

## **Fact sheet trafficking and prostitution**

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### **The law**

Prostitutes themselves have never been criminalised in the Netherlands, but the operation of a brothel was against the criminal law.

The change in 2001 held that the prohibition on brothels was removed from the criminal code. This means that:

- It is legal to operate a brothel/ organise the prostitution of others when it takes place on a voluntary/consensual basis and involves adult persons (i.e. persons above 18)
- Labour law is applicable to sex businesses and prostitutes are entitled to labour rights.

At the same time the law on trafficking and the involvement of minors in the sex industry was tightened. The criminal law (art. 273f CC) prohibits:

- Any involvement, recruitment or exploitation of minors (< 18 year) in the sex industry, independent of conditions of coercion, deceit or abuse of authority
- Any use of coercion, (threat with) violence, deceit or abuse of authority in relation to adult persons, both with regard to conditions of recruitment and conditions of work; and/or profiting from the prostitution of another person under the aforementioned conditions.

In 2004 the law was amended to include trafficking for all purposes, in accordance with the UN Trafficking Protocol.

Since 1988 victims of trafficking who press charges are entitled to a temporary residence permit for the period of the criminal proceedings. The temporary residence permit gives access to assistance, shelter, social benefits, legal aid, education and (since 2005) the labour market.

### **Figures**

In interpreting the figures the following should be kept in mind:

- The figures represent the number of cases reported, not the number of victims of trafficking in the Netherlands. Due to the nature of the crime it is very difficult to give an estimate of the real number of victims.
- Dutch policy aims - apart from the prosecution of the offenders - at improving the identification of victims of trafficking, removing the barriers for them to seek help and report to the police, and by doing so making the problem visible. The figures therefore can also be read as an indication of the success or failure of the policy. The more successful the policy is, the higher the number of identified victims will be.
- The figures cover both foreign victims (cross-border trafficking) and domestic victims (domestic trafficking). In the period 1999-2005 the percentage of domestic trafficking victims who reported to the police varied between 12 and 23% of the total number of victims who reported to the police and/or made a witness statement. Due to the increased attention to in-country trafficking (including victims of 'loverboys') the number of Dutch victims reported to STV is increasing (2004: 15 %; 2005: 20% of the total number of victims)
- Victims also include domestic (Dutch) victims of so called 'loverboys'. These are boys/men who recruit Dutch girls, often from a problematic family background, make them fall in love with them and subsequently lure or force them into prostitution. Of the 51 victims of 'loverboys' reported to STV in 2004 9 were minors and 42 were above 18 (time of reporting).

**Table 1: Number of cases reported to the Foundation Against Trafficking in Women**

Year	Number of reports (1992=100) domestic & cross-border)	Index	Perc. of rise compared to the previous year	Number of victims with Dutch nationality	Number of victims who press charges*
2005	424	605	5%	98	155
2004	405	578	57%	59	185
2003	257	367	-25%	11	84
2002	343	490	21%	18	
2001	284	406	-17%	11	
2000	341	487	18%	25	
1999	287	410	26%	13	
1998	228	326	27%	13	
1997	180	257	49%	8	
1996	121	173	-25%	7	
1995	161	230	-3%	4	
1994	166	237	89%	unknown	
1993	88	126	26%	unknown	
1992	70	100		unknown	

Source: National Rapporteur on Trafficking in Human Beings/ Foundation Against Trafficking in Women

\* This is only registered for 2003-2005

**Table 2: Age of victims reported to the Foundation Against Trafficking in Women**

Age	2001		2002		2003		2004		2005*	
	N	%	N	%	N	%	N	%	N	%
10 - 14 year	2	1%	-	-	2	1%	3	1%	1	1%
15 - 17 year	25	9%	41	12%	18	7%	23	6%	23	5%
18 - 23 year	86	30%	130	38%	112	44%	165	41%	167	39%
24 - 29 year	39	14%	56	16%	54	21%	141	34%	150	35%
30 - 39 year	12	4%	19	6%	25	10%	61	15%	50	12%
40 +	1	0%	5	1%	5	2%	-	-	15	4%
Unknown	119	42%	92	27%	41	16%	12	3%	18	4%
Totaal	284	100%	343	100%	257	100%	405	100%	424	100

Source: Foundation Against Trafficking in Women

\* The figures over 2005 include 2 men exploited in the sex industry and a small number of victims who were exploited in other industries.

### **NGO position**

The principle that consensual prostitution by adults should be outside the criminal law, whereas all forms of forced prostitution and prostitution by minors should be combated by all means, is widely supported by both Dutch NGOs and the Dutch society.

The critique of the Dutch NGOs does not concern this principle. On the contrary, Dutch NGOs are of the opinion that this principle should be consequently applied. This means that rights of prostitutes should be strengthened and expanded to include migrant (non-EU) prostitutes.

On the other hand all forms of coercion and abuse should be fiercely combated. Within a human rights based approach states have a duty to prevent, investigate and punish human rights violations and to provide effective remedies to victims of such violations. Therefore, *all* victims of trafficking should be entitled to protection and support, no matter if they are able or willing to press charges or to act as witnesses.