

*Speech by Corinne Dettmeijer-Vermeulen,
Dutch National Rapporteur on Trafficking in Human Beings
and Sexual Violence against Children*

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-may diverge from the spoken tekst-

Good morning, ladies and gentlemen. It is an honour to be in the company of such remarkable people and I would like to thank the organization for inviting me to speak today.

A month ago, the tiniest column in a newspaper caught my attention. The column was almost drowned out by the other problems in the world, yet its content intrigued me. The Amsterdam Police Department has become increasingly confronted with what the national police corps have come to call ‘confused people’. This term refers to the group of confused people found walking out on the streets and in need of help – psychiatric patients, the homeless, and outcasts. It was not this fact that drew my attention to the article, but the Amsterdam Chief of Police’s response to the matter. He believed that it is not the job of the police to provide help to these people, but to solely ‘catch bad guys’.

Is that really the case? Do the police exist solely to catch bad guys? To ask this question in the current company seems almost redundant. To put it mildly, the fact that this statement was made in the present time is, in my opinion, remarkable. The Dutch Police Act states: the police has the role to practically enforce the law *and* the role to provide help to those who may need it. I believe this last role is of crucial importance, especially in times like these when crimes

often leave victims seriously traumatized.

Human trafficking is such a crime. As the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children I report on the scale and nature of these topics and advise the government on the effectiveness of policies. I would like to discuss one specific topic with you today, precisely because it is so closely related to the importance of a broad police role.

That topic is the criminal exploitation of children. Children can be regarded as inherently vulnerable to human trafficking. In a recent report, the European Commission identified four different clusters of vulnerability in order to get a clearer understanding of the factors that make children vulnerable to human trafficking.

First, *individual vulnerability* which derives from factors connected with the child's personal situation and history. Impaired cognitive, for example, increases the likelihood of a child becoming a victim of human trafficking.

Familial vulnerability, second, stems from factors related to the family situation, such as a situation of family breakdown or growing up within a dysfunctional family.

Third, *Social-economic vulnerability* which evolves from membership of a marginalized population group. Low socio-economic status and a lack of options among marginalized communities, for example, increases the vulnerability of children towards trafficking.

Structural vulnerability, finally, is the absence of a government that is adequately equipped to identify vulnerability and to provide protection of children against human trafficking.

We have to take these different forms of vulnerability into account when dealing with children in the criminal justice system. Sometimes protection is more important than prosecution. I will clarify this point of view.

Criminal exploitation is a form of human trafficking that concerns cases where human beings are forced to commit criminal offences by others. The criminal

offences that one can commit for someone else are countless, though in The Netherlands we mostly see cases where children are pushed into committing theft. More often than not parents or other family members are involved.

Something interesting happens during criminal exploitation: the victim also becomes the perpetrator. This dualism, when people enter the criminal justice system as both the victim and the accused, leads to a difficult question: should these victims, who are often children, be prosecuted? Not only is this a difficult question, but also one to which judicial frameworks often lack an answer. This prosecutorial question occurs in the context of discretionary powers, and the law has no answer to it. Even though a non-punishment principle has been accepted on a European level, it does not provide a definitive answer to individual cases. In other words: the answer depends on the creativity of the professionals that are confronted with this problem. It is the *street level bureaucrat's* turn.

The question of how to deal with this form of dualism is also pressing to the police, because the fate of a child is ultimately decided during the investigation. There are many police officers in The Netherlands who struggle with the question of how to deal with these children. I previously mentioned that parents or family members are frequently involved in the exploitation, which points to complex and problematic family dynamics. The main focus of police officers confronted with this situation is often that the child should be helped as much as possible. Criminal law, as we know, contributes little to that. However, wouldn't leaving the children unpunished precisely give the parents or other family members a *carte blanche*?

Once more, creative solutions are necessary and health care is indispensable. During a recent investigation on a large criminal exploitation network in The Netherlands health care officials were involved in the investigation from the beginning. The main objective was not to punish the children, but rather the parents or family. A specialized form of health care was provided to the children, where the police and health care providers were constantly interacting

with one another.

This is, however, not easy. The interests of the police and health care officials often differ. The goal of catching bad guys inherently makes the collection of information part of every investigation. To put it bluntly, children who have just entered the assistance program are ‘sources of information’ to the police.

And what about health care providers? In the interest of children it is important to give them space and not include them as a witness in an investigation, especially in the beginning. But of course, the police cannot afford to take all the time in the world, especially when the care does not take place in a closed setting.

Ultimately, it is about finding a balance. That sounds cliché, but the example I gave you illustrates this. When one asks whether a child must be prosecuted or punished for criminal offences that have been committed in a human trafficking context, the answer depends on the discretionary freedoms of bureaucrats and their use of them. We must be sensible for their vulnerabilities. It is not the law that guides, but practice and thus the professionals.

When one asks what type of care a child must receive *idem dito*: there is no established practice. Obviously there are structures to fall back on, but those are usually too broad to completely face the challenges that up and coming phenomena present. And in the aforementioned example, I have assumed that the authorities even recognized the criminal exploitation. In real life, there is often a lack of recognition. The awareness of this form of exploitation must be greater in the judicial chain. Otherwise, the victim remains only a perpetrator.

Back to what the Amsterdam Police Chief said a month ago. Of course I understand the context in which the statement was made: in turbulent times like these, policy logic is at a crossroads between capacity and priority. You play the

cards you're dealt. But at the same time, the case of criminal exploitation demonstrates that the statement not only indicates a limited idea of the police role, but also that the statement is counterfactual: the reality and the challenges of today show that the police's role concerns and *must* concern much more than merely 'catching bad guys'. The police role concerns both the enforcement of the law as well as the provision of help to those who may need it.

Thank you for your attention.