



Trafficking in Human Beings: Visible and Invisible

Statistics on the prosecution and trial of suspects 2008-2012

Introduction

On 21 December 2012, I presented the quantitative report 'Human Trafficking: Visible and Invisible'. The report contained an analysis of the available statistics on human trafficking in the period 2007-2011, including data on the prosecution and trial of persons suspected of human trafficking. The most recent data on the prosecution and trial of suspects of human trafficking in 2012 are now available. In light of important forthcoming debates on prostitution and human trafficking in parliament, I have decided to publish an analysis of those data immediately in order to provide everyone involved in those debates with the very latest statistics. The complete analysis of the data will be included in the next quantitative report, which is expected to appear early in 2014.

The picture that emerges from the most recent data is that the earlier increase in the number of human trafficking cases registered by the Public Prosecution Service (PPS) has continued. The number of human trafficking cases dealt with by the courts and the proportion of convictions for human trafficking are also increasing.

I observed in the report 'Human Trafficking: Visible and Invisible' that the priority that has been given to human trafficking by various agencies in recent years has had an impact on the rise in the number of registered cases. In other words, we are *seeing* more human trafficking. However, that does not mean that we can conclude that human trafficking is on the increase in the Netherlands. I anticipate that the Regulation of Prostitution Act and specialisation by judges hearing human trafficking cases will have a positive effect.

I would like to thank the Ministry of Justice's Centre for Research and Documentation (WODC) for providing the data.

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PPS data on human trafficking (prosecution and trial)

Table 1 Key figures prosecution and trial, 2008-2012

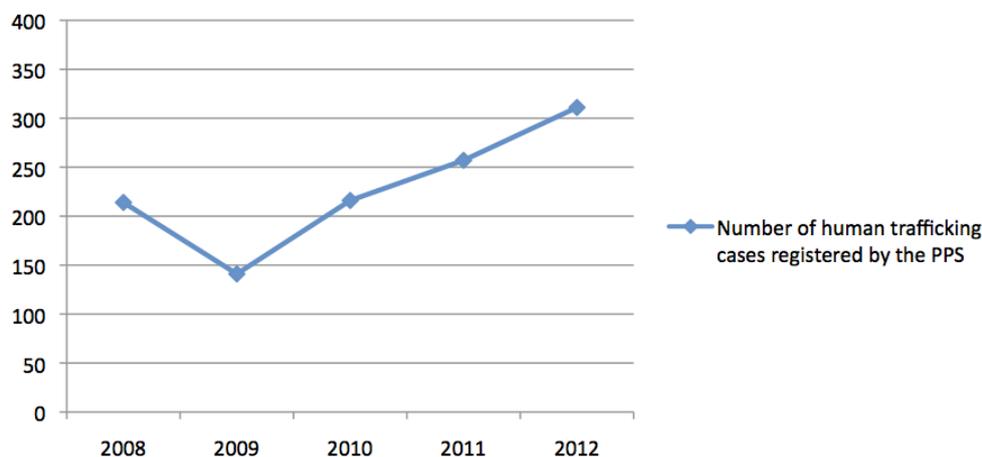
	2008	2009	2010	2011	2012
Human trafficking cases registered by PPS	214	141	216	257	311
Human trafficking cases dealt with by PPS	270	179	206	252	338
- of which a summons for at least human trafficking	186	117	151	176	239
- of which a summons only for other offences	7	10	4	7	9
Human trafficking cases dealt with by the courts	143	132	136	133	153
- of which a conviction for at least human trafficking	75	66	80	80	109
- of which a conviction only for other offences	32	43	27	19	14

Unfortunately, because of how Article 273f of the Dutch Criminal Code (DCC) is drafted, it is impossible to make a distinction between exploitation within the sex industry, exploitation in other economic sectors and exploitation for the purpose of organ removal on the grounds of the individual sections and subsections.

1 Human trafficking cases registered by the PPS

Figure 1 shows the trend in the number of human trafficking cases against individual suspects registered annually by the PPS.

Figure 1 Number of cases/suspects registered by the PPS (2008-2012)



In the period 2008-2012, a total of 1,139 cases were registered by the PPS, or an average of approximately 230 cases a year. The number of human trafficking cases registered each year has now risen for three consecutive years and has more than doubled in the last four years, from 141 in 2009 to 311 in 2012. The 311 cases in 2012 were in fact the largest number of human trafficking cases registered in a single year since at least 2000.¹ Since human trafficking cases can vary greatly, for example in terms of the time and capacity that investigative agen-

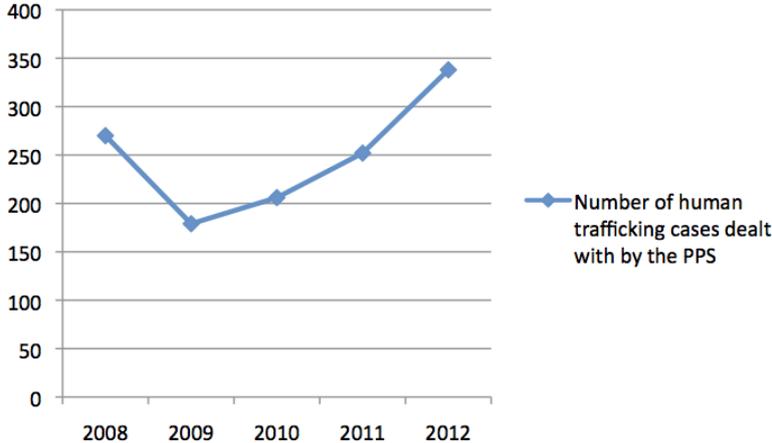
1 2000: 139; 2001: 130; 2002: 200; 2003: 156; 2004: 220; 2005: 138 (NRM8, p. 204, Table B3.22), 2006: 202 (NRM 2012a, p. 29, Table B3.1), 2007: 281 (NRM 2012f, p. 207, Table B3.3.1).

cies have to devote to them, the number of cases registered by the PPS in a particular year does not necessarily say anything about the scale of the efforts to tackle human trafficking in that year.²

2 Human trafficking cases dealt with by the PPS

Figure 2 shows the trend in the number of human trafficking cases dealt with annually by the PPS.

Figure 2 Number of cases dealt with by the PPS (2008-2012)



In the five-year period from 2008 to 2012, the PPS dealt with a total of 1,245 human trafficking cases, or an average of approximately 250 cases a year. Here too, the number of cases has increased every year since 2009 (from 179 cases dealt with in 2009 to 338 cases in 2012). The 338 cases in 2012 were the largest number dealt with in a single year since at least 2000.³ The number of cases dealt with in a particular year cannot be compared with the number of cases registered in the same year since the number of registered cases and the number of cases dealt with do not constitute a cohort, because the cases registered by the PPS in a particular year are not all disposed of by the PPS in the same year.

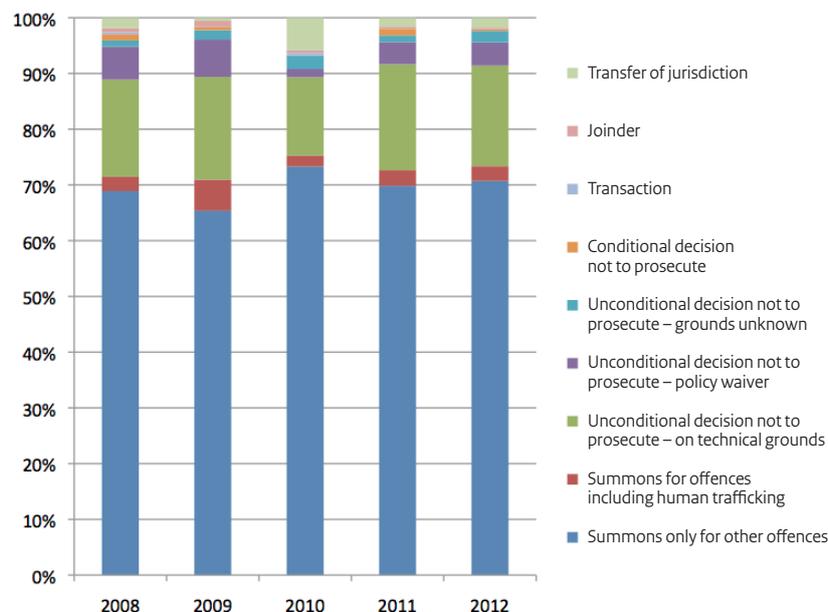
2 In addition, for the PPS a single human trafficking case is a case against an individual suspect, while for the police a case can involve multiple suspects. If, for example, in a particular year the police focus on small-scale human trafficking practices leading to a small number of suspects in each case, it can result in a smaller number of human trafficking cases being registered by the PPS.

3 2000: 93; 2001: 159; 2002: 163; 2003: 175; 2004: 246; 2005: 132 (NRM8, p. 211, Table B3.28), 2006: 194 (NRM 2012a, p. 31, Table B3.6), 2007: 176 (NRM 2012f, p. 309, Table B3.3.4).;

3 Human trafficking cases dealt with by the PPS, by method of disposition

Figure 3 shows how the PPS disposed of the 1,245 human trafficking cases it dealt with.

Figure 3 Cases dealt with by the PPS, by method of disposition (2008-2012)



On average, the PPS decided to issue a summons in almost three-quarters (73%) of all cases, and in almost a quarter of cases (24%) it made an unconditional decision not to prosecute. The other methods of disposition were used in scarcely any cases. Among the cases in which a summons was issued (N: 906 = 100%), the summons was usually for offences including human trafficking (869 = 96%), and occasionally only for other offences (37 = 4%). The PPS will make a decision not to prosecute on technical grounds (in Dutch, *technische sepots*), for example, if a conviction does not appear likely because there is insufficient evidence. If it is decided not to prosecute on grounds based on the public interest, a policy waiver will be chosen.⁴ These grounds might be related to the offence committed (for example, it is an old offence or the suspect played a small part in the offence) or to the suspect personally (the suspect cannot be found, for example). The majority of unconditional decisions not to prosecute (N: 294 = 100%) were made on technical grounds (218 = 74%).⁵ The proportion of unconditional decisions not to prosecute based on a policy waiver ranged from 8% in 2010 to 25% in 2009.

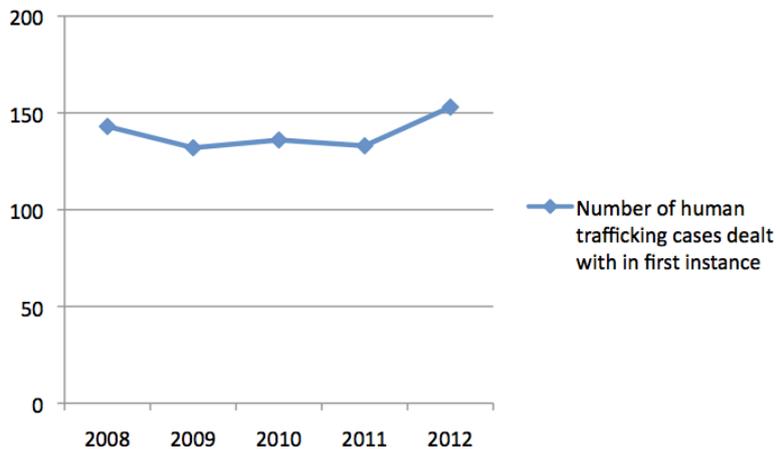
4 Expediency principle, Article 167 (2) of the Dutch Code of Civil Procedure (DCCP) and Instructions on the use of grounds for decisions not to prosecute (2009A016), Government Gazette 2009, 12653.

5 On average, the grounds for the decision not to prosecute were not recorded (and are therefore not known) in 7% of cases, ranging from 5% in 2008 and 2011 to 14% in 2010.

4 Human trafficking cases dealt with in first instance

Figure 4 shows the trend in the number of cases dealt with by the courts of first instance.

Figure 4 Number of cases dealt with in first instance (2008-2012)



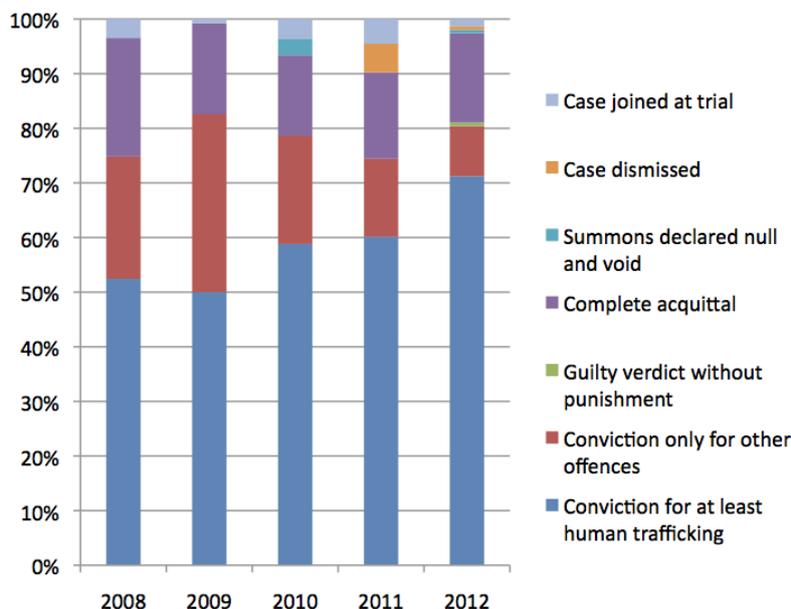
In the period 2008-2012, the courts of first instance dealt with 697 human trafficking cases, or an average of approximately 140 cases a year. The number of cases dealt with each year fluctuated between 132 in 2009 and 153 in 2012. The 153 cases dealt with in 2012 was the largest number since at least 2000, although that was only a few more than in 2004 (151 cases).⁶ The number of cases dealt with in first instance in a year cannot be compared with the number of cases in which the PPS issued a summons for human trafficking in that year, since the number of cases dealt with by the PPS and the number of cases dealt with by the courts do not constitute a cohort, because not all cases in which the PPS issues a summons are dealt with by the courts of first instance in the same year.

6 2000: 84; 2001: 85; 2002: 95; 2003: 115; 2004: 151; 2005: 115 (NRM8, p. 213, Table B3.30); 2006: 98 (NRM 2012a, p. 32, Table B3.8); 2007: 115 (NRM 2012f, p. 314, Table B3.3.9).

5 Human trafficking cases dealt with in first instance, by method of disposition

Figure 5 shows how the courts of first instance disposed of the 697 cases.

Figure 5 Cases dealt with in first instance, by method of disposition (2008-2012)



On average, 59% of the cases heard in first instance led to a conviction for at least human trafficking.⁷ In 36% of all the cases dealt with the defendants were acquitted on all charges of human trafficking (19% involved an acquittal for the human trafficking offences but a conviction for offences other than human trafficking and 17% involved a complete acquittal). In one case the defendant was found guilty but no punishment was imposed, nineteen cases were joined during the trial, in five cases the summons was declared null and void, and eight cases were dismissed.

In earlier quantitative reports the National Rapporteur observed that the conviction rate for human trafficking had declined by as much as 25% in the period 2004-2009 (from 75% in 2004 to 50% in 2009).⁸ This trend was reversed for the first time in 2010 when the conviction rate rose to 59%;⁹ the proportion of convictions remained roughly the same in 2011 (60%). In 2012, the conviction rate for human trafficking again rose substantially (to 71%) and was therefore again somewhat in line with the period 2000-2006, when the conviction rate for human trafficking ranged from 69% in 2003 to 79% in 2002.¹⁰

7 This figure of 59% might also include acquittals on human trafficking charges, since if any human trafficking offence is declared proven it constitutes a conviction for at least human trafficking, but at the same time the suspect might have been acquitted on other charges for human trafficking. For information about 'complete' and 'partial' convictions for human trafficking, see NRM 2012d, p. 36, Table 2.

8 See NRM2012a, p. 12 and NRM8, p. 130.

9 The judgment of the Supreme Court in the Chinese restaurant case at the end of 2009 (Supreme Court 27 October 2009, *LJN* BI7099), which has since resulted in a relatively greater number of convictions in cases of exploitation outside the sex industry, does not in fact explain the increase in 2010 (see NRM2012a, pp. 12-13).

10 2000: 73%; 2001: 79%; 2002: 72%; 2003: 69%; 2004: 75%; 2005: 71% (NRM8, pp. 214-215, Table B3.31); 2006: 70% (NRM2012a, p. 33, Table B3.9); 2007: 63% (NRM2012f, p. 315, Table B3.3.10).

6 Conclusion

In 2012, the PPS registered the largest ever number of human trafficking cases (311) and also dealt with the largest ever number of human trafficking cases (338) – even compared with the post-2000 period. The proportion of cases dealt with by the PPS in which it issued summonses for human trafficking remained more or less stable in period 2008-2012 (an average of 70%, ranging from 65% in 2009 to 73% in 2010).

In line with this trend, the courts of first instance handled the largest ever number of human trafficking cases in 2012 (153), although that figure differs little from the number in 2004 (151). The conviction rate for human trafficking (which had declined by as much as 25% in the period 2004-2009) rose sharply in 2010, and again in 2012 (to 71%). Consequently, the conviction rate in 2012 was somewhat similar to the period 2000-2006, when the conviction rate for human trafficking ranged from 69% in 2003 and 79% in 2002.

Literature

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NRM2012a: National Rapporteur on Trafficking in Human Beings (2012a). *Kwantitatieve gegevens over (de vervolging en berechting van) verdachten en veroordeelden in mensenhandelzaken in de periode 2006-2010*. The Hague: BNRM.

NRM2012d: National Rapporteur on Trafficking in Human Beings (2012d). *Mensenhandel. Jurisprudentie mensenhandelzaken 2009-2012. Een analyse*. The Hague: BNRM.

NRM2012f: National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2012f). *Mensenhandel in en uit beeld. Cijfermatige rapportage (2007-2011)*. The Hague: BNRM.