

SUMMARY

Human trafficking is a serious form of crime, often organized and of a border-crossing in nature, whereby the fundamental rights of people are being violated. The Netherlands is the first country which developed a specific policy against trafficking in human beings. In the Netherlands human trafficking focuses till now on exploitation in the sex industry after having been abducted for this purpose, after threats or the use of force was applied. Under Dutch criminal law *human trafficking* comprises in the broad sense all forms of bonded or forced labor (article 273a of the Dutch Penal Code). In the strict sense it comprises also being coerced into prostitution and forcefully being "recruited" for the purpose of prostitution. In 1988 a possibility was created in the Netherlands for victims of trafficking to obtain a temporary residence permit, provided the victims report the trafficker(s). On the basis of the so called *B9-arrangement* victims without a legal basis to stay in the country can obtain a temporary residence permit. They can be placed in a reception center, receive shelter and counseling, obtain social benefits and get legal aid. But then they must have press charges against the trafficker(s)/ pimp(s) to the police. Often the victims have access to education and the labor market. Those who were possible victims of trafficking are given a three months time period for reflection so that reporting the traffickers and pimps will be a decision which has been given a lot of consideration. Since the year 2000 there is in the Netherlands the Office of the *National Rapporteur on Trafficking in Human Beings*. This post has been given a status independent from the government (the rapporteur can for instance inspect police reports and files of people accused of having committed crimes).

The objectives of the government are to be able to give better protection to victims of human trafficking, to strengthen their position and to give them more perspective for the future (as was formulated for instance in the *National Plan of Action to Combat Human Trafficking* of 2004). It also intended to inform on a regular basis the Lower House of Parliament (*De Tweede Kamer*) of the developments. What was lacking until now was an instrument reviewing the (developments in the) position of the victims of trafficking, but which was rights based and gave a central place to access to provisions.

The Scientific Research and Documentation Center (WODC) of the Dutch Ministry of Justice (an international criminal justice knowledge center) asked Adviesbureau Van Montfoort and the Verwey-Joker Institute to develop an instrument evaluating the position of victims of human trafficking. This instrument has been called the *Monitor Trafficking Human Beings*.

This Monitor focuses exclusively on the victims of trafficking in the sex industry.

For this Monitor a division has been made into six different groups and seven themes.

In which group somebody will be classified depends on the legal status of the victim ("legal resident", "illegal" or "asylum seeker") and the age (an adult or a minor).

On these different groups the Monitor reports separately.

The Monitor reports also on seven different themes. These are:

1. Recognizing somebody as a victim.
2. Access to the B9-regulation.
3. Legal assistance and criminal procedures.

4. Shelter and care.
5. Access to healthcare.
6. Income and schooling.
7. Extension of the stay in the Netherlands and return to the home origin.

Not every theme can be easily monitored in one person. It depends in which group somebody can be classified. "Legal victims" for instance are not dependent on the B-9 status in order to be admitted to provisions in the Netherlands.

For an overview of which theme can be worked out for which group in the Monitor Human Trafficking, we refer the reader to scheme 1, figure 1 of this report.

Each theme has for instance 1 or more indicators. The indicators try to give insight in the position of victims of human trafficking. The data collected on the basis of the indicators

Result in key numbers. These numbers are of great informative value, when they can be compared with a general reference value.

It is for instance important to learn how many victims report suspected traffickers to the authorities.

The total of suspects reported to the police can now be compared with the indicator of the estimated victims who are ready to report.

A set of 33 indicators was chosen. An overview of them can be found in table 1.

In order to generate data for indicators the Monitor Human trafficking uses three sources:

Existing registration systems: registration systems of the Police, the Prosecution Service (OM), the Immigration and Naturalization Service (IND), the Councils for Legal Aid (RvR), the Central Authority for Reception of Asylum Seekers (COA) and the Foundation against Trafficking in Women (STV).

Questionnaires/interviews: several indicators can not be obtained through the existing registration systems. For that the victims, coordinators of the Police, fieldworkers of the health services and case managers of the victims have to fill in additional questionnaires. Working with questionnaires means for the Monitor Human Trafficking that one has to work only with a sample of this population.

Jurisprudence: As an additional source to find bottlenecks in the application of the B9 measure, the Monitor will undertake an analysis of jurisprudence of selected cases.

The Monitor Human Trafficking is an instrument for measuring in several years the data several times. A comparison between the different times measurement with the Monitor has been taken place, can show if the position of the victim has already been improved. A limited set of indicators can, by using in second instance additional material, come up with explanations of some bottlenecks and explanations why some indicators show a low or a high value.

After the key figures are collected, the data will be shown to some experts in the field in order to discuss with them certain trends which could be seen. An expert meeting will be organized for this purpose and to hear from the experts if they are of the opinion that additional studies are needed in order to interpret more adequately the results shown by some indicators.

In this report ("*The Monitor Victims of Human Trafficking*, 2006) by Adviesbureau Van Montfoort and the Verwey-Jonker Institute, the authors elaborate just on the indicators of the developed Monitor Human Trafficking instrument. Now they are formulated, we can start to work with the Monitor instrument itself. In general has been known for some time that working with existing registration systems has its limitations. The data collected in these registration systems are not always filled out correctly. This has its consequences for the collected key numbers of the Monitor Human Trafficking. In order to make monitoring easier in the future the authors propose to strengthen registration of the Foundation Trafficking Against Women (STV), because this organization is the central authority for registration of victims for trafficking in human beings in the sex industry.

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