

NEWSLETTER, volume 9 no. 1

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VIOLENT OFFENCES COMPENSATION FUND: END OF PILOT FOR VICTIMS OF HUMAN TRAFFICKING WITHOUT PERPETRATOR

For a large group of human trafficking victims, the victimhood cannot or has not been proven or established through criminal proceedings against the perpetrator. But also without a procedure and conviction against a suspect/perpetrator, someone can be a victim and thus must get access to certain services. A procedure needs to be drawn up for this.

To give shape to such a procedure, the Violent Offences Compensation Fund (het Schadefonds) ran an operational pilot in 2018. This pilot was ended on 1 January 2019. Ongoing cases will be still be handled, until they are completed. In the first half of 2019, a decision will be taken about whether this working method will be continued. If so, a transitional arrangement will be established for the period when no request could be submitted.

Find out more information about the pilot [here](#).

1. ADMISSION POLICY

Secretary of State for J&S: new fees from 1 January 2019

<https://ind.nl/en/Pages/Costs.aspx>

Council of State: fine for au pair agency for violation of duty of care

This is (as far as we know) the first time that an au-pair bureau has been fined because it had insufficient concern for the welfare of an au pair. The host family in reality consisted only of a man, as the partner and children did not live with him. According to the Council of State, the au-pair bureau did not screen the host family properly and did not have enough contact with the au pair to guarantee her welfare. The agency was fined. See [here](#).

Court: failing integration exam does not prove that woman did not study enough

This case is about a Dominican woman who has had a relationship with a Dutch person for 11 years, and they have been married for 5 years. She took the integration exam, but did not pass (her score was too low). The IND believed that she had not done her best, but the judge found that it could be proven that had tried to learn Dutch. With her low level of education, and without internet access, she cannot get any further. The judge said that the IND must take more account of this. (Court of Haarlem, AWB 18/5521, 19.12.18)

2. CHECK AND DETENTION

Court: entering house is unlawful because of failure to state reason for visit

In this case a neighbourhood (beat) police officer was given a tip about migrants staying in a house. Following up on this, the Aliens Police (Vreemdelingenpolitie) entered the residence and asked for the documents of those present. According to the judge, the information about the aliens' house justified the house search, but the Aliens Police should have first knocked on the front door and stated the reason for their visit. As this did not happen, the search was unlawful and the aliens who have been imprisoned must be released. (Court of Zwolle, NL18.22561, 7.12.18)

3. ACTIVITIES

CU Amsterdam: Memo about basic services for undocumented young people

The ChristenUnie in Amsterdam is asking for attention for the children of undocumented economic migrants, for example in terms of access to care, education and sport. See the memo [here](#)

PICUM: Resources on safe reporting

PICUM developed several resources on the "firewall", including infographics ([here](#)), as well as [explainers for police and service providers](#), and an updated fact sheet on the Istanbul Convention ([link](#)).

Timmerman, Christiane, Maria Lucinda Fonseca, Lore Van Praag and Sonia Pereira (2018), Gender and Migration. A sensitive approach to Migration Dynamics, Leuven: Leuven University Press.

The contributions in this book approach migration dynamics from a gender-sensitive perspective. Detailed analysis by regions, countries, and types of migration reveals a strong variation regarding levels and features of female and male migration. This approach enables us to grasp the distinct ways in which gender roles, perceptions, and relations, each embedded in a particular cultural, geographical, and socioeconomic context, affect migration dynamics.

<https://lup.be/products/108252?lang=nl>

UNODC: Global Report on Trafficking in Persons 2018

There has been an overall increase in the detection of victims of trafficking in persons across the world in recent years. This growth can be a sign of enhanced efforts by authorities to identify victims and/or a larger trafficking problem. Despite the progress, impunity still prevails in large parts of the globe, as shown, for instance, by the low levels of victim detections and trafficker convictions recorded in sub-Saharan Africa and parts of Asia. The work in these regions of origin, as well as in their main countries of destination now needs to focus on implementation of the Protocol provisions.

In a departure from prior Global Report editions, the data show that victims who have been detected within their own national borders now represent the largest part of the victims detected worldwide. This finding clearly illustrates that the crime of trafficking in persons should be treated as a criminal justice priority in all national jurisdictions. It also shows that trafficking is rooted in the exploitation of victims, and not necessarily their movement, although victims detected in their own countries may have been destined for exploitation elsewhere.

https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_embargoed.pdf, 6.1.19