

English summary

Introduction and research question

On 1 April 2000, the Netherlands, as the first European nation to do so, appointed a Rapporteur on Trafficking in Human Beings. Under Article 9 of the Act on the National Rapporteur on trafficking in human beings and sexual violence against children, every four years the institute has to be evaluated. The WODC (Research and Documentation Centre) of the Ministry of Security and Justice has commissioned Pro Facto to conduct this evaluation. The central research question is:

What are the ambitions, objectives and tasks of the National Rapporteur on trafficking in human beings and sexual violence against children, how are the tasks performed, what means are available and how are these spent, what is the (external) valuation of the performance of the tasks and is there reason to change the performance of the tasks or powers?

On the basis of this research question we define the following topics:

- A. Objectives, tasks and ambitions
- B. Administrative legal status
- C. Organisation and means
- D. Performance of the tasks
- E. External valuation
- F. Analysis

First the sub questions were answered based on a document study. These documents were used to reconstruct the ambitions, objectives and tasks of the National Rapporteur. The ambitions, objectives and tasks were assessed by way of interviews. The performance of the tasks was discussed with the National Rapporteur and several of her staff. Additionally relevant external people were interviewed about the National Rapporteur's performance of her tasks. In total 35 people were interviewed. A digital survey was also conducted among almost 600 relevant people who have dealings with the National Rapporteur. The response, at 45%, was excellent.

Goals

Under Article 5 of the Act on the National Rapporteur on trafficking in human beings and sexual violence against children the National Rapporteur has the following tasks:

- a. examining the developments in the volume and characteristics of trafficking in human beings and sexual violence against children and the effects of policy measures taken in combatting trafficking in human beings and sexual violence against children;
- b. advising the government on preventing and combating trafficking in human beings and sexual violence against children;
- c. making periodic reports to the government by sending its reports regarding trafficking in human beings and with regard to sexual violence against children to the Minister of Security and Justice.

In 2015 in the Annual Plan for 2016 the National Rapporteur adopted her own mission and ambition. The ambition consists of five future situations in society, to the achievement of which the National Rapporteur wants to contribute. The National Rapporteur applies the ambitions as a guideline and a touchstone in making choices and setting priorities:

1. General awareness of the nature and scope of trafficking in human beings and sexual violence against children.
2. Preventive measures focusing on victims and offenders.
3. Victims are recognised and protected.
4. Offenders are found and stopped.
5. Policy is based on sound research.

The goals and ambitions of the National Rapporteur and the means and tools used to ensure the goals are achieved are explored in the research as a goal tree.

Constitutional position

Article 6 of the act states that the National Rapporteur on trafficking in human beings and sexual violence against children will perform the tasks independently. This can only mean that the National Rapporteur will carry out her mandate at her own discretion without the minister having any say in this and without this falling under ministerial responsibility. This means that constitutionally the National Rapporteur is an independent public body. Two other provisions in the legislative regulations ensure that relationships under labour law do not undermine the independence of the Rapporteur.

Organisation and means

The National Rapporteur is financed by diverse ministries. From the start the National Rapporteur has been financed by the then Ministry of Justice (now: Security and Justice) and the Ministry of Foreign Affairs and Kingdom Relations (BZK). Later, other ministries also started to contribute to the financing of the National Rapporteur. The National Rapporteur's budget went up in 2010 following the allocation of the new task to report to the government about child pornography. From 1 January 2012 the tasks of the National Rapporteur were extended to include sexual violence against children (including the combatting of child pornography). The National Rapporteur's costs largely lie in the salary of the National Rapporteur and her administrative support. In 2016 fourteen people worked at the National Rapporteur on trafficking in human beings institute (not counting the National Rapporteur herself).

Performance of the tasks

The National Rapporteur published 26 research reports in the period covered by the evaluation study; nineteen in the field of trafficking in human beings and seven in the field of sexual violence against children. In addition to reports, the National Rapporteur and its staff also published articles on various aspects of trafficking in human beings and sexual violence against children. The National Rapporteur is not only engaged in research, reporting and making recommendations. The National Rapporteur also considers providing information and advice to be important activities. She does not want to suffice with reporting the results of research, but wants to go beyond this and actively bring acquired insights and recommendations to the attention of those people who are able to use these in practice. Since her appointment in 2006 the current National Rapporteur has worked hard to create an extensive (international) network.

Most of the recommendations of the National Rapporteur are followed up on. The National Rapporteur and the reports published by her are also regularly referred to in the Lower House of the Dutch Parliament.

External valuation

External valuation of the performance of the tasks by the National Rapporteur on trafficking in human beings and sexual violence against children is high. The reports and recommendations are valued, the independence and authority emphasised and awareness of sexual violence against children has increased thanks to the National Rapporteur. Despite this, however, this chapter does contain some points of criticism expressed by external parties. A returning point of criticism is, according to some of those interviewed, that reports sometimes lack nuances in some parts.

Analysis and valuation

The performance of the National Rapporteur's tasks involves four essential activities, specifically:

1. agenda and prioritising
2. acquiring information
3. processing information and reporting
4. effect

The National Rapporteur decides fully independently about the agenda and priorities. In doing so she takes note of ideas and wishes of staff and society. It is conceivable that the National Rapporteur's basis for preparing the agenda and setting priorities could be strengthened by setting up an advisory forum with which a brainstorm session on the agenda and the programming could be held once or twice a year.

The National Rapporteur is largely dependent on the registrations and reports of various agencies both within government and in the field of social organisations for collecting data for the different reports. The provision of data on behalf of the Public Prosecutor and the police is adequately organised. CoMensha is a major provider of data on (possible) victims of trafficking in human beings. A full picture of (known) victims can, however, still not yet be generated, partly due to the restrictions imposed by the applicable privacy legislation. Data on victims of sexual violence against children are hard to obtain, partly because of the decentralisation of the youth care that has resulted in a highly fragmented care service. The legal grounds for the National Rapporteur's right of inspection should be subject to scrutiny in this context, while of course adequately safeguarding the privacy of the person in question.

During the research period the National Rapporteur has published 26 research reports varying in size from between eleven to more than four hundred pages. Nineteen reports regarded the trafficking in human beings mandate, seven reports were in the field of sexual violence against children. If needed the reports contain a detailed explanatory note on the applied data collection and data processing methods. The general opinion of people close to the National Rapporteur is that the reports are good or even excellent, readable and usable for diverse purposes. A few struggle with complex technical and methodical explanations. The factsheets that are made for many of the reports meet the need to view the facts in brief. This research does not provide a methodical or technical evaluation of the National Rapporteur's research. It is recommended that the National Rapporteur consider setting up a periodic research inspectorate to review this and similar aspects of the work.

The National Rapporteur has started to invest more and more in advancing the effect of insights and advice. She does so in three ways. Conceptual effect takes form in the recommendations accompanying each report. The National Rapporteur has started to limit the number of recommendations and to name the addressee of the recommendations more specifically. Instrumental effect takes form in participation in policy forming forums in which recommendations and insights can be converted to policy measures. Finally, dissemination regards the active spreading of recommendations and opinions through articles, lectures, participation in national and international congresses, the media and the like. The instrumental effect in particular can give rise to a diffusion of roles. The clear definition of responsibilities between on the one hand the researcher-adviser and on the other the policy maker and the implementer is worthy of attention.