Prosecution and trial of trafficking in human beings

In January 2012, the Dutch Rapporteur on Trafficking in Human Beings published an update report on the prosecution and trial of trafficking in human beings (THB) cases in The Netherlands. The report is based on data concerning prosecution and trial in first instance in the years 2006-2010. The findings are based on data from the Public Prosecutor's Office. These are the main findings of the report.

Every year, the Public Prosecutor's Office deals with an average of over 200 THB cases. In about three quarters of cases the defendant is summoned; in other cases no prosecution takes place because of various reasons (for example a lack of proof). In the end, an average of nearly 130 defendants is brought before a judge every year. In trials in first instance, a conviction for THB is reached in just over half of all cases (58% of cases). After a 25% decline in convictions between the years 2004-2009, the percentage rose again (to 59%) in 2010 – which more or less equals the yearly average over the 5-year-period of 2006-2010.

In a majority of cases aggravating circumstances exist, most often this means that the offence was committed by multiple persons in union and/or that a child younger than 16 years of age was the victim. The new EU Directive of April 2011 provides for the stipulation that THB involving a child victim *always* constitutes an aggravating circumstance – also when the child is 16 or 17 years old. In at least 16% of cases registered with the Public Prosecutor's Office a victim younger than 18 years is involved.

In nearly all (91%) convictions for THB an unconditional or partly conditional sentence to imprisonment is imposed. The average duration of the unconditional part of the sentence in the period 2006-2010 was shorter than in the preceding period. That development does not seem to match the legislature's perception of the gravity of the offence, which has led to a rise in the maximum sentences in the past – and may do so again in the future.

Furthermore, THB cases are not distributed evenly over the Public Prosecutors and courts in The Netherlands. Some courts only rarely handle a THB case and as a result, they gain little experience. A bill proposing geographical adjustments of the judicial districts could change this. It proposes that the handling of THB be limited to ten courts, which matches the number of Public Prosecutors that are specialised in THB cases. The concentration of cases could promote specialisation.

The Dutch Rapporteur on Trafficking in Human Beings is currently carrying out an analysis of jurisprudence in cases of THB (in the sex industry) in first instance since 2010.