



EXPERT MEETING Thursday 14 October 2010

Corinne Dettmeijer-Vermeulen

*Dutch National Rapporteur on Trafficking in Human beings
(Full text can be found at www.bnrm.nl)*

Corinne Dettmeijer starts with a brief reflection on the history of the establishment of the National Rapporteur on Trafficking in Human Beings in the Netherlands. The basis for the appointment of the Rapporteur was laid by the Hague Declaration, adopted in 1997. Monitoring the combat against THB means measuring the effectiveness of policy and counter-trafficking activities. In a Parliamentary democracy, the check of government policy and action is in the hands of Parliament. That is one of the reasons this expert meeting has been organised together with Parliament. By making use of the information of the Reports of the National Rapporteur in the debates, Parliament can critically assess and evaluate the achievements of governmental counter-trafficking policy. The Reports of the National Rapporteur therefore function as an impetus both to the government and to Parliament to perform their respective tasks of fighting trafficking and checking the effectiveness of that fight.

According to Corinne Dettmeijer, the nature of the mandate requires independency. An independent position in her opinion, constitutes the basis for an objective and unbiased view of the developments and the pros and the cons of counter-trafficking policy and practice. Nonetheless, there can also be a disadvantage to being independent. It might mean that access to government information is limited. Being independent, in any event, implies not operating at a steering level.

Monitoring mechanisms are often based on international instruments. Corinne Dettmeijer mentions UN Special Rapporteurs to monitor the Palermo Protocols progress, the monitoring of ILO standards and reports of UNODC. The 2005 Council of Europe Convention has a dual supervision mechanism consisting of a group of independent experts (GRETA) and the Committee of the Parties. And although the current (2002) EU Framework Decision does not include provisions on monitoring, the Expert Group of the European Commission plays an important role in helping the Commission to assess the evolution of policy at national, European and international level. The European Commission intends to appoint an EU Anti-Trafficking Coordinator (ATC) and then wants to present a new integrated strategy for tackling trafficking in 2011. Of course initiatives at the national level as well, such as the US Trafficking in Persons reports, aim to encourage countries to intensify efforts to tackle human trafficking.

These developments further underline the importance of monitoring and supervising action being taken. The existence of various international reporting obligations and initiatives may, however, also imply the need for coordination. Good communication and information could help avoid duplication of efforts.



It is important to stress that trafficking constitutes a human rights violation, which in turn emphasizes the role and importance of the European Convention on Human Rights and as a consequence the European Court on Human Rights in the fight against Human Trafficking. The European Court has rendered two landmark judgments concerning the question of what the human rights issue means for THB; the *Siliadin v. France* case and *Rantsev v. Cyprus and Russia*. These judgements must have, and do have, an important effect on monitoring and supervision, including the jurisprudence of the national judiciary.

Given the Rantsev ruling, Corinne Dettmeijer trusts that national judges will incorporate article 4 into their judgements on human trafficking.

Corinne Dettmeijer closes her speech by saying that although on paper a lot has been achieved in the Netherlands since 2000, a lot of challenges remain in almost all areas of our activities. No doubt these challenges also exist in other countries. Those challenges for example concern providing assistance

to victims, fighting exploitation outside the sex industry, and involving the judiciary. Partnership should also constitute an integral part of anti-trafficking policies and their implementation, both on a national and international level. And in view of the frequent transnational character of trafficking, it is of paramount importance to acquire and exchange information on internationally comparable data on trafficking in human beings. Corinne Dettmeijer believes that the establishment of a network of national rapporteurs or equivalent mechanisms, within the EU, is a very good start in this respect.

Khadija Arib

Chairman of the Standing Committee on Justice of the Dutch House of Representatives

Khadija Arib considers it her duty to make sure that 'hidden crimes', like human trafficking will get continuous attention. She refers to the recent escape from prison of Saban B, a convict for human trafficking, which aroused righteous indignation. How awful this escape may have been, the stories in the media about him did raise greater public awareness of the impact of human trafficking on the victims.

Over the past few years, the Dutch government has taken a number of measures to combat human trafficking (in 2005 exploitation outside the sex industry was criminalized and more recently a new law that aims at preventing and combating excesses in the prostitution sector was created). Moreover, the sentence for human trafficking was raised as of July 2009, as a result of the increasing awareness that human trafficking is a severe problem.

Khadija Arib thinks awareness raising is essential in the fight against human trafficking. Apart from Parliament, also other stakeholders have a role when it comes to awareness raising. She mentions CoMensha, BLinN, the Bureau of the National Rapporteur on Trafficking in Human Beings and the Taskforce Human Trafficking. Moreover, according to Khadija Arib, we tend to forget that the eyes and ears of the general public can also help to detect human trafficking.

Khadija Arib addresses a number of key issues the Dutch House of Representatives has addressed over the past few years and still continues to address.

First of all, the Dutch House of Representatives unanimously adopted a motion requiring the government to draw up an Action Plan to provide more preventive care, support and shelter for victims of so called 'pimp boys'.

Also, raising awareness about labour exploitation, telling the victims about their rights, and promoting expertise in care providers are essential in the fight against human trafficking.



Another issue is victim protection. In cases leading to a conviction it is essential that the victims can rely on the government for their protection. In order to guarantee the security of the victims it is necessary to notify them in due time if the perpetrator is granted temporary leave from prison for personal reasons.

Furthermore, increasing expertise in the field of human trafficking in the judiciary is necessary in order to prevent incidents such as the one with Saban B. in the future.

Since human trafficking is often a cross boarder crime, a merely national approach would have little impact. Europol and Interpol have been cooperating for years by gathering and sharing information. Within the EU, criminal proceedings are harmonised, for example the European arrest warrant, the European evidence warrant and a greater possibility of confiscation. However, this should not remain a 'paper' reality.

ROUND TABLE DISCUSSIONS

During the round table discussions, a number of propositions were discussed by the participants. Each participant took part in two different round table discussions. In this report, the main points of discussion are described. They do not necessarily reflect the opinion of all of the participants, nor of the authors.

1. Monitoring and Rapporteurship

Chair: Peter von Bethlenfalvy

Proposition: 'For a rapporteur, authority is more important than independence'

In case a country establishes a Rapporteur with the purpose of functioning like a provider of feedback to the government about the policies concerning the combat of human trafficking and victim care, an independent position might be preferable. A monitoring mechanism which is part of a ministry, the police or the public prosecutor, cannot provide comments on the effects of certain policies of that very organisation as freely as would be necessary. On the other hand, it might be a big advantage in some countries to have a mechanism as a part of a well established organisation such as a ministry, because it gives the



mechanism authority it would not have otherwise. The impact of recommendations depends on this authority. Furthermore, a merely monitoring role excludes coordination. Providing independent feedback on the performance of executive tasks is not entirely compatible with the actual performance of those tasks, including coordination.

Nevertheless, the main task of a monitoring mechanism is to gather valuable information. Policies should be based on objective data. The gathering of truly objective information is only possible from an independent position. Every country should indeed strive to establish some sort of independent monitoring mechanism, to ensure the gathering of objective information. The Dutch approach might be considered as an example that has proven its value in practice. Of course there may be examples of a functioning monitoring system from within a governmental organisation as well, depending on the structure and possibilities of countries. And of course there should be a balance in the provisions of a country between monitoring and the also necessary coordination.

Proposition: 'The international monitoring bodies on human trafficking duplicate each others' efforts'

There are several bodies which in some way perform monitoring activities, but the distinguished organisations such as EU, OSCE and European Council have different roles. In fact there is only one real monitoring mechanism, GRETA. This seems to function well.

Should the informal network of National Rapporteurs play a monitoring role? The participants think not, or at least not in a direct way. National Rapporteurs monitor national policies, but the network itself was not established to perform (European) monitoring tasks.

In some countries, for instance in the UK, shadow-monitoring takes place. And of course Parliament monitors, sometimes together with the National Rapporteur. This requires a free flow of information like in the Netherlands.

There are a number of EU-funded initiatives, at least six, concentrating on Eastern Europe. They seem to be mainly duplicated. Harmonizing those kinds of initiatives is important. Discussions about this question tend to follow the pattern that participants exclaim to be aiming at complementation, but subsequently confine themselves to a description of their own results.

Proposition: 'Monitoring should be a tool, not a purpose'

It is important to harmonize monitoring methods. Visits of different mechanisms should be avoided. It is also a matter of mutual access to existing information. All agencies gather information for their own purpose.

The main issue is to agree on the content. Monitoring is for a purpose. The results must be usable for targeted goals.

Proposition: 'The EU needs its own TIP-report'

Perhaps the EU needs its own TIP report, but only if the supplied information to a European TIP-agency leads to some kind of reward for the supplier. Also, a well defined goal should be established.

Its purpose could be the improvement of the performance of countries in the fight against human trafficking. A European TIP-mechanism would furthermore need a system of sanctions. Naming and shaming might do. The Commission might have a responsibility in this.

Are the differences between the European countries too big, considering the different definitions of victims and sexual exploitation? Not necessarily, because the Convention provides a common basis. In any way the discussion about a possible European TIP-report should not withhold us from further reinforcing GRETA. Governments will encounter criticism, and perhaps will try to escape in interpretations. So we have to find ways to maintain GRETA as an objective mechanism.

2: Involving the Judiciary

Chair: Maria Grazia Giammarinario

Involving the judiciary (in labour exploitation) is in every aspect difficult.

The legal side of the problem:

The Palermo Protocol is still valid, the legal framework is not the problem. However, the way the international legal framework is interpreted and implemented in national legislations causes many problems in collecting evidence in concrete cases.

Some problematic aspects:

- 1) Often the aspect of transfer/movement is required - this interpretation is out of date. When a victim is transferred by one criminal group, but exploited by another criminal group (loosely connected), it is very hard to prove that both criminal groups share responsibility. Also, some times transfer/movement does not occur at all (i.e. in case of internal trafficking).
- 2) Often the aspect of harbouring and receipt is interpreted through the migration discourse.
- 3) 'Abuse of a condition of vulnerability' is neglected in most countries and very difficult to bring to attention. Example from one of the group members: a city in which 40% of the population were illegal migrants who were working in agriculture (flexible market, short contracts). Some of them were victims of THB, but this was not recognised. It was considered as a fight between the locals and the migrants and not as 'abuse'.
- 4) 'Exploitation' - often the concepts of slavery and THB overlap.
- 5) Another example of one of the group members: debt bondage. In case of exploitation outside the sex industry debt bondage is not recognised as such when the debt is related to the travel.



Conclusion: the real problem is effort, we can not wait any longer, the response is not good. The interpretation of concepts by practitioners needs updating.

How to involve the judiciary? Through joined training and maybe even specialisation (although specialisation is impossible in many countries). It is important that judges themselves feel the need. This is more common in some countries than in other. One thing all judges have in common: they listen to other judges (the higher, the better).

The judiciary has to focus more on the rights of victims. At this moment there are more European citizens than ever and more victims of THB outside the sex industry. But what do we offer those victims? Often their cases are being seen as a violation of labour law and the victims are being deported. Protection of victim's rights should be part of the cultural background of practitioners as well.

Judges can not solve the problem of trafficking alone. The gathering of evidence is also a problem (defendants have the right to a fair trial). We have to follow the money (who is paid for what). And also: freeze criminal assets, (preventive) confiscation, refund victims from confiscated money and make public what is judiciary.

3. Victims

Chair: Suzanne Hoff

Proposition: 'Only the police should be authorized to decide if someone is a victim of human trafficking'

Identification of a victim of trafficking is a layered concept. It can imply a legal status which gives the victim in question a right to certain social services such as housing, medical care and a temporary residence permit, but identification of the victim can also be explained in a more victim centred kind of way. The latter implies that a victim cannot be identified by the police or other authorities, but only through means of self-identification. This does not necessarily entail legal consequences.

Only one participant fully supported the statement that the police (or at least one authority) should be the only authority to decide if someone is a victim or not. This would ensure equal treatment for every victim and expertise of this certified institution.

The other option that was mentioned is to form a multidisciplinary group which consists of police, public prosecution and victim assistance. Together they should decide if someone can be identified as a victim of human trafficking.

Proposition: 'The reflection period should at least be six months, and should in fact be seen as recovery period, as victims need this time to recover before they are able to decide about their cooperation with the police'

The reflection period is initially meant to give victims time to think what they want and to inform them of their options. The reflection period can be seen from a human rights point of view and a criminal investigation point of view. The criminal investigation point of view would lead to the conclusion that six months is too long, because the chance that potential evidence will be lost is too big. The human rights point of view on the other hand, would say that the victim should have all the time he/she needs to decide on what the victim wants and while deciding, the victim should enjoy the necessary protection and assistance.

Despite the different points of view, there was a consensus on the fact that six months is too long. Three months in general should be enough. (In a lot of countries this is not even the case. In Belgium for example, the reflection period is 45 days.) If there are special reasons why people should be given more time (e.g. humanitarian reasons) this should be possible.

On the contrary, consensus also existed on the fact that six months is not enough time to recover.

Proposition: 'Assistance to victims should not be conditional to the cooperation of the victim in the criminal proceedings against the trafficker'

Cooperation of the victims is necessary in order to be able to prosecute the perpetrator. It is also possible to look at it from a victim-centred perspective which would lead to the conclusion that assistance to victims should be unconditional. Despite the difference of opinions on the abovementioned matter, everybody agreed on the fact that assistance, whether conditional or unconditional, should be limited in time because of the costs to society. Of course also in this respect exceptions should be possible to this time limit due to humanitarian reasons.

Proposition: 'In order to prevent revictimisation, limiting the freedom of movement of the victim should be a possibility'

Is it possible to violate human rights to protect human rights? Limiting the freedom of movement in the form of closed shelters would diminish the chance of revictimisation, because the victim cannot go back to the trafficker or be trafficked again.

One opinion was that it should be possible during investigation. This would not necessarily have to be a closed shelter, but for example guarding by a police agent of victims who are potentially at risk of being re-trafficked, even if this would be involuntarily. The same goes for minors and people with such a low IQ that they are not capable of identifying the potential risks of being re-trafficked. Another argument that was raised was that having access to victims is also important for the criminal investigation.

Others were against limiting the freedom of a victim. Not only because in some countries this is against the law, but also because victims assistance had the experience that this does not work. The focus should be more on trying to make the victim understand why the trafficker is dangerous and trying to end its victim hood. This could be done through empowerment and protection and reintegration programs. Limiting the freedom of the victim could be considered relocking the victims in the same way that the trafficker did which would lead to a contrary result.

Another question that was raised is why victims of human trafficking should be treated differently from



victims of domestic violence who cannot be limited in their freedom? It should be noted that the opponents of the abovementioned statement all agreed that the fact that these shelters are not closed does not mean that they should not have curfews or rules.

Proposition: 'A claim for financial compensation to the victim should always be part of the criminal proceedings against the trafficker'

Although it seemed that everybody agreed at the beginning of the discussion with the abovementioned statement, later on in the discussion one point of concern was raised. This point of concern was that the money can make the victim more vulnerable since it might increase the risk of re-trafficking. The solution to the risk of re-trafficking is state intervention. The state should claim the money on behalf of the victim and then reimburse the victim. Another argument which was brought forward was that money cannot pay of the serious trauma of a victim of human trafficking.

Others were of the opinion that money could actually help the healing process. Financial compensation could compensate for the emotional damages done and could give the victim a sense of empowerment. Furthermore, financial compensation could repay the loss of income.

Another option would be to seek compensation in civil law/labour law. Then victims would not be stigmatised as a victim of human trafficking, but claim the money that rightfully belongs to them.

But how does one calculate the compensation a victim is entitled to? Is that the amount of clients a day? Does the amount of emotional damage play a role? There is also an inherent risk to calculating the compensation to a victim. One of the participants to the round table discussions pointed out a Romanian case where the lawyer and the victim had calculated a compensation sum of €150.000,-. They had to reduce this sum, because they were told that the state would never pay this amount of money to a prostitute. In this way claiming compensation can be another traumatising experience.

4. Partnership **Chair: Gert Bogers**



Partnership is essential in the fight against human traffickers. Uniting organisations indicates that effort is being made against this crime. The crux of the workshop was that not doing this sufficiently attracts human traffickers. Partnership is one signal that human trafficking is being combated.

To achieve this, politicians need to exclaim that human trafficking is at the top of the priority list. This must be done at the highest level of many organisations, so every institute has the same impetus.

NGO's are an essential part of the entire chain of organisations. To combat trafficking, they should cooperate among themselves and between each other. To

make cooperation between all organisations work, there should be one coordinator. Also, NGO's should check the procedures of the government.

Furthermore, many informal rules exist among the chain partners. To understand and to promote the cooperation, informal rules should be formalized in order to work transparently. To make the chain approach work, personal contacts are essential. The quality of the contacts is difficult to organise, since it largely depends on the personalities of those involved.

5. Exploitation Outside the Sex Industry **Chair: Floris van Dijk**

Proposition: 'Labour exploitation is a less severe crime than sexual exploitation'

Economic exploitation is a less known and less explored crime than sexual exploitation. The different types of exploitation are not comparable. The legal reality differs from the social reality of the phenomenon. The legal reality (i.e. cases in court) points out that economic exploitation is a less severe crime than sexual exploitation. However, the consequences for the victims are the same (physical, psychological and emotional abuse; dependency of employer, lack of freedom). The perspective of victims of both types of exploitation and their needs is very important. The problem is that law enforcement agencies need criteria that they could measure, and that's problematic.

Labour exploitation can also include sexual abuse for primarily women and physical violence for men. Cases should be considered separately, on an individual basis; do not (try to) compare the se-

verity of cases. In the end both forms of exploitation have to do with the lack/absence of freedom and are a violation of human rights.

Also, the role of the media was mentioned. Sex sells, and thus gets more attention than economic exploitation.

Proposition: 'Victims of labour exploitation do not want a criminal trial, they just want compensation for lost income'

This is a difficult proposition since it concerns individual needs, therefore it is very subjective. Law enforcement agencies can not choose for the victim. Victims want justice done to the perpetrator and justice for themselves; these aims can be different.

Criminal proceedings are not always in the interest of the victim. Victims may want a residence permit and compensation for loss of income. Moreover, most victims want to be reintegrated in society (e.g. through alternative work). It is important to give victims the feeling that the government is on their side.

Proposition: 'Prosecuting for labour offences is just as effective as prosecuting for labour exploitation'

It is important that we gain experience in criminal proceedings to ensure that this proposition is no longer relevant in the future.

Fines will just be incorporated in the 'business model'; confiscating assets in criminal proceedings however, will really hurt.





INTERNATIONAL CONFERENCE Friday 15 October 2010

INTRODUCTIONS



Martin Bosma

Deputy Vice-President of the Dutch House of Representatives welcomes us.

Herman Bolhaar

Chief Public Prosecutor and Chairman of the National Task Force Trafficking in Human Beings introduces Corinne Dettmeijer-Vermeulen and Khadija Arib.

Corinne Dettmeijer-Vermeulen

Dutch National Rapporteur on Trafficking in Human Beings
(Full text can be found at www.bnrm.nl)

Corinne Dettmeijer focuses on the 5 p's (prevention, protection, prosecution, punishment and partnership), that constitute

the cornerstone of the efforts in the fight against human trafficking.

She also emphasizes on the EU Hague Declaration of 1997 which called upon member states to appoint National Rapporteurs in order to report on trafficking to their respective governments. In the Netherlands, the appointment of the first Rapporteur, ten years ago, was a direct result of this. It is good to see that National Rapporteurs or equivalent mechanisms have been established in other countries as well, and that they have formed an informal network within the EU.

In the afternoon she will present her Eighth Report which reviews on the Rapporteurs' recommendations made on all important topics and their reception in the past ten years. Trafficking is easily overlooked if you do not want to see it. The Report will show that in general, authorities in the Netherlands have wanted to see.

Khadija Arib

Chairman of the Standing Committee on Justice of the Dutch House of Representatives

Khadija Arib considers it her duty to make sure that 'hidden crimes' such as human trafficking will get continuous attention. Over the past few years, the Dutch government has taken a number of measures to combat human trafficking (in 2005 exploitation outside the sex industry was criminalised and more recently a new law that aims at preventing and combating excesses in the prostitution sector was created).

She stresses that the effectiveness of government policy in the field of human trafficking depends on adequate provision of information. All the bodies in possession of important information have to share this information in a better way and on a structural basis (also on EU-level).

PLENARY PART I: THB in the Context of Human Rights

Chaired by **Marleen de Pater-van der Meer**

Former Chairman of the Standing Committee on Justice of the Dutch House of Representatives

Rebecca Surtees

Senior Researcher and Programme Manager NEXUS Institute, Thailand

Rebecca Surtees most of all elaborates on the aspects that make the re-integration of victims of human trafficking difficult. Namely:

- The impact and trauma of trafficking. Rebecca Surtees presents different quotations of victims that underline the shame, fear, frustration and disappointment, but also the stress, tension, frustration and aggression that victims feel.
- The tensions and stressors in the family environment. Rebecca Surtees distinguishes victims with 'bad families' (fights, humiliation), victims with 'no family' (no one to return to) and victims with 'good families' (support). But all families face problems on return (debt, the feeling of being abandoned, no

money sent home, stressed behaviour). Often there is tension with spouse, parents, children and/or relatives (especially when trafficking is kept secret). Victims and family members are usually angry and accuse each other.

- Community problems and discrimination.

- Differences between victims and experiences, which bring along different re-integration needs.

Rebecca Surtees presents the following categories: men and women, labour and sex trafficking and adults and children. She also points out that within these categories there are differences. The conclusion is that one size does not fit all, in other words; no intervention can meet the needs of all victims. So we need to consider the needs of all victims in policies and interventions, including those assisted and those never identified.

- Victims don't identify themselves as victims (because they consented to migrate or exploitation is the best option etc.). The term 'trafficking' has negative associations; therefore we must frame their experience as 'bad luck' or because of a 'bad boss'. We have to reject the victim category according to Rebecca Surtees. Identities are diverse and contradictory and victimhood is not the only (or primary) identity.

Rebecca Surtees concludes with pointing out that trafficked persons need to be at the centre of the discussion on re-integration.



Rick Lawson

Head of the European Law Department of Leiden University, the Netherlands

Rick Lawson starts with explaining the *Siliadin v. France* judgment (2005). 1994: a 15 year old girl (*Siliadin*) from Togo was taken to France under false pretext and became an unpaid servant to various families (7 days/week, 15 hours/day). The European Court of Human Rights (2005) acknowledged this as servitude. The following obligations for States in general resulted from this case: states have positive obligations to adopt criminal-law provisions which penalise the practices referred to in Article 4 and to apply them in practice. However, the Court was silent on operational measures (identifying situations, prevention) and gave no attention to the subsequent position of *Siliadin* (residence permit, social assistance).

After this Rick Lawson elaborates on the more recent *Rantsev v. Cyprus & Russia* judgment (2010). 2001: a 20 year old girl (*Rantseva*) from Russia was brought to Cyprus on an 'artiste' visa. She abandons her work after three days and is found by the manager of the cabaret and taken to the police station (with view to expulsion). The police refuse to detain *Rantseva*. The same night she dies under 'strange' circumstances. *Rantseva's* father complains against Cyprus and Russia. The European Court of Human Rights (2010) considers it unnecessary to identify whether the treatment about which the applicant complains constitutes 'slavery', 'servitude' or 'forced and compulsory labour'. Instead, the Court concludes that trafficking itself, within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the ECHR. The Court rules that a comprehensive approach is needed to combat trafficking, which includes measures to prevent trafficking, to protect victims (incl. operational measures) and to punish traffickers.

Finally he represents the pending case of *Kawogo v. UK* at the European Court of Human Rights. 2000: an 18 year old girl (*Kawogo*) is employed by Mrs A as a domestic help in Tanzania. In 2006 Mrs A brings *Kawogo* to the UK on a short-term domestic worker visa. *Kawogo* is left behind with D family and becomes an unpaid servant (7 days/week, 15 hours/day). In June 2006 *Kawogo* escaped and on 22 June 2007 she went to the police. But the police did not start an investigation because they 'rather considered it a civil matter'. In January and April 2008 this was the same. In June 2008 the Employment Tribunal concluded that '*Kawogo* was extremely poorly treated, she was exceptionally vulnerable by reason of her age, background, language and immigration status' and 'was physically neglected and put in a state of fear.' *Kawogo's* assertion that she had been treated as a slave was 'an uncomfortable but fairly apt description'. *Kawogo* was awarded 58,585.80 GBP against the D's for unpaid wage etc. In May 2009 she went again to the police, but no charges were brought under section 4 of the Immigration and Asylum (Treatment of Claimants) Act 2004. The reason given was that 'essentially they (the D family) did not commit the cross-border element'.

The questions that should be asked in this case are:

1. Was the applicant subjected to servitude or forced labour?
2. If so, were adequate criminal penalties in place at the material time? Did the domestic authorities fulfil their positive obligation under Article 4 of the Convention to investigate and prosecute the offences in question and to impose a deterrent punishment on those responsible?
3. Did the applicant have effective domestic remedies at her disposal as required by Article 13 of the Convention?

Conclusion: so far only two cases are brought before the European Court of Human Rights (Siliadin & Rantsev). But the Court is willing to address the issue of trafficking in human beings and State obligations are being elaborated. International instruments and NGO's are giving guidance and individual access is effective (speedy treatment of Kawogo case).



PLENARY PART II: Prosecution and International Collaboration

Chaired by **Marleen de Pater-van der Meer**

Former Chairman of the Standing Committee on Justice of the Dutch House of Representatives

Luis CdeBaca

Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons, the USA

Luis CdeBaca underlines that it is of crucial importance to bridge the gap between policy makers and people who will have to execute these policies. Monitoring mechanisms can form this bridge. Monitoring mechanisms do not put people into prison, but are important in analyzing policies and case studies so that their findings are evidence based. Their findings should be shared in the form of best practices. Monitoring thus forms the bridge between policies and prosecution. Therefore monitoring and combating go hand in hand.

Subsequently, he states that it is important for the effective combat of human trafficking to change the face of the prosecution. Not only men should prosecute perpetrators on crimes which affect mostly women (like sexual exploitation), but also female prosecutors who have the same nationality and background as the victims. It changes the way we see the victims of human trafficking if we see the same people in powerful positions. Therefore there should not be fixed roles for men and women. According to Luis CdeBaca the true face of modern slavery can be found in nuanced cases in which victims travel to a country voluntarily, but are exploited subsequently. So not only the movement of trafficking people should be criminalised but also the subsequent exploitation.

Worldwide there are 4000 prosecutions on trafficking in human beings. But this success is rather relative when we compare this to the 12 to 17 million people who suffer slavery or exploitation worldwide. The prosecution should not make a difference between sexual exploitation and labour exploitation. The latter is still treated as a labour case by the labour department while the former is treated under criminal law. There should be better cooperation between labour inspections and the police in this respect.



Luis CdeBaca stresses that the sentencing of human trafficking is also very important. If we consider trafficking in human beings a gross human rights violation we should punish it as such. Whereas previously in the United States perpetrators would only get 1,5 year imprisonment, now perpetrators of trafficking in human beings are being prosecuted up to 15-20 years in prison for crimes such as domestic servitude cases.

Finally, Luis CdeBaca states that in order to prevent the marginalisation of the victim, the prosecution should act proactively. It should adopt other means of investigations such as telephone taps and provocation. The success of prosecuting perpetrators of human trafficking is more likely if it is not solely based on the testimony of the victim.

Conclusion: the human trafficking approach should be victim-centred. Therefore the three P's are inseparable (protection, prosecution and prevention). These goals can be achieved by providing the victim with a residence- or labour permit. If we do not take the 3 P's into account, this will lead to the 3 D's (detention, deportation and disempowerment).

Steve Harvey

Acting Head of Europol's Operations Department Unit 'O.8 Organised Crime Networks South East Europe'

Steve Harvey states that the scale of organised crime in the EU is considerable and that trafficking in human beings is one of the most prevalent organised crime activities. The EU offers an attractive consumer base for organised crime, with half a billion relatively affluent citizens, liberalised markets, an enterprising business culture and freedom of movement facilitated by the Schengen Agreement. Steve Harvey underlines that an effective EU response should address the problem in a holistic way, recognising its transnational features and its growing complexity. A common integrated architecture is required, promoting joint operations between the member states and EU agencies against the highest priority threats, including trafficking in human beings.

Tackling human trafficking should not be seen solely as a domestic challenge for the member states. The investigation of human trafficking needs to recognise the almost ever present international elements, and investigations should be seen as integral to the international efforts to combat trafficking specifically and organised crime in general. He stresses that the number one target in criminal investigations should be the crime bosses who benefit most from the millions of Euros that are the proceeds of crime.

Steve Harvey explains that Europol's role is to provide operational support to the investigation of serious crime throughout the EU involving two or more member states. Trafficking in human beings has always been a high priority for Europol and at the moment Europol is involved in the investigation of trafficking networks involving Romanian, Bulgarian, Nigerian, Chinese and Hungarian suspects involved in child trafficking and sexual and labour exploitation.

Subsequently, Steve Harvey presents a film of Romanian house raids and arrests which is a good and current example of one phase of a successful international trafficking investigation supported by Europol and Eurojust.

Finally, he describes Operation 'EUROPA' in which 1107 children were trafficked from Romania to western EU member states. The missing children were linked to a large investigation in London concerning the involvement of Roma children in street crime offences. Eventually 398 of the children were identified in the United Kingdom through criminal records (36% of all the missing children). In total 1622 crimes like theft, deception and begging could be linked to these children.

The traffickers based in the United Kingdom had connections with Spain (1424 Spanish addresses and 421 Spanish phone numbers). More than US\$ 1 million has been identified being sent from Spain to Romania.



Peter van Hauwermeiren

Director of the Social Inspectorate, Ministry of Social Security, Belgium

Peter van Hauwermeiren starts with explaining that the key phrase in the legal definition that the Belgian Penal Code gives to trafficking by labour exploitation is 'work in conditions contrary to human dignity'. In the past 10 years Belgian social inspection services have been increasingly involved in trafficking cases. A multi-disciplinary approach has become a normal way of proceeding in Belgium, with the Social Inspection being one of the actors in a wide range of various stakeholders (also 'labour auditors' - prosecutors specialized in social and labour law).

Subsequently he describes a case from the point of view of the social and labour inspector. This case is situated in a rather atypical economic sector (it is becoming clearer that labour exploitation is to be found in the most diverse economic sectors).

After four inspection visits in the toilet rooms of several highway petrol stations and restaurants in Belgium, six persons of Moldovan and Bulgarian nationality were found at work for a German firm. They were to do the maintenance and cleaning of the toilet rooms and collect the money from the

clients. They all were so-called self-employed workers, who submitted a posting form E101 (but there were serious indications that these forms were false). After questioning the workers, it became clear that they worked under the strict authority of the German employer and his agents (so they were not regularly posted self-employed workers). The working conditions were far below the legal standards (15 hours a day, seven days a week, wage 3-5 euro an hour to be paid when returning to their home country).



Peter van Hauwermeiren points out that the Belgian team of policemen and inspectors cooperated successfully with a German team of investigators in this case (although some aspects can be improved in the future). Eventually a report has been drawn up by the social inspector pursuing the investigation, in which the concrete conditions of employment and the extreme working circumstances are explained. These circumstances are 'contrary to human dignity' because the workers' quality of life was far below normal standards and they were highly dependent on the employers' will. For these kinds of reports the set of indicators described in an instruction by the Belgian minister of Justice is used (indicators relating to transportation, identity and traveling documents, attitude of employer towards workers, working and workplace conditions, workers' income, contractual relationship between workers and employer, workers' accommodation and freedom of movement of workers). Peter van Hauwermeiren states that these indicators are only a practical guideline. In the end it is basically a question of common sense on the part of anyone (police officers or labour inspectors) faced during inspection visits with a situation that could possibly involve an unjustifiably low quality of life, dependence or coercion, because that is what 'circumstances contrary to human dignity' are really about. It is this common sense, combined with a certain constant alertness for the issue that will lead the policeman or inspector to take proper action.

In this case the labour auditor initiated prosecution of the German employer for trafficking for labour exploitation and recruiting people to be put to work in circumstances that are clearly contrary to human dignity. Besides, the labour auditor will also prosecute the proprietor of the highway restaurants (i.e. the principal who contracted the German subcontractor) for collaborating for the same offence.

This case illustrates that bogus social statutes such as the statute of the self-employed person, fictitious constructions, and irregular posting can be no less than a cover for labour exploitation. Too often, working situations only seem to be legally correct (people show documents proving their status of self-employed workers), whereas in reality these constructions have been created to facilitate exploitation. According to Peter van Hauwermeiren inspectors are increasingly being confronted with these kinds of constructions, which make it even more difficult for inspectors to detect human trafficking.

In order to fight these complex forms of cross-border fraud and exploitation, it is necessary that social and labour inspection services are able to communicate and cooperate properly with their colleague services in other EU member states (but we have a long way to go).

WORKSHOP I: Non-Punishment & Immigration Laws

Chair: **Linda van Krimpen**

Speakers:

Joanne van der Leun

Professor of Criminology at Leiden Law School, the Netherlands

Linda van Krimpen

Researcher at the Dutch Bureau of the National Rapporteur on Trafficking in Human Beings

Giulia Falzoi

Head of Migration Management Unit at IOM, Italy

Presentation Joanne van der Leun

Human trafficking and undocumented immigration: where does undocumented labour stop and exploitation begin? Due to the current restrictive Dutch migration regime undocumented labour will go further underground and victims of human trafficking who are also undocumented migrants will not identify themselves as victims of trafficking because they fear the consequences. Joanne van der Leun describes this phenomenon as 'crimmigration' which means that migration issues are pulled into criminal law.

Discussion: We want to give adequate protection to victims of human trafficking, but do not want to reward people for illegal immigration - this is a conflict. Also, it was pointed out that there is a certain economic need for illegal labour and that not only the economic crisis, but also the demographic crisis gives rise to a demand in undocumented migrants.

Presentation Giulia Falzoi

In order for a victim of human trafficking to get protection in Italy, he/she does not have to cooperate with the authorities. Instead, a victim can go to a (government selected) NGO for help. The NGO works as an intermediary mechanism between the victim and the police. The victim can tell her/his story to the NGO who can go to the police on behalf of the victim and can for instance request a residence permit on behalf of the victim. This way of indirectly cooperating with the police has turned out to be very successful. The victims experience it as less threatening and are more willing to tell names of perpetrators etc.

But since illegally residing in Italy has become a criminal offence in 2009, victims of trafficking are less willing to identify themselves as victims, because they fear the judicial consequences of their illegal residence.

Presentation Linda van Krimpen

The non-punishment principle according to the Council of Europe Convention on Action against THB: 'Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.' In a recent study conducted by BNRM on victims as perpetrators it became clear that the types of crimes differ (criminal exploitation, victims involved in trafficking, migration related offences, crimes committed in order to draw attention of the authorities in order to escape the THB-situation and crimes committed against the trafficker).

Discussion: There was no agreement on whether or not a victim should be granted a temporary residence permit when the crimes that the victim committed were not related to the trafficking situation.

WORKSHOP II: Financial & Digital Investigations

Chair: **Floris Noordhoff**

Researcher at the Bureau of the Dutch National Rapporteur on Trafficking in Human Beings

Speakers:

Romulus Ungureanu

Head of Unit of the National Agency Against Trafficking in Persons, Romania

Arjan de Vreede, Oscar Vermaas and Joost Heijn

Crime Analyst, Digital Expert and Financial Investigator at the Dutch Police Agency, National Crime Squad

Presentation Romulus Ungureanu

THB generates a huge amount of money, especially in cash. 'Follow the money and you will find the traffickers', hereby, the importance of conducting the financial investigation during the core investigation is underlined. The key questions are: 'How are the profits transferred/transported, laundered, invested and managed?' For example: through transfer systems such as computer banking transac-

tions, conversion of money in valuable saleable goods, direct transfer of money through couriers, fictive commercial contracts and investing on the bourse. It rarely seems to happen that traffickers keep safe boxes or safe keeping places for cash. New technologies emerge and cause difficulties. For example: the possibility to open bank accounts by mobile phone which is completely anonymous, and the use of Skype conversations that can not be encrypted (only recorded).

Presentation Arjan de Vreede, Oscar Vermaas and Joost Heijn

There is an increasing number of internet sites dedicated to prostitution, such as advertisement, chat & webcam sex and review sites. So there is a transition from e.g. newspaper ads to the internet to inform customers. Furthermore, criminals and victims are using internet for communication. That is why the internet should be used more and more in criminal investigations on human trafficking.

Escort agencies offer small numbers of escorts on a large number of websites. In a particular investigation that is described, female escorts travel from city to city and stay there for a week to receive customers. Specially developed tools will alert law enforcement agencies when content (i.e. a new girl) is added or removed. Other tools that are used in this investigation include software which will compare websites to similar content, text mining and face detection/recognition.

Discussion: The research findings of innovative digital investigations have to become 'common sense' and do not have to be explained over and over again in court. Maybe investigators have to write academic papers about their findings or researchers of i.e. the police academy have to participate during the investigation.

WORKSHOP III: Monitoring & Awareness Raising

Chair: **Klara Skrivankova**

Trafficking Programme Coordinator at Anti-Slavery International

Speakers:

Venla Roth

Senior Officer of the Ombudsman for Minorities/ National Rapporteur on Trafficking in Human Beings, Finland

Christine Beddoe

Director/Chief Executive Officer of ECPAT, United Kingdom

Guus Wesselink

Director of the Dutch Crime Stoppers Organization, the Netherlands

Presentation Christine Beddoe

The main goal of ECPAT is the ending of child pornography, child prostitution and child trafficking. ECPAT, founded in 1993, strives for achievement of this goal by lobbying, campaigning, training and running a youth club. Presently there is a campaign running, in partnership with the Bodyshop. In the context of this campaign also modern media like Facebook and Twitter are used. ECPAT is performing monitoring actions. It has membership of the All Party Parliamentary Group for Human Trafficking, and also membership of the Anti Trafficking Monitoring Group, along with Anti Slavery UK. ECPAT acts in this context together with Anti-Slavery and others as a 'shadow-Rapporteur', publishing reports with results of monitoring enquiries, in the role of being the eyes and ears of the group of juvenile victims.

Presentation Venla Roth

The National Rapporteur in Finland is part of the Ombudsman for Minorities and Equality. The Rapporteur is facilitated by the Ministry of the Interior, but independent. The Rapporteur is present at meetings of the Human Trafficking Coordinating Committee, but does not have the right to vote. The task is to report about phenomena related to human trafficking, but the Rapporteur also has a mandate to assist victims (not often used). In the first report 30 recommendations were made, concerning the entire system of victim assistance. Many victims were interviewed. The government is asked for a reaction, and the Rapporteur has offered assistance with the implementation of recommended improvements. Venla Roth mentions the following advantages of the Finnish construction: the Rapporteur operates in an independent position; possesses public authority; has the right to receive classified information; and owns a mandate to report directly to the government.

Discussion: Does assisting victims inflict the independent position of the Rapporteur, concerning the need to maintain a position that is neither related to the government nor to NGO's? The office of the Finnish Rapporteur functions in most of the cases merely as a kind of helpdesk and can operate in an Ombudsman-like style. It is not a matter of providing victim care and if necessary, tasks are separated.

Presentation Guus Wesselink

The formula to facilitate anonymous providing of indications of crimes by the public is familiar in the USA, but in Europe only established in the UK and the Netherlands (Crime Stoppers). Anyone can report clues that might relate to (serious) crimes, like human trafficking. The government guarantees absolute anonymity. It is one of the ways to contribute to the prevention of crime. Crime Stoppers NL also has a campaigning program (repeatedly to get attention for human trafficking). There should also be campaigning aimed at the supply side (in the USA companies are addressed). Also, we should prevent that the government itself makes use of forced labour products and services, especially in economically hard times.

WORKSHOP IV: Prosecution & Trial

Chair: **Martin Witteveen**

Speakers:

Martin Witteveen

Investigation Judge for International Crimes in the District Court of The Hague, the Netherlands

Marc de Vries

Founder and owner of Caselex, the Netherlands

Gert Veurink

Public Prosecutor for Trafficking in Human Beings and People Smuggling, the Netherlands

Presentation Gert Veurink

The organisation of the Dutch Public Prosecution Service and possible reasons for the crimes of THB and people smuggling are explained. In (transnational) human trafficking cases there is always a country of origin, a country of destination and in most cases a couple of transit countries. It is not possible to fight serious organised crime without international cooperation. A few examples of successful cooperation are presented, including the 'Koolvis'-case, which entailed cooperation involving many suspects and countries.

Presentation Martin Witteveen

While legislation to combat trafficking may be in place (although not everywhere), implementation and enforcement remain difficult. Two cases are presented, including the 'Baby Mehak case' which concerned an Indian family in The Hague. A baby died and the subsequent criminal investigation revealed exploitation. The remarks on this case included an observation from the point of view of an investigative judge, that witness evidence is critical. If witnesses cooperate, the question is how to obtain truthful statements – in some cultures authorities are not spoken against and/or different perspectives exist on the concept of 'truth'. There can be differences between group truth and individual truth.

Is trafficking in human beings an international crime for which universal jurisdiction should exist?

Presentation Marc de Vries

The purpose of the Human Trafficking Caselaw Tracker (HT-Tracker) is to make national, European and international case law accessible on the application and interpretation of the international legal framework (e.g., the UN Palermo Protocol) on human trafficking. Those decisions should be made searchable and retrievable for all stakeholders, legal professionals in particular.

Discussion: Since trafficking in human beings is not a crime for which a complaint is needed in order to prosecute, the necessity of witness evidence is questioned. It was observed that an answer to this question also depends on the type of investigation. The ban on tolerating the continuation of trafficking may require immediate action which may then not result in witness evidence. There are criminal cases that must be built on other information, for example in case victims have disappeared.

WORKSHOP V: Perpetrators & Facilitators

Chair: **Warner ten Kate**

Speakers

Gert Vermeulen

Professor of Criminal Law, Head of Department Criminal Law and Criminology and Director Institute for International Research on Criminal Policy (IRCP) at Ghent University, Belgium

Warner ten Kate

National Public Prosecutor for Trafficking in Human Beings and People Smuggling, the Netherlands

Duco van Heel

Risk Analyst at Frontex, the EU Border Agency, Poland

Presentation Warner ten Kate

The Rantsev vs. Cyprus case is discussed briefly. In the Netherlands we have a multidisciplinary approach to human trafficking. A schedule of the barrier model is shown and applied to the Rantsev case. The conclusion is that the police should have known better in this case. Subsequently, the Dutch asparagus case 'Dartmoor' is explained. An evaluation has been made of this case and it shows that a lot went wrong (i.e. trying to send back the victims immediately and even trying to let them pay for their return journey).

Presentation Duco van Heel

Because of the reduction of border control within the EU (Schengen Agreement) human trafficking can increase. Frontex tried to collect data of human trafficking in several countries. Although the research shows a high number, these numbers are not trustworthy. Therefore, it's hard to draw conclusions from this research. Because the different countries have not reported through similar guidelines, there is the risk of double counting and potential victims cannot be found in the numbers. Important factors in the fight against human trafficking are: border control; action; cooperation between different organisations; detection and research of cross border crime.

Presentation Gert Vermeulen

It is not the primary task of the custom services to detect human trafficking and it can lead to collateral damage. For example, a young woman from Eastern Europe can suffer an unlawful delay during her journey. *This statement causes disagreement amongst the workshop participants (especially at airports and similar places noticing signs of human trafficking deserve a high priority).*

Subsequently, it is stated that traffickers are well aware of all the applicable regulatory. They make sure the documents of their victims are in order which makes it hard to proof human trafficking. Finally, it is surprising that the exploiters of brothels or sex clubs do not make more of an effort to make a contribution to the political debate or to approach administrations to tell them their club is properly arranged. They can manifest themselves as a trusted party and negotiate within the debate. This would lead to more transparency. *This statement also causes disagreement amongst the participants to the workshop. Some think it sounds good, but will proof to be not possible. Negotiation is often a game of give and take and it is not desirable to approach the exploiters in this sector this way and give them more rights.*

CLOSING STATEMENTS

Carl Rohde

Dutch Trendwatcher of the year 2010 and Lector Trendwatching Fontys Hogeschool Marketing Management

Carl Rohde tells us about his company 'Science of time'. All over the world, so called 'trend watchers' and 'cool hunters' work for his company.

In order to make the fight against human trafficking appealing and attractive to a bigger audience, we have to apply the mentality behind successful campaigns. To illustrate this he shows us a Coca Cola commercial. Try to fathom the thought behind the campaign (the transportation of a feeling) and try to apply this to the topic of human trafficking.



In the current age we are dealing with the computer generation. In contradiction to a television, that produces a monologue, a computer is interactive. Therefore, it is important that we do not just spread information, we need to be interactive. Carl Rohde explains that in modern society there are various generations living next to each other: the digital immigrants (this generation has been taught how to use a computer but has not been familiar with this from the start) and the digital natives (this generation has been raised with computers and is completely at ease with this). Subsequently, he shows us a virtual hotel (Habbo hotel) to illustrate that it is possible to lead an entire life on the internet. You can sleep there, eat, relax, etc.

Next, Carl Rohde shows a website where people with a joined interest gather and communicate about this, for example the site iLounge where people

gather who have an interest in the iPhone. It tells us that sharing at websites is a good idea since a group of people have more knowledge than one. Like this, people all over the world can help each other. The fact that there is a reverse to every medal is illustrated by the website Dellhell. This is an initiative by a customer of Dell who had problems with Dell and boycotts the company now with through this site.

Current society is increasingly dealing with stress. This could be an explanation why society is increasingly searching for the meaning of life. Therefore society wants to do something for various good causes. Carl Rohde shows us the website of the Besom. On this site, people can apply to what good cause they want to dedicate themselves to and when. For example, you can apply to make a contribution to a good cause, but you can sign in you are only available on Thursday evening from 8.30 pm to 10 pm. The site is successful in our current society. Making a contribution is trendy, but it has to fit into daily life.

Moreover, nowadays it is 'cool' to show in an innovative way you are dedicated to a good cause. For example, if you want to show you disapprove of a war - make art about it. This can generate energy, which will result in the participation of others. According to Carl Rohde, anything that generates energy will be experienced as 'cool' by other people. Another good idea to raise attention for the fight against human trafficking is to show that celebrities are dedicated to it. This will make a good cause trendy and stimulates others to get involved in it.

Corinne Dettmeijer-Vermeulen

Dutch National Rapporteur on Trafficking in Human Beings
(Full text can be found at www.bnrm.nl)

Corinne Dettmeijer gives an overview of the content of the Eighth Report of the National Rapporteur. The Report specifically focuses on the in total 200 recommendations made in the last decade and their implementation. Corinne Dettmeijer starts by giving some examples of results of recommendations:

- Training and specialisation in the field of investigation and prosecution.
- Awareness raising campaigns targeted at the general public, clients of prostitutes, schools etc.
- Improvements in immigration law and immigration policies related to human trafficking.
- Victim care being tailored more closely to the specific needs of trafficked victims.
- Efforts to eliminate shortages of capacity in shelter facilities.
- Legislation that makes no distinction between sexual and labour exploitation.
- Awareness and cooperation in the chain of institutes combating labour exploitation.
- A comprehensive policy in the prostitution sector, in which tackling the illegal sector is as important as firm supervision of the licensed sector.
- Capacity for the police and the Public Prosecution Service in order to bring into practice the priority given to human trafficking. This is a point that still demands attention.

Subsequently, Corinne Dettmeijer shows some figures of the last decade:

- A total of 5084 possible victims of human trafficking were reported to CoMensha in the period 2000-2009 and since 2008, the proportion of underage victims has been largest among Dutch victims.
- The proportion of convictions for human trafficking declined sharply in the last decade (from 73% in 2000 to 51% in 2008), while at the same time the percentage of acquittals on charges of human trafficking increased (from 26% in 2000 to 45% in 2008).

Next, Corinne Dettmeijer focuses on some areas that need attention in the future:

- Protecting victims: there is a need for a vision on the assistance and care that the youth care services should provide to underage victims.
- Data collection: anti-trafficking policies should primarily be information-based. Reliable data collection, including openness and monitoring of the (inevitable) shortcomings of our research, is the key.
- Case law: specialisation within the judiciary, the development of guidelines for sentencing and the analysis of case law (the introduction of the HT-Tracker would be helpful).
- Virtual world/internet: the role of the internet in human trafficking will demand a lot of attention in the coming years. The internet is used not only to recruit potential victims, but also as a means of coercing victims with compromising photos or films or as a medium to exploit victims. Images of sexual acts with victims circulating on the internet constitute a new dimension of victim hood.



Finally, Corinne Dettmeijer presents the Eighth Report of the Dutch National Rapporteur on Trafficking in Human Beings to the State Secretary of the Ministry of Security and Justice.

Fred Teeven

State Secretary of the Ministry of Security and Justice, the Netherlands

Fred Teeven accepts the Eighth Report of the National Rapporteur on Trafficking in Human Beings and stresses the importance of the fight against human trafficking and assistance to victims.



Herman Bolhaar

Chief Public Prosecutor and Chairman of the National Task Force Trafficking in Human Beings, the Netherlands

Herman Bolhaar states that combating human trafficking in the Netherlands is a top priority. In order to combat the crime of human trafficking effectively, the criminal sentences should be more severe, at least 8 to 12 years. Furthermore, the investigation policy should be intensified. At the moment, there are 120 criminal investigations running against human trafficking. The capacity to investigate human trafficking has increased over the years but boundaries are now reached in criminal law. That is why a more integrated approach should be adopted and barriers must be created for perpetrators in tax law, migration law and also labour law, Herman Bolhaar states. He mentions that human trafficking is a transnational crime. That is why a national policy will not do. According to the International Labour Organisation 2.5 million people are being exploited worldwide. This entails 170 nationalities in 135 different countries. Therefore a global approach is needed. States should ratify the UN Convention on Transnational Organised Crime and its Palermo Protocol. Furthermore, there should be cooperation on the operational level. A good example of that is the plan of China and the Netherlands to sign an agreement on closer police cooperation.

Herman Bolhaar says that, as is stated in article 1 of the Universal Declaration of Human Rights, 'all human beings are born free and equal in dignity and human rights'. This is the reason to continue to fight human trafficking, he concludes.



Luis CdeBaca, Corinne Dettmeijer-Vermeulen, Norma Abbene
See: http://www.nyc.gov/html/endht/html/news/news_112210.shtml