 100%

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*Table B3.4 Countries of birth of suspects, by year of registration*

**Country of birth 2002 2003 2004 2005 2006**

**N N N N N**

(Federal Republic of) Germany - 1 5 1 -

Afghanistan 1 -- 1 -

Albania 26 5 ---

Angola --- 1 1

Australia ---- 1

Belgium 2 1 2 --

Brazil - 1 -- 1

British Borneo ---- 1

Bulgaria 27 19 14 4 13

Cameroon - 1 ---

Cape Verdè --- 2 -

China 1 -- 2 1

Colombia 1 - 1 1 -

(former) Czechoslovakia 2 - 2 5 3

Egypt 1 --- 1

Estonia 1 ----

France -- 1 --

Ghana 1 -- 2 -

Great-Britain -- 1 --

Greece 2 --- 1

Hong Kong ---- 1

Hungary 1 -- 6 1

India ---- 7

Indonesia 1 - 2 - 1

Iran -- 2 - 2

Iraq 6 - 2 - 2

Korea -- 1 --

Kuwait --- 1 -

Liberia - 2 ---

Libya - 1 ---

Lithuania ---- 1

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**Country of birth 2002 2003 2004 2005 2006**

**N N N N N**

Malaysia - 1 ---

Morocco 3 3 9 17 13

Netherlands 51 46 91 54 76

Netherlands Antilles 1 2 7 3 4

Niger ---- 1

Nigeria 7 5 4 - 2

Pakistan ---- 2

Poland 4 - 3 3 3

Portugal -- 1 - 1

(former) Portuguese Indies ---- 1

Romania 8 22 23 6 14

Sierra Leone 1 1 -- 1

Somalia 1 ----

(former) Soviet Union 7 11 8 2 7

Sudan 2 ----

Surinam 5 10 9 6 11

Thailand 1 2 - 1 -  
 Turkey 26 16 24 15 18  
 Uganda - - - 1 -  
 United States of America - - 1 - -  
 Venezuela - - - - 1  
 (former) Yugoslavia 6 3 3 4 6  
 (former) Zaire - - 1 - -  
 Country unknown 4 2 2 - 1  
 n.a. (legal entity) - 1 1 - 1  
 Total 200 156 220 138 201

*Table B3.6 Countries of birth of persons convicted of THB, by year of conviction*

**Country of birth 2003 2004 2005 2006**

**N N N N**

Albanië 9 2 - -  
 Angola - - - 1  
 Belgium 2 1 2 -

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**Country of birth 2003 2004 2005 2006**

**N N N N**

Bulgaria 16 11 4 4  
 Cape Verde - - - 1  
 Colombia 1 1 1 -  
 (former) Czechoslovakia - - - 6  
 (Federal Republic of) Germany - 1 1 -  
 Ghana - - - 1  
 Great-Britain - - - 1  
 Greece 1 - - 1  
 Hungary - - 2 4  
 Indonesia 1 - 1 -  
 Iran - - 1 -  
 Iraq - - - 1  
 Korea - - 1 -  
 Kuwait - - - 1  
 Lithuania - 1 - -  
 Morocco 2 7 3 13  
 Netherlands 26 37 36 21  
 Netherlands Antilles - 2 3 -  
 Nigeria - 5 - -  
 Poland 1 - - 1  
 Romania 7 18 3 3  
 Sierra Leone - - - 1  
 (former) Soviet Union 5 7 5 -  
 Sudan - 1 - -  
 Surinam 1 7 8 1  
 Thailand 1 1 - 1  
 Turkey 7 14 9 6  
 United States of America - - 1 -  
 (former) Yugoslavia - 1 - 1  
 Country unknown 1 - - 1  
 Total 80 116 81 70

**Colofon**

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**Bureau of the Dutch National Rapporteur on THB**

P.O. Box 20301  
 2500 EH The Hague  
 The Netherlands  
 www.bnrm.nl

Tel: +31 (0)70 3704514  
 Fax: +31 (0)70 3704537

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