

**GOVERNMENT D
POLICIES AND
SEX WORK
REALITIES:**

**HUMAN TRAFFICKING IN THE
REGULATED SEX INDUSTRY**

Maite Verhoeven

**Government Policies and Sex Work Realities:
Human Trafficking in the Regulated Sex Industry**

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**Government Policies and Sex Work Realities:
Human Trafficking in the Regulated Sex Industry**

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“The government now spends a lot of money to tell prostitutes what not to do, and how they especially should not be victims of trafficking, but no one tells you how you can start safely in this profession.” (Source: blog from sex worker Felicia Anna¹)

INTRODUCTION

In the Netherlands selling sexual services for money is accepted by law as a way to earn money. Some sex workers, however, are tricked out of their money by people using manipulation, fraud or coercion. This phenomenon, the exploitation of sex workers, constitutes human trafficking. This exploitation by means of deception, force or the abuse of a position of vulnerability is often approached as organised crime or as modern slavery. Addressing this crime of human trafficking in the sex industry is a priority of many government institutions at all levels. Several governmental and non-governmental organisations deal with this phenomenon, focusing on prevention, prosecution, and protection. A wide variety of initiatives are undertaken to address the issue of human trafficking with regard to sex work, as well as in the field of (organised) crime. Laws and regulations are constantly adjusted, awareness is raised, more and more organisations are involved in detecting signs of exploitation, special police teams are set up, multi-agency partnerships are created, specialized prosecutors and judges are trained, and more and more differentiated shelters for victims are established.

However, people who are identified as victims of human trafficking often decline the assistance that is offered to them, and many victims are reluctant to report this crime or to seek help (Brunovskis & Surtees, 2012). Some trafficked persons even will not leave a trafficking situation.

In one of the biggest trafficking cases in the sex industry in the Netherlands a violent gang of traffickers targeted more than 70 victims, who did not make use of the protection that was offered by the government. The transportation and accommodation that was arranged for dozens of victims after the arrests was not used by a single victim. Also, very few victims cooperated in the prosecution of the traffickers; on the contrary, some were observed sending kisses to their traffickers in court while they heard them being sentenced to seven years in prison. One of the victims married her trafficker while he served a prison sentence of 7.5 years and they now have a child together (Vugts, 2014). Furthermore, measures to prevent the exploitation of sex workers, such as the closing of window brothels in Amsterdam, led to demonstrations of sex workers who did not want ‘their jobs to be stolen’, as their slogans read.²

1 Source: <http://achterhetraamopdewallen.blogspot.nl/2014/06/hoer-je-mensenhandel-kan-voorkomen.html> retrieved January 2016.

2 Retrieved March 2016 from <http://nos.nl/artikel/2029383-prostituees-protesteren-in-amsterdam.html>.

These apparent contrary situations and actions require exploration and clarification. Are these women afraid, ashamed, in love, do they suffer from the so-called ‘Stockholm syndrome’³? What is the role of the traffickers in this? Are the government’s answers the right ones? How can we explain this apparent gap between the needs of victims and the way human trafficking in the sex industry is addressed? These questions lead to the main question of this dissertation:

What is the nature of human trafficking in the Dutch sex industry and how does this connect to the way human trafficking is addressed?

Little is known about the effectiveness of the ways to prevent and protect victims of human trafficking and prosecute perpetrators in the sex industry. Do we understand the actual nature of the phenomenon of exploitation and human trafficking? How is human trafficking addressed and investigated in practice? What are the government’s goals when addressing human trafficking? And to what extent do we actually help exploited sex workers with these approaches? To answer these questions, the central aim of this dissertation is to provide insight into the nature of human trafficking in the Dutch sex industry and the effectiveness of the ways human trafficking is addressed by policy makers, law enforcement and municipalities.

To shed light on the connection between the nature of this exploitation and the way exploitation of sex workers is addressed, this dissertation focuses on: (1) the characteristics of sex work and exploitation, (2) relationships between those who exploit and those who are exploited, (3) the criminal investigation of human trafficking, and (4) meanings of anti-trafficking measures for sex workers. To gain insight into these aspects I used police files of trafficking cases and interviews with sex workers and government officials. This empirical research builds upon prior research on the nature and countering of exploitation. The nature of my data enables me to shed light on both the (exploited) sex workers, and on the government’s perspectives as they emerge in policy as well as in anti-trafficking initiatives, and in the criminal investigation practice in the Dutch context of regulated sex work.

Terminology

In this chapter, as in the rest of this dissertation, different terms are used for the studied actors. I use terms such as ‘trafficker’, ‘pimp’, ‘suspect’, ‘partner’ or ‘service provider’ as synonyms depending on the context. I also use ‘sex worker’, ‘victim’, and ‘women who sell sex’. There are several reasons for this. First, not all chapters focus on the same people. Most chapters (2, 3, 4 and 5) deal with people who appear in police files, most of whom

3 The Stockholm syndrome refers to the reactions of some people in a captive or hostage situation. Hostages can develop positive feelings towards their captors and negative feelings towards the police or other authorities that want to rescue them from their situation. See <http://medical-dictionary.thefreedictionary.com/Stockholm+syndrome> retrieved October 2016.

are perceived by the police as suspects or (possible) victims of human trafficking. The last chapter, however, refers to sex workers in general, not victims in particular.

Second, because I underline the existence of different perspectives, I choose to use this range of terms. Depending on the context, findings and the perspectives that are discussed, different terms are used. For example, when writing about relationships, one issue is that people (whether they are pimp, sex worker, trafficker or victim) perceive other people as their partners, which I find significant. By using certain terms, for example, ‘partner’ or ‘boyfriend’, I wish to underline the relevance of this issue by using terms that illustrate the different representations used by the different actors.

I use both the terms ‘prostitution’ and ‘sex work’ for the performance of sexual acts for money or other remuneration. Although prostitution for some may have negative connotations—and generally refers to penetrative sexual intercourse as opposed to ‘sex work’ that more broadly encompasses a range of sexual activities—the term ‘prostitution’ is widely used in the Netherlands in policy documents and in most of the government’s communication on the sex industry and on sex work. For this reason, especially when this policy (in which prostitution is seen as a form of work) is described and discussed, I use the term ‘prostitution’. For reasons of the negative connotations that may exist, in general I use the term ‘sex worker’ instead of ‘prostitute’, unless referring to others, who use the term ‘prostitute’. By the term ‘pimp’, I mean someone who lives off the earnings of one or more sex workers. This may be in exchange for protection or other (work-related) services.

Given the fact that this dissertation focuses upon the trafficking and exploitation of sex workers, I often use the term ‘human trafficking’ when referring to trafficking in the sex industry. Although this term also applies to trafficking in other employment sectors, the more specific term ‘sex trafficking’ is not as common in the Netherlands as ‘human trafficking’. Therefore, in general, when using the term ‘human trafficking’, I refer to trafficking in the sex industry.

The organization of the remainder of this introductory chapter is as follows: To begin with, I will sketch the context of this research and I will examine previous research. Subsequently, the research questions of this dissertation are outlined. This is followed by a description of the data and methods used for this dissertation. I conclude the chapter with a description of the structure of the dissertation.

CONTEXT OF THE STUDY

By way of providing a background to this study I will outline sex work in the Netherlands, describe the more recent attention given to exploitation and trafficking, and sketch how this is addressed in the Netherlands.

Sex work in the Netherlands

Worldwide there are significant differences among countries in terms of the legality and regulation of sex work (Felson, 2006). In the Netherlands, sex work is legal, provided it concerns consenting sex between adults (i.e., those over the age of 18), and as long as sex workers possess the legal residence permit required for employment (Daalder, 2007). Brothel owners require a license, and sex workers in principle have to pay taxes. The underlying assumption of this policy is that normalization of sex work makes it more manageable, which may reduce harmful side effects such as exploitation and human trafficking.

In 1999 the Netherlands was one of the first countries to legalize sex work (Outshoorn, 2012).⁴ In 2000 this new legalization took effect and the ban on brothels was lifted; sex work was recognized as work and the regulation of the sex industry was delegated to local authorities (Outshoorn, 2012). Forced sex work, including human trafficking, remained a criminal offence. People working in the sex industry were to become entitled to the social rights usually accruing to other workers. Only EU citizens could work legally as sex workers; non-EU citizens were not to receive work permits (Outshoorn, 2012: 233).

Before the official legalization in 2000, sex work and brothels were condoned and tolerated by many local governments. The police only interfered when public order was at stake, or in cases of human trafficking. The reasoning behind this policy of tolerance (in Dutch, *'gedoogbeleid'*) was harm reduction (i.e., a decrease in undesirable consequences); the belief that enforcement of anti-sex work laws would be counterproductive, and that the best way to protect sex workers was to tolerate sex work (Brants, 1998).

Brants (1998) describes how, until the end of the 1960s, “prostitution in Amsterdam flourished for many decades under a regime of regulated tolerance that amounted to indifferent non-intervention in the districts near the harbour where, historically, brothels and bawdy houses have always been located” (Brants, 1998: 626). According to Brants (1998), the Amsterdam red-light district at that time was one of the safest places in town: “It was small-scale, there was self-regulation, there were small businesses and cosy cafes, and many more people lived there than do so now” (Brants, 1998: 626).

In the 1970s, when international tourism increased, prosperity grew, sexual mores in the West became more liberal, and a more global sex industry emerged (Outshoorn, 2015). At that time sex workers in the Netherlands were predominantly white lower-class women from the Netherlands, Belgium, France and Germany. During the 1970s, women from Thailand and the Philippines entered the sex industry. In the 1980s there was a second wave of women from Latin America and Africa, who were more vulnerable groups. Janssen (2007), in her study of sex workers from Latin America, describes how these labour migrants made use of transnational social networks, receiving help

4 Worldwide policy regimes regarding sex work take a variety of forms: criminalization of the sex worker; client criminalization; regulation and decriminalization (Wagenaar, Altink & Amesberger, 2013).

and encouragement from family, friends and acquaintances. These networks of (former) sex workers, predominantly dominated by women, motivated and facilitated migration to Europe and access to the sex work market by providing information, financial support, or providing assistance in finding a workplace. This triggered chain migration (Janssen, 2007).

In the 1990s, after the fall of the Berlin Wall and the demise of communism in Eastern and Central Europe, women came from Eastern Europe. Subsequently, due to the enlargement of the European Union (in 2004 and in 2007), many came from Central European countries such as Rumania, Bulgaria and Hungary (Staring, 2012; Outshoorn, 2015).

From the 1980s onward, as opportunities for making money from the sex industry increased, sex work became big business. Some of the pimps who once controlled part of the traditional window prostitution now also owned highly lucrative sex clubs and theatres with huge and partly invisible turnovers that were reinvested in gambling halls, sex tourism, and more sex clubs; their owners moving into organised crime, and thus organised crime moved in (Brants, 1998: 627). From that time, social attitudes toward sex work underwent a gradual change, a result of which was a criminal policy in regard to exploitation within sex industry businesses (BNRM, 2002: 11). This can be found in elements of the policy on sex work that became increasingly aimed at preventing abuses such as exploitation and human trafficking.

Today, there is a great variety in the types of sex businesses and manifestations of sex work in the Netherlands (Daalder, 2015). There are window brothels, sex clubs, private homes, street prostitution, and escort agencies. Window brothels are the most visible businesses. Customers are recruited from behind a window, meaning that the sex worker is visible from the public road during the phase of customer recruitment. Sex clubs or brothels are private spaces, but accessible to the public. In such clubs there is usually a bar room where customers can choose from among several sex workers. Private homes are distinct from sex clubs in that they lack a bar and a catering license. Customers can choose from among several sex workers in a separate reception room. Typical for an escort agency is its mediating role between the customer and the sex worker. Contact is usually established via the Internet, social media, or by telephone (Daalder, 2015: 17).

The current policy on sex work in the Netherlands is subject to ongoing debate. Evaluations of the sex work policy have shown that, despite the regulation of the industry, abuses in prostitution still occur.⁵

Evaluations of the policy

The policy on sex work has been evaluated twice, in 2006 and in 2014, after several baseline studies in 2001 (Smallenbroek & Smits, 2001; Daalder, 2002, 2007, 2015; Goderie, Spierings & Ter Woerds, 2002; Van Lier et al., 2002; Naber & Van Lier, 2002; Vanwesenbeeck, Höing & Vennix, 2002; Veldkamp Marktonderzoek bv, 2002a; 2002b;

5 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2009-2010, 32 211, no. 3.

Biesma et al., 2006; Dekker, Tap & Homburg, 2006; Flight et al., 2006; Bleeker, Heuts, Timmermans & Homburg, 2014; Nijkamp, Sijstra, Snippe & Bieleman, 2014; Van Wijk, Van Ham, Hardeman & Bremmers, 2014). Several reports discuss the consequences of the lifting of the ban on brothels. When it comes to human trafficking and exploitation, the researchers found in 2006 during their fieldwork that a large majority of the interviewees worked in sex work with a so-called ‘boyfriend’ or ‘pimp’. Among these interviewees, some sex workers were forced to hand over their earnings to pimps (Daalder, 2007: 79). In the study of sex workers in the licensed sector, 8% of the interviewed sex workers indicated that they had experienced some form of coercion when they started working (Daalder, 2007: 80). The evaluations showed there seemed to be no decrease in the number of sex workers working with pimps (Daalder, 2007: 81). Van Wijk et al. (2010: 165) interviewed police officers, social workers, and sex workers who said that in the Amsterdam red-light district there was virtually no sex worker working without a pimp. In theory that should not be a problem, but other interviewed professionals in the red-light district stated that, based on their experience in practice, “no good pimps” exist (Emergo, 2011: 84). Van Wijk et al., found that when sex workers did not want to work for a pimp, the pimp would sabotage customers by simply standing outside the door and force women to pay for ‘protection’ (Van Wijk et al., 2010: 165).

Seven years later, in 2014, the policy was again evaluated. At that time researchers found that two-thirds of the interviewed sex workers thought that the majority of sex workers work voluntarily. Almost half of them thought that the majority of the sex workers hand over part of their earnings to a pimp. The researchers noted that this pertains to the sex workers’ own perception, and that the term ‘pimp’ may have been interpreted in different ways (Bleeker, Heuts, Timmermans & Homburg, 2014; Daalder, 2015: 24). One meaning of the term is that it involves someone who exploits the sex worker financially and/or in other ways; another meaning is that it is someone who performs certain (work-related) services for the sex worker, and is remunerated accordingly (Daalder, 2015: 24).

The role of pimps

With the amendment of the law, which came into effect in 2000, the general ban on brothels and pimping was lifted; the relevant sections were removed from the Dutch Criminal Code (Daalder, 2007). The law came, instead, to focus mainly on brothel owners and on sex workers. Daalder (2007) describes how this complicated the combating of the exploitation of involuntary prostitution:

“The policy, the issuing of licences, and enforcement are all mainly targeting the owners of sex businesses. Although owners might use coercion, such force is chiefly exercised by pimps who operate more in the background, and of whose existence the owners are not always aware. In evaluation of the new law, it was found that pimps were still a very common phenomenon. Sex workers with pimps mainly work behind the windows, in the escort business, and at home. These are the easiest sectors for the pimps to be able to (charge others to) keep an eye on the prostitutes.

In the context of the combat against the exploitation of involuntary prostitution, the fact that the number of prostitutes with pimps does not seem to have decreased is a cause for concern. There does seem to be an increased awareness among brothel owners and sex workers about the need to prevent involuntary prostitution and exploitation” (Daalder, 2007: 13).

Bill to further regulate prostitution

Since 2009, the government has proposed to introduce new legislation to address the problems in the sex work sector. This bill, the ‘Act to Regulate Prostitution and Combat Abuses in the Sex Industry’ (in Dutch, ‘*Wet Reguleren Prostitutie*’, abbreviated; *Wrp*) has a primary objective to address the causes of the persistence of abuses. The bill focuses on reducing local differences in sex work policy, gaining more visibility and control over the industry and facilitating monitoring and enforcement.⁶ The *Wrp* consists of a nationwide uniform licensing system for all sex businesses and a registration requirement for all sex workers in the Netherlands. This bill has been debated in the Senate since 2009.

The conviction in 2008 of six men in an extensive trafficking case in Amsterdam, books and movies about so-called ‘loverboys’ (pimps who seduce girls to do sex work in order to exploit them), and the media attention on both focussed attention on exploitation and human trafficking in the sex industry. As a consequence, the current debate is about the necessity to introduce a ‘prohibition of pimps’, raising the minimum age for sex work, and the penalization of customers of trafficking victims.⁷ The introduction of a register of sex workers is also part of the discussion, because registration was part of the above mentioned new sex work bill.

Human trafficking in the Netherlands

In Dutch law, forcibly recruiting, transporting, moving, accommodating or sheltering another person with the intention of exploiting them in prostitution is deemed as human trafficking and punishable by law. The essence of human trafficking is (the intention of) exploitation. The use of force, as an element of the definition of human trafficking, is not limited to (the threat of) physical violence, but can also consist of, for example, deception, abuse of a vulnerable position or misuse of authority arising from the actual state of affairs. Article 273f of the Dutch Criminal Code criminalises human trafficking, regardless of whether this takes place across international borders or within the Netherlands. According to this article, anyone who wilfully profits from the exploitation of another person shall be guilty of human trafficking. The same applies to anyone who forces another person to provide him/her with the proceeds of that person’s sex work.⁸

6 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2009-2010, 32 211, no.3, p. 2.

7 The idea behind this proposal is to encourage customers to report signs of involuntary prostitution (Spapens & Rijken, 2015). The discussion in parliament about this proposal is ongoing, see https://www.eerstekamer.nl/wetsvoorstel/34091_initiatiefvoorstel_seggers retrieved October 2016.

8 Article 273f of the Dutch Criminal Code and www.dutchrapporteur.nl/trafficking/.

The registered victims of human trafficking in the Dutch sex industry are mostly women, between the ages of 18 and 30.⁹ The most common country of origin among victims reported to CoMensha (the national coordination centre against human trafficking) is the Netherlands. Other common countries of origin are Bulgaria, Hungary, Romania and Nigeria.¹⁰

Apart from human trafficking and exploitation in the sex industry, exploitation also occurs in other sectors. The human trafficking article in the Dutch Criminal Code, apart from sex trafficking, also refers to labour exploitation, exploitation through criminal activities, and removal of organs (see article 273f of the Dutch Criminal Code). Labour exploitation involves people who are made to work under bad conditions. It can occur in various sectors such as agriculture, horticulture and the cleaning industry (within households). Exploitation through criminal activities consists of inducing people to commit criminal acts. Examples are cases in which people are induced to commit theft, smuggle drugs or cut hemp. Also punishable as human trafficking is every action by which a person is forced to surrender his or her organs.¹¹ This dissertation, however, refers specifically to the human trafficking and exploitation of sex workers.

The nature of human trafficking in the sex industry

The stereotypical image of human trafficking in the sex industry is that of women who are lured to the Netherlands under false pretences and who end up in sex work against their will. That image is provided with nuances by the results of several studies. According to research, women are in many cases already aware of the sex work that they will do in the Netherlands (Vocks & Nijboer, 1999; Van Dijk, 2002; Smit, 2007; Kleemans & Smit, 2014, Verhoeven, Van Gestel & De Jong, 2011). Sometimes, women have already worked as a sex worker in the country of origin. Nevertheless, there can be human trafficking because the women, once they are in the Netherlands, end up in much poorer working conditions than was portrayed to them in advance, or they barely earn anything because they are forced to hand over their earnings. Violence, intimidation, and threats - also addressed to relatives of the sex worker - can be used by traffickers to get women under their control, to encourage them to work long hours, and to pressure them to hand over their earned money (Van Dijk, 2002; Staring, 2007; Kleemans & Smit, 2014, Verhoeven, Van Gestel & De Jong, 2011). Also, debt-bondage is a well known way of exploiting women in sex work. Another way to get women to work as sex workers and to hand over their earned money is the so-called 'loverboy' method. 'Loverboys' are pimps who win over women through seduction tactics, with the ultimate aim of exploiting them in sex work (BNRM, 2005; Bovenkerk & Van San, 2011). The emotional attachment that comes

9 Retrieved March 2016 from www.dutchrapporteur.nl/trafficking/.

10 Retrieved March 2016 from www.menshandel.nl/pagina/uit-welke-landen-komen-de-slachtoffers, figures date from 2012.

11 See article 273f of the Dutch Criminal Code and www.dutchrapporteur.nl

from being in love makes it possible for the pimp to influence his ‘lover’ largely in the work that she carries out and in the money she hands over (Bullens & Van Horn, 2000; Bovenkerk 2006; BNRM, 2009; Van San & Bovenkerk, 2013).

There is also literature on the people or groups committing human trafficking in the Dutch sex work sector. These studies identify how and to what extent human trafficking is organised. It is clear that the more people are involved in the trafficking practices, the more the tasks are distributed (Staring, 2007). These tasks are comprised of the recruitment, transportation, housing, employment in sex work and controlling and putting pressure on sex workers (BNRM, 2009; Staring, 2007, Verhoeven, Van Gestel & De Jong, 2011). The organization of human trafficking is diverse and the criminal groups vary greatly in size (Van Dijk, 2002; Staring 2007). In a study by Van Dijk (2002), three types can be distinguished: the ‘soloist’ (a pimp who has one or a few girls working for him, sometimes assisted by a helper); the ‘isolated criminal group’ (a group who controls the entire trafficking process, from recruitment, transportation, control, and housing to the exploitation of sex workers); and ‘the criminal network’ (a group that works together with other (sub) groups and uses, the services of other groups of traffickers) (Van Dijk, 2002: 78).

Scale of the problem

CoMensha, the national coordination centre against human trafficking in the Netherlands, has the task of registering the nature and extent of trafficking victims in the Netherlands. Additionally, CoMensha coordinates aid and shelter for adult victims of trafficking. Several organisations report (possible) victims of trafficking to CoMensha. These can be victims who file a report, as well as reports from, for example, the KMar (Royal Military Police) who pick up indications of human trafficking at the border and report these to CoMensha. Table 1 presents CoMensha’s latest annual figures for 2013 of the sectors where exploitation took place. Note that these figures contain actual as well as presumed victims.

In 2013 CoMensha received information on 939 women and 41 men who were (possible) victims of human trafficking in the sex industry in the Netherlands.¹² As mentioned before, human trafficking can also occur outside of the sex industry. Apart from the above figures, possible human trafficking victims are reported in other areas such as domestic services, agriculture, forced criminal activities (e.g., drug smuggling), or in shipping. The number of reported victims to CoMensha has increased since 1998. This does not automatically mean that human trafficking has increased, but may also mean that awareness and detection has improved.¹³ In addition, the definition of human trafficking

12 CoMensha reports that, for all types of trafficking, 26% of the victims file a report, but when it concerns ‘loverboy’ methods (204 possible victims in 2013), only 17% of the reported (possible) victims filed a report (CoMensha, jaarcijfers 2013: 31).

13 See also <http://mensenhandel.nl/pagina/hoeveel-slachtoffers-van-mensenhandel-zijn-er> retrieved March 2016.

Table 1. Presumed and actual victims reported to CoMensha and the sectors of (sexual) exploitation in 2013.

Sectors of (sexual) exploitation	Women	Men
Prostitution (sector unknown)	553	24
Window prostitution	123	
Brothel/club	98	2
Private home	78	10
Escort	54	3
Street prostitution	12	2
Internet	10	
Massage salon	10	
Private brothel (in dutch privé-huis)	1	
Total	939	41

Source: CoMensha, 2013, Retrieved March 2016 from http://mensenhandel.nl/files/Jaarcijfers_2013_def.pdf

in the Criminal Code has, since 2005, been broadened to include exploitation outside the sex industry (for a study on exploitation outside the sex industry in the Netherlands, see Van der Leun & Vervoorn, 2004).

Combating human trafficking

Different perspectives on human trafficking

The views on appropriate ways to tackle human trafficking are linked to views on the issues and causes surrounding the phenomenon. There are different perspectives on this. Human trafficking is variously considered as a phenomenon caused by the uneven distribution of wealth in the world; as a moral problem that is a direct extension of morally reprehensible prostitution; as a migration problem; as a labour law problem; as a problem of organised crime; as a human rights problem, and as a problem of public order (see also Wijers & Lap-Chew 1999; Van Dijk, 2002; Shelley, 2007; BNRM, 2002, 2009). These different perspectives are reflected in the scientific literature on human trafficking, in the policy on human trafficking, and in initiatives to address the problem. The migration researcher Baldwin-Edwards, for example, describes trafficking “not per se as an issue of migration, but rather one of economic survival strategies on the part of both traffickers and those being trafficked” (2006: 9). He points out that given parties frequently are “willing participants in complex interactions with other persons and/or criminal organisations in their migratory experiences” (Baldwin- Edwards, 2006: 7). Sweden’s approach is different. Based on a perspective of human rights and gender equality, all sex work is seen as exploitation and the volition or coercion of those involved

is not considered relevant. In Sweden, therefore, paying for sexual services is punishable (SOU, 2010: 31), as is the case in Norway, France, and Iceland.

In the Netherlands several elements of the abovementioned perspectives form the basis for the way in which human trafficking is addressed. These perspectives are expressed, for example, in the sex work policy, in the policy on combating organised crime and in the formulation of human trafficking in the Criminal Code.

The aim of the Dutch sex work policy is to control and regulate the sex work sector without moralising. For this purpose, six objectives were formulated that aimed, on the one hand, to turn the sector into a normal business sector free of marginal criminal elements; one to which the existing rules of labour and tax apply, and on the other hand, to make it easier to tackle undesirable forms of sex work (exploitation) more firmly. The lifting of the general ban on brothels has led to a separation of the sex work sector into a legal sector and a sector prohibited under criminal law. The legal sector is (the organisation of) voluntary sex work among adults and subject to conditions. The illegal sector consists of all other forms (and the organisation) of sex work, usually typified by exploitation (BNRM, 2005:14).

The assumption behind this policy is that a sex work policy that regulates the sex industry can prevent human trafficking by making sex work a legitimate occupation and giving sex workers the same rights and protection as other professionals.¹⁴ Because the labour laws offer, theoretically, protection against exploitation, then violence, coercion, and abuses are easier to detect when sex workers operate publicly and legally rather than in a clandestine subculture (cf. Ministerie van Buitenlandse Zaken, 2012).

Administrative approach

To tighten up the criminalization of unwanted phenomena in this sector the government decided to combine a criminal and an administrative (law) address. Human trafficking and punishable exploitation of sex work are addressed via the Criminal Code, while the legalisation of the sex work sector is addressed via an administrative (law) approach, which should lead to better control and regulation of the sector. This administrative approach operates at the municipal level (BNRM, 2002: 16).

The administrative approach is mainly focussed on brothel owners or managers, and on sex workers. Brothel owners must apply for a license before they can operate a brothel or rent workspaces to sex workers. The introduction of this municipal licensing system enables the police and other law enforcement agencies to conduct inspections of brothels, subject to the mayor's consent. The idea is that through regular inspections it can be ensured that brothels operate in accordance to the licensing conditions (Ministerie van Buitenlandse Zaken, 2012).

14 See Kamerstukken II (Paliamentary Proceedings Second Chamber) 1996-1997, 25437 no. 3 (explanatory memorandum, in Dutch, 'memorie van toelichting').

Several municipalities used this approach to withdraw licenses, sometimes with the consequence of closing down whole sex work areas.¹⁵ In 2007, the municipality of Amsterdam withdrew the licenses of four brothel owners, who owned 30 different sex businesses with a total of 100 windows (Siegel, 2009; NRC, 2006). According to the municipality, “there is a risk that these individuals use their licenses to commit crimes” (NRC, 30-11-2006)¹⁶. In 2013, the city of Utrecht withdrew the licences of the operators of 143 workplaces on boats (NRMSGK, 2013). The licenses were withdrawn on the basis of, inter alia, indications of human trafficking. The same happened with respect to a street with window prostitution in Utrecht’s city centre (Verhoeven & Van Straalen, 2015).

Also, streetwalking zones in the main cities (Amsterdam, Rotterdam, The Hague and Eindhoven) were closed in the years following the official legalization of sex work. They became more crowded with sex workers from Eastern Europe and concerns about human trafficking led to their closure by municipalities (see also Siegel, 2009).

The Dutch Criminal Code

Apart from lifting the ban on brothels, the change of 2000 introduced article 250a in the Criminal Code¹⁷. This article defines the forms of sexual exploitation of human beings which are punishable: forced bringing or keeping of persons into prostitution; the bringing or keeping of minors into prostitution (voluntarily or not); or bringing persons from other countries into prostitution (voluntarily or not). According to article 250a, it is also punishable to make a profit from the aforementioned circumstances (Staring, 2012). As mentioned before, in 2005 the definition of human trafficking in the Criminal Code was broadened. Taking the implementation of international regulations and the Palermo Protocol into account, the new article 273a came into force (a year later renumbered to 273f). In addition to the former article, exploitation in other work or services and the forced removal of human organs were added to the new trafficking provision (Korvinus, Koster & De Jonge van Ellemeet, 2006). Article 273f states that anyone who forces, or deceives another person to engage in prostitution, induces a minor to engage in prostitution, recruits, takes away or abducts a person to engage in prostitution in another country, profits from prostitution involving a minor or forced prostitution, or forces or deceives another person to surrender the proceeds of prostitution is liable to a custodial

15 The closing of brothels became possible since 1 June 2003, when the Public Administration Probity in Decision-Making Act (BIBOB – in Dutch, ‘Wet Bevordering Integriteitsbeoordelingen door het Openbaar Bestuur’) entered into force. According to this law, administrative authorities are allowed to decide on whether or not to grant a permit, subsidy, or building contract to an organization or a company. They may refuse this if they only suspect that criminal activity or the presence of a criminal group in any form is involved (Siegel, 2009: 11).

16 NRC, Amsterdam sluit 100 ramen op Wallen (30-11-2006), retrieved April 2016 from <http://vorige.nrc.nl/binnenland/article1747605.ece>.

17 It replaced the former article 250 ter in the Dutch Criminal Code.

sentence (Korvinus et al., 2006; Staring, 2012).¹⁸ To reflect the seriousness of the crime, the maximum penalty for human trafficking was increased from six to eight years in 2009. If the offences were committed by two or more persons in association, or if the victim was under 16, the maximum penalty is 12 years. If the victim suffers grievous bodily harm this rises to 15 years; if the victim died as a result of the crime, the maximum penalty is 18 years (Ministerie van Buitenlandse Zaken, 2012).¹⁹

The article in its entirety is complex, and in one of the sub-paragraphs there actually is a notable difference in the law between domestic and international trafficking.²⁰ In this sub-paragraph the UN definition of trafficking in human beings “is interpreted widely and declares all recruitment of women for sex work *in another country* as illegal” (Wagenaar, Altink & Amesberger, 2013: 82). The Dutch law on human trafficking actually prohibits helping women from one country to engage in sex work in another country, even when they work in the sex industry voluntarily (Van den Brink, 2013). The wide interpretation of the definition of human trafficking in Dutch law, or in other words, the criminalization of the international recruitment for sex work (without force or exploitation), stems from the Geneva Convention of 1935.²¹ By not renouncing this treaty, it is consequently retained in Dutch law, even though it is in fact contrary to the Dutch prostitution policy. For this reason, some argue this treaty should be removed from the statutory provision (for example Gerritsma & Wijers, 2003). In a recent thesis of Koster (2016), the author not only states that this part of the criminalization of trafficking in Dutch law is in fact inconsistent with the Dutch policy on sex work, but also that it is contrary to the Community law (in Dutch, ‘*Gemeenschapsrecht*’) of the European Union. The provision prevents people from other EU countries joining the Dutch sex industry. It in fact impedes free movement of persons and services without any justification (Koster, 2016: 57). Agreeing with Gerritsma and Wijers, Koster found that the criminalization of voluntary recruitment and the ‘taking along’ for prostitution in another country, within the EU constitutes a restriction on fundamental freedoms and is a form of unlawful discrimination (Koster, 2016: 47-48). She also found that judges often decide *contra legem* and consider exploitation a necessary condition for human trafficking (Koster, 2016: 36). Recent court decisions however show that *in practice* exploitation or force *are* seen as necessary conditions for human trafficking.²² In May 2016 the Supreme Court made an important ruling. This ruling no longer qualified bringing someone across the border to work in the sex industry as human trafficking (Nationaal rapporteur, 2016). Therefore, in practice we could say, Dutch law makes a distinction

18 See also article 273f of the Dutch Criminal Code.

19 Retrieved March 2016 from http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/you_and_the_netherlands/about_the_netherlands/ethical_issues/faq-prostitutie-pdf--engels.pdf-2012.pdf.

20 Article 273f lid 1 sub 3 of the Dutch Criminal Code.

21 Staatsblad [Statute book], 1935, no. 598.

22 See for an example of such a court decision ECLI:NL:HR:2016:857, at <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2016:857>

between acts of trafficking that are ‘punishable’ and ‘non-punishable’ (Wagenaar et al., 2013). ‘Punishable’ acts require the elements of exploitation, deception or force, “meaning a cross-border ride to a befriended sex worker would be considered ‘non-punishable’ and would not lead to prosecution” (Wagenaar et al., 2013: 82). In this dissertation, I use a definition of human trafficking that *does* require elements of exploitation, deception, or force.

Combating organised crime

In addition to attempting to control human trafficking in the Dutch sex work policy and the criminal code, strategies to combat human trafficking can also be found in the policy on organised crime. National policy treats human trafficking as a very serious form of organised crime.²³ This policy states “human trafficking continues to demand attention with regard to the very serious consequences of exploitation for the victims. It is modern slavery that must be tackled hard.”²⁴ The national threat assessment of the Dutch police also qualifies exploitation in prostitution as a threat, and human trafficking has become a priority in the investigation and prosecution of serious and organised crime (Bottenberg, Valk, Kuipers & de Weerd, 2012: 20). In a special program to improve the fight against organised crime (in Dutch, ‘*Programma Versterking Aanpak Georganiseerde Misdad*’ (PVAGM)), the tackling of human trafficking at local, regional, national, and international levels is elaborated. The approach can be characterized as the integral or programmatic approach (Bottenberg et al., 2012: 20).

An integral approach to organised human trafficking is characterized by the cooperation of the police with other criminal law and administrative enforcement partners in order to gain insight into and control over human trafficking networks (Staring, 2012). With the cooperation of municipalities, the prosecutors office, the police, tax authorities and other partners, a range of criminal, administrative, fiscal and private law instruments can be used to tackle human trafficking.²⁵ The goals of this integral approach are not only to convict human traffickers, but also to collect insights into the supportive and opportunity structures that facilitate human trafficking (Staring, 2012). The assumption of this policy is that with an approach that is oriented toward the phenomenon, barriers can be raised in order to make it difficult or impossible for criminals to continue their methods (Van Gestel & Verhoeven, 2009).

23 See for example the following policy document: Ministerie van Justitie en Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2007). *Veiligheid begint bij Voorkomen, Voortbouwen aan een veiliger samenleving*, Den Haag.

24 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2012-2013, 29911 no. 79, p. 7.

25 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2012-2013, 29911, no. 79.

Criminal investigation

Administrative control is an important source of information for the criminal prosecution of human trafficking.²⁶ The idea behind the legalization and regulation of sex work is that structural control and survey of the licensed sex work sector through regular police inspections would make it possible to detect signs of human trafficking. This information can be used to trace and prosecute offenders in order to tackle human trafficking effectively (Ministerie van Buitenlandse Zaken, 2012; Staring, 2012). In addition, criminal investigations should not be dependent only on the testimonies of victims, but should be very proactive by using financial investigations and the abovementioned integral approach (Staring, 2012).

Due to the different programs and existing national and international rules and conventions, the prosecutor's office drafted a document with rules for the criminal investigation of human trafficking. These rules require that every sign of human trafficking must be investigated further, and a financial investigation is required in every case. The document states that "human trafficking is modern slavery" and that "human trafficking constitutes a serious violation of human dignity and the physical and mental integrity of victims and is seen as a violation of fundamental human rights". Furthermore, human trafficking is characterized as follows: "Human trafficking often takes place in an organised manner and criminal organizations engaged in human trafficking often operate internationally. Criminal law alone is not sufficient to prevent the undermining of society through this serious and often international organised crime" (Aanwijzing Mensenhandel, 2013).

Protection

In addition to the criminal prosecution of human trafficking, the protection of victims is included in Dutch policy. Several initiatives are undertaken to provide safe shelter, medical, social and psychological care and legal aid.²⁷ Anyone in the Netherlands illegally and a victim of human trafficking who files a criminal complaint of trafficking or otherwise assists the criminal justice process, is granted a temporary residence permit pending the outcome of legal proceedings. This arrangement offers assistance and protection to victims and witnesses of human trafficking.²⁸ Victims are given three months to decide whether they wish to file a criminal complaint. They are allowed to stay in the Netherlands

26 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2005-2006, 28638, no. 19.

27 Retrieved March 2016 from CoMensha's website: <http://mensenhandel.nl/pagina/wat-doet-de-nederlandse-overheid-tegen-mensenhandel>.

28 If the proceedings result in a conviction, they may be eligible for a residence permit for continued residence on humanitarian grounds. They may also be eligible for such a permit in case of acquittal, provided they have resided legally in the Netherlands for at least three years. If the proceedings are still ongoing after three years, victims may apply for a residence permit for continued residence on humanitarian grounds (Ministerie van Buitenlandse Zaken, 2012). See for the current rules concerning residence arrangements for victims of human trafficking: <https://ind.nl/organisatie/themas/mensenhandel/verblijfsregeling>, retrieved October 2016.

legally during this period and may use all public facilities and services, such as counselling, medical care, and financial and legal services (Ministerie van Buitenlandse Zaken, 2012).²⁹

Other Initiatives

Aside from the foregoing, several other measures are undertaken to further improve the tackling of human trafficking. In 2000, the Netherlands commissioned an independent national rapporteur, one of the few positions of its kind in the European Union, to publish an annual report on the character, scale and developments regarding human trafficking and to make recommendations to the Dutch government (Ministerie van Buitenlandse Zaken, 2012; BNRM, 2002). A dedicated phone number, called ‘Report Crime Anonymously’ (in Dutch, ‘Meld Misdaad Anoniem’), has been established so that members of the public can anonymously report suspicious activities, including, for example, signs of or conjectures regarding human trafficking. A national action plan has been formulated with measures on all aspects of addressing human trafficking.³⁰ Moreover, a Task Force on Human Trafficking was set up in 2008 to identify and remove obstacles to tackling human trafficking (Ministerie van Buitenlandse zaken, 2012).

PRIOR RESEARCH AND CONTRIBUTION CURRENT STUDY

Both nationally and internationally, there is a growing body of literature about human trafficking in the sex industry. In this section I will sketch both previous and more recent research and explain the contribution of my research to these findings and approaches.³¹

I will examine existing academic research on the nature of human trafficking; the links or connotations with sex work; the ways to address human trafficking; and the impact of anti-trafficking policy on sex workers and migrants. I will briefly discuss the existing literature on these aspects.

The nature of human trafficking

Much of the literature discusses the interpretation of the concept of human trafficking (Meshkovska et al., 2015). In discussions on what trafficking entails definitions vary from “all (migration for the purpose of) sex work, be limited to deceitful and coercive transport of human beings, or describe not as much the transport or migration issue but rather abusive (informal) labour exploitation and lack of employee protection” (Vanwesenbeeck, 2011: 2). These variations have to do with both unclear definitions and with moral views

29 See for studies on special arrangements and on (the misuse of) residence arrangements: Klaver & Van der Leun (2014); Lettinga, Keulemans & Smit (2013); Kulu-Glasgow, et al. (2012); and Van Londen & Hagen (2012).

30 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2005-2006, 28638, no. 19.

31 Several studies discussed here came out in the period that this dissertation was written.

regarding sex work. It is not surprising for this reason that many publications come to different interpretations of the nature of human trafficking.

Several authors relate human trafficking (partly) to poverty, migration, and globalization. Examples include developments such as an “increase in part-time employment and unemployment in both post-industrial and “developing” countries” (Bruckert and Parent, 2002); new international arrangements with harmful effects on national economies causing the displacement of rural populations, lower wages and heightened poverty (Kempadoo, 1998:16), and the feminization of poverty and of international migration (Kempadoo, 1998; Bruckert & Parent, 2002). Against this background, human trafficking is often considered in the context of worker migration and understood by the factors that promote emigration, the factors that attract population groups, and the restrictions and opportunities with regard to legal migration and migration networks. Those aspects “foster the organization and adoption of parallel practices and, from there, exploitation and trafficking” (Bruckert & Parent, 2002: 11). Vanwesenbeeck (2011: 3) points to immigration restrictions in many countries of destination “that make migrant sex workers dependent upon intermediaries, a market that has increasingly been taken advantage of by expanding networks of criminals”. Agustín also points to those service providers offering services that migrants keenly desire, but whom are labelled as traffickers by outsiders (Agustín, 2008: 79).

Analysing existing research on human trafficking it is striking that many studies are more reflective than based on empirical research. However, there are exceptions. In the Netherlands several empirical studies that were conducted regarding sex work and human trafficking are insightful regarding the research questions of this dissertation. Examples include the studies of Van Dijk (2002), Bovenkerk et al. (2006), Janssen (2007), Oude Breuil et al. (2011), Siegel (2005, 2007, 2015), Siegel & De Blank (2008), Zaitch & Staring (2008), Weitzer (2012), Goderie & Boutellier (2011), Bottenberg & Janssen (2012), Bottenberg et al. (2012), Rijken et al. (2013), Groenstyn (2013), Kleemans, Van den Berg & Van de Bunt (1998), Kleemans et al. (2002), Van de Bunt & Kleemans (2007), and Van Rij (2014).

While Janssen (2007), Oude Breuil et al. (2011), Siegel (2005, 2007, 2015), Weitzer (2012), Bottenberg and Janssen (2012), Groenstyn (2013) and Van Rij (2014) conducted fieldwork and interviewed sex workers and experts, others also interviewed pimps (Bovenkerk et al., 2006; Van Rij, 2014). Verwijs et al. (2011) and Rijken et al. (2013) interviewed victims (of respectively ‘loverboys’ and human trafficking) who made use of care facilities. Others like Van Dijk (2002), Siegel and De Blank (2008), Bottenberg et al. (2012), and the researchers of the Organised Crime Monitor (Kleemans et al. 1998, 2002; Van de Bunt & Kleemans, 2007; Kruisbergen et al. , 2012) analysed police files in order to gain insight into human trafficking as (organised) crime, often focussing on roles, modus operandi, and cooperation between suspects.

Traffickers and relationships

In the Netherlands, the first ‘organised crime monitor’ (Kleemans et al., 1998) showed that before the official lifting of the brothel ban, traffickers (in the police files they studied) were often owners and managers of brothels and sex clubs. Women were sold and regularly transferred to different brothels (Kleemans, 1998: 39). To prevent women from running away, they took their money or passports, imposed rules and behavioural restrictions or imprisonment, and used compulsory drug use and voodoo. In addition, through false promises, lies, and pretended debts, the women were inveigled to cooperate (Kleemans, 1998: 112). Since the lifting of the ban on brothels in 2000, these brothel owners and managers have come under increased scrutiny and are subject to many rules, regulations and requirements.

Since 2000, more empirical studies on trafficking identified traffickers that seemed to be closer to the sex workers: friends, acquaintances, or family members (e.g. Vocks & Nijboer 2000; Surtees 2008; Jacobsen & Skilbrei 2010; Weitzer, 2014), or lovers (Bovenkerk et al., 2006), pimps (Daalder, 2007), third parties (Agustín, 2008), or business partners (Verhoeven, Van Gestel and De Jong, 2011). Van Dijk (2002) studied the nature of trafficking, the degree of organisation, and criminal investigation on the basis of 81 police files and interviews with police officers. She included all cases where victims filed a report and where suspects were arrested between 1997 and 2000. Almost 50 cases (61%) were related to window prostitution (Van Dijk, 2002: 99). In both the domestic and the transnational cases she found economic and (love) relationships between victims and suspects (Van Dijk, 2002: 107, 169-170).

These different types of personal affiliations shifted the attention to the *relationships* between traffickers and their victims (Lehti & Aromaa, 2006; Kleemans, 2009). Several types of relationships are distinguished between sex workers and traffickers: intimate relationships, extortion relationships, and business relationships (Van Dijk, 2002; Verhoeven, Van Gestel & De Jong, 2011). Groenstyn (2013: 52) found in her study based on interviews with 41 Hungarian sex workers that the sex workers needed help to be able to start working in the Dutch sex industry. Some sex workers therefore found it logical that they pay some money for this (Groenestyn, 2013: 52). The victims of ‘loverboys’ in the study of Verwijs et al. (2011) described how the men they met, at often difficult times in their lives, offered them something that they needed at that moment, for example, security (in Dutch, ‘*geborgenheid*’), structure, love, money, or shelter (Verwijs et al. 2011: 67-77). When they entered care facilities, most victims did not have or could not formulate a request for help (Verwijs et al. 2011: 79). Rijken et al. (2013) interviewed 36 victims of human trafficking in the Netherlands that had used assistance and found that the Dutch victims

of sexual exploitation often had had a love affair with the trafficker.³² Zaitch and Staring (2008 in; Van de Bunt, 2007) found that women did not make such clear distinctions between voluntary and involuntary sex work, between legal and illegal exploitation of sex work, and between love and hate towards pimps. Sex workers have their own ideas about good and evil, which are often not consistent with “the dichotomous (legal) differentiations of law enforcement officers” (Van de Bunt, 2007: 80). Oude Breuil et al. (2011: 41) speak in this context about socially constructed categories of ‘victims’ and ‘perpetrators’ and argue that “the idea of both parties being each other’s opponents can then be refuted”. Siegel (2007) confirms this with her findings on the role of female traffickers based on 89 criminal records of female offenders from the period 1993-2004 (see also Siegel & De Blank, 2008). She found that women not only appear as victims, but are sometimes the perpetrators. The Nigerian madams involved played an active and leading role in the trafficking organizations (Siegel, 2007). Bovenkerk et al. (2006) interviewed 20 young men self-described as ‘loverboys’ and found that these men said that the women insisted on working for them, or they let others hit on women to then “take them over” (see also Bovenkerk & Pronk, 2007). Huisman and Kleemans (2014: 218) conclude that between sex workers and pimps, there can be “manipulation through social relationships, close monitoring, intimidation and outright violence”, as well as (economic) dependency.

Internationally, recent studies of Marcus et al. (2014) and Morselli and Savoie-Gargise (2014) using ethnographic observations, interviews, and content-analysis of phone-tapped conversations document “a continuum of relationships between the minors and their legally defined traffickers” (see also Weitzer, 2014: 18). Some of the pimps in the studies fit the conventional exploiter image, but this was not the case for the majority. In many cases, it was the sex worker who approached the pimp for assistance, rather than the pimp enticing or coercing the sex worker. The studies show that pimps’ and sex workers’ relationships involve complex exchanges of network resources (Morselli & Savoie-Gargise, 2014).

Organised crime

Internationally, the policy instrument on tackling human trafficking is part of the ‘United Nations Convention against Transnational Organised Crime’. The ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons’ is a part of this convention. For this reason, human trafficking is often perceived and approached as a matter of transnational organised crime. Some scholars indeed describe examples of human trafficking where

32 Rijken et al. (2013) add that “the results may not hold true for victims of sexual exploitation originating from the EU, as this group was under-represented in the focus groups and interviews, possibly because victims from this group do not use the assistance provided to the same extent as non-EU victims. Further research on the support available to victims of sexual exploitation originating from EU countries is required, particularly because they frequently appear in the files of the prosecution service and in the figures of CoMensha, the central organisation responsible for the registration of trafficking victims in the Netherlands” (Rijken et al., 2013: 144).

organised networks of traffickers are active, but different scenarios are also found. The Dutch Research Commission that studied organised crime in the Netherlands as part of the parliamentary committee of inquiry on organised crime, states that human trafficking is often easily equated with organised crime, but when looking at how it is actually committed, concludes that many cases do not correspond to the characteristics of organised crime (Fijnaut, Bovenkerk, Bruinsma & Van de Bunt, 1995: 74; see also Fijnaut, 1994). In Amsterdam however, where the police were less active in checking on brothels than police in other cities, the Commission found in addition to less serious cases, accounts of gangs extorting other sex businesses to acquire a monopoly position, a characteristic highly associated with organised crime (Fijnaut, Bovenkerk, Bruinsma & Van de Bunt, 1995: 76). Van Dijk (2002: 78) found, as I briefly mentioned above, single traffickers (including ‘loverboys’), isolated groups (more than two suspects), and networks of traffickers in her study of 81 criminal investigations (Van Dijk, 2002: 78). She discusses to what extent the ‘organisations’ she found could be called ‘organised crime’ and concludes that depending on the different definitions of organised crime, 58 %, 22% and 0% of her cases respectively could qualify as organised crime (see for the used definitions Van Dijk, 2002: 162).

Van Duyne and Spencer (2011) are sceptical about the association of organised crime with human trafficking. They argue that the market of ‘flesh and money’ is not filled only with ‘tears and tragedy’ (Van Duyne & Spencer, 2011: 15). While they recognize the misery and debasement of human dignity that occurs, they argue that “the imagery is to a large extent determined by those stakeholders or problem owners who define the problems, often to their own moral satisfaction or to further their bureaucratic status”. It is often these ‘definers’, they argue, who provide victims with access to support or who enforce the law, and this is not always the same thing. Van Duyne and Spencer add that the process of ‘defining’ is not one-dimensional, because other interests and agendas tend to interfere and one of these is ‘organised crime’. They also argue that human trafficking could be conceptualized as management and that such activity does not necessarily lead to more harm, it can even result in less harm (Van Duyne & Spencer, 2011: 15). Oude Breuil et al. (2011) make a similar point, stating that different narratives reflect the power struggle of different parties in which certain narratives (perceptions of reality) are institutionalized in laws and politics and others are not (Oude Breuil et al., 2011: 31). Their findings are based on a combination of literature study, interviews with law enforcement experts, a law enforcement expert meeting and a meeting of a task force on Human Trafficking, newspaper clippings, and on earlier empirical researches conducted by the authors (Oude Breuil et al., 2011, see for their previous empirical work: Oude Breuil, 2008; Roos, 2008 and Siegel, 2005, 2007). They distinguished three different domains each with their own narratives: international/national law, local law enforcement, and academic ethnographic studies. Where policy and law enforcement perspectives on human trafficking “often depart from a black-and-white picture of helpless, innocent and naïve victims, these narratives are not neutral descriptions of the social problem

of human trafficking but reflect the needs, problems and interests of the settings from which they originated” (Oude Breuil et al., 2011: 43). They point to the influence of lobby groups (neo-conservative and feminist) that influenced the image of ‘victims’ of trafficking, emphasizing the vulnerability of women and children and their subordination in all situations of prostitution. In addition, proponents of the ‘war on organised crime’ would have an agenda of securing government funding and public backing for repressive (international) law enforcement policies. The authors state that it is important for these reasons to distinguish political motivations from empirical observations in the depiction of human trafficking for the sex industry (Oude Breuil et al., 2011: 43).

The links or connotations with sex work

Another topic in the literature on human trafficking is the conflation of human trafficking with sex work. Dittmore (2008) describes how “legislation and advocacy work have often blurred or denied any difference between trafficking and sex work”. She states that this has always made things worse rather than better for those involved. This mixing up is caused by different moral views on paid sex. In the literature, different views on ‘the moral (un) acceptability of paid sex’ are distinguished that both influence the policy on sex work and the laws and policy on human trafficking (Brants, 1998; Huisman & Nelen, 2014: 606).

Prostitution as human slavery

The belief in an inherent link between prostitution and trafficking is grounded in the view that prostitution itself is defined as a form of exploitation or human slavery. This neo-abolitionism or radical feminism argues that prostitution itself is a form of sexual exploitation that violates women’s human rights (Vanwesenbeeck, 2011; O’Brien, 2015). Neo-abolitionists believe prostitution itself is harmful to women whether or not they voluntarily enter into it (Limonchelli, 2009). They place prostitution within a wider critique of heterosexuality under patriarchy, arguing that “gender inequality is perpetuated and sustained by taken-for-granted assumptions about the inevitability of male sexual demand and the expectation that men have rights to use women’s bodies and women’s sexuality” (Limonchelli, 2009: 262). In this view, particularly legalized, decriminalized, or tolerated prostitution is thought to create conditions in which sex trafficking can flourish and therefore must be targeted (Weitzer, 2007; Limonchelli, 2009). Policy solutions in this view involve the criminalization of third party profit from prostitution and the demand side, but not of women in prostitution (Limonchelli, 2009: 262). This way of looking at trafficking for prostitution has been widely denounced as denying the agency of women who enter the sex trade voluntarily (Limonchelli, 2009: 262). Most of the research literature does not support this view, and, as Weitzer states, there is no evidence that ‘most’ or even the majority of prostitutes have been trafficked. Both empirically and conceptually, he claims, it is inappropriate to fuse prostitution and trafficking (Weitzer, 2007: 455).

Prostitution as work

Non-abolitionist or liberal feminist activists on the other hand, have argued that prostitution should be viewed as *work* and that forced labour in the sex industry is no different than forced labour in other industries (O'Brien, 2015: 191-192). In this view the abolition of trafficking is pursued, but not by criminalizing prostitution. Some seek to legalize prostitution as part of a harm minimization strategy, arguing that while the existence of a prostitution industry may not be desirable, the harms associated (including exploitation of trafficked women) could be minimized through a regulatory approach. Supporters of a liberal viewpoint see prostitution as an issue of sexual freedom and choice (Bell, 1994) and that it should be regarded as a form of labour and understood as 'sex work' (Kempadoo & Doezema, 1998: 5). Advocates of this 'sex work perspective' argue that there is a need to move on from concerns over morality and exploitation towards a "consideration of the health and safety of workers, their wages, working conditions and power relations with employers" (O'Brien, 2015: 194-195). Vanwesenbeeck determines that The Netherlands is one of a few countries that are trying to turn away from prohibitionist or abolitionist policies and develop alternatives (Vanwesenbeeck, 2011: 1).

Ways to address human trafficking

When it comes to addressing human trafficking, several researchers address the tension between the different goals of prevention, prosecution and protection (Boot-Mathijssen, 2008; Oude Breuil et al., 2011). This is often explained by the difference between a human rights approach versus a criminal law approach. While the human rights approach focuses on victims and their need for special protection, the criminal law approach strives primarily for the repression of offenders (Oude Breuil et al., 2011: 37). Several authors perceive these approaches as contradictory and often being in conflict (Kempadoo, 2005; O'Connell Davidson, 2005 in Oude Breuil et al., 2011: 37). Pitcher and Wijers (2014) state that protection and prosecution should be (more) balanced and Brunovskis and Skilbrei (2016) state that these approaches are best not linked together.

Many scholars claim there is too much focus on the criminal approach in addressing human trafficking. Brunovskis and Skilbrei (2016), for example, claim that it is not simply a question of ending trafficking by eradicating organised crime. They warn that a dominant criminal justice approach deflects focus from "the pressing need to address deeper, structural conditions that continue to facilitate exploitation" (Brunovskis & Skilbrei, 2016, conclusion). Several scholars are critical of the lack of attention provided to the victims and plead for a more victim-centred anti-trafficking policy (Rijken & Van Dijk, 2007; Goderie & Boutellier, 2011; Oude Breuil et al., 2011; Rijken et al., 2013). Nevertheless, Cleiren, Van der Leun and Van Meeteren (2015) document a trend towards a more victim-oriented approach that will affect the position of the victims of human trafficking.

When it comes to addressing human trafficking in the Netherlands, several publications describe the initiatives taken particularly in Amsterdam. These publications discuss the regulation of the sex industry, the tackling of organised crime and the administrative

approach, offering (local) governments new instruments and new methods of multi-agency cooperation as ways to address organised crime or red-light districts (Van Gestel & Verhoeven, 2009, 2014; Emergo, 2011; Huisman & Nelen, 2014; Weitzer & Boels, 2015; Spapens & Rijken, 2015).

Goderie and Boutellier (2011) illustrate both the victim and the law enforcement perspective. They describe in their original and insightful article (regarding one interesting case of human trafficking) the different perspectives of the actors in the criminal justice system and that of a victim of human trafficking. Their research provides valuable insight into the complexity and the different perspectives that can exist regarding a certain (trafficking) situation.³³

Concerning the criminal investigation of human trafficking, not much research has yet been done. Studies that do exist point to the lack of cooperation of the people that are seen as victims as one of the biggest challenges in the prosecution of human trafficking (Van Dijk, 2002; Farrell, McDevitt & Fahy, 2008; Montpellier 2007; Rijken, Van Dijk & Van Mierlo, 2013). Van Dijk (2002) interviewed police officers and reports on factors that hinder and stimulate the criminal investigation including the role of filing reports, trust in the police, victim support, international police cooperation, and investigative methods and prevention (Van Dijk, 2002: 139-153). Goderie and Boutellier (2009) interviewed 34 law enforcement officers and 24 victims of human trafficking about the criminal investigation of human trafficking cases. They found that for law enforcement the following issues play a role: limited knowledge on ‘the world of human trafficking’ (due to a generation gap); under-reporting of cases; cases that are labour-intensive; force and manipulation being hard to prove concepts; judges’ difficulties in understanding (the behaviour of) victims; changing statements; the difficult juridical interpretation of dependency; and dilemmas about serving the interests of the victims versus the general interest (Goderie & Boutellier, 2009: 27-37). The victims in their study sometimes felt misunderstood by the police; would rather talk to a female police officer instead of a male; did not feel that they were being taken seriously by being asked certain questions; and did not want to be interrupted while relating their experiences (Goderie & Boutellier, 2009: 43-51).

The side effects of anti-trafficking policy

A last topic in this discussion of prior research are the side-effects of anti-trafficking policy that are addressed by several scholars (Andriajasevic, 2007; Dottridge, 2007; Boot-Matthijssen, 2008; Van der Leun & Van Schijndel, 2016). Researchers point to anti-trafficking measures that may benefit certain groups, but that may stigmatize other groups or restrict their freedom of movement. Scholars are concerned that initiatives to stop

33 They also point to the fact that before 2011 in the Dutch system (judicial) support for suspects (a councillor) is arranged, but not for victims, who are given no support during the criminal proceeding. The introduced law to strengthen the position of victims could offer an important improvement to take the perspective of victims into account during the criminal proceedings, according to the authors (Goderie & Boutellier, 2011).

trafficking may be counter-productive for the very people they are supposed to benefit (Dottridge, 2007; Boot-Matthijssen, 2008). These concerns include prevention campaigns, bans, and sex work and migration policies being overly protective and restrictive, rather than increasing women's choices (Andrijasevic, 2007; Dottridge, 2007; Kempadoo, 2015; Siegel, 2015). Segrave, Milivojevic and Pickering (2009) stress that sex trafficking results in "state approaches that prohibit women's mobility, their agency and their potential" (2009: xvii). Others argue that states may use the issue of human trafficking to justify immigration control and that the EU policy on trafficking is underpinned by a crime control approach. While the purpose of the EU policy states that its objective is to protect the human rights of affected persons, it is argued by some that it is actually used to limit irregular migration (Krieg, 2009; Chacón, 2010; Marinova and James, 2012; see also Huisman & Kleemans, 2014). Regarding the Netherlands, Janssen (2007: 11) describes how the legalization of prostitution (in order to prevent human trafficking) caused sex workers from outside the EU to be pushed into illegality. Unlike other labour sectors, it is not possible for immigrants from outside the EU to apply for a work permit in order to undertake sex work (Janssen, 2007: 11).³⁴

Several studies also draw a link between ineffective anti-trafficking policies and the nature of human trafficking as represented in the media, movies, and preventive campaigns (Andrijasevic and Mai, 2016). In the Netherlands, Holvast and Van der Meij (2011) as well as Van der Meij and Van der Leun (2010) studied the consequences of the strengthened administrative approach regarding the sex industry and point to the blurring of distinctions between criminal and administrative powers especially concerning the supervision of the prostitution sector. Although the authors are not only negative, they warn that when administrative tasks are carried out by the police, there is a risk that the legal protection of citizens against the actions of these supervisors is not sufficiently guaranteed.

Oude Breuil and Siegel (2012: 156) point to the dangers of the proposed changes in the Dutch prostitution policy for the privacy and equal rights (because of discrimination) of sex workers regarding a 'controlling-protecting' approach that causes a trend of non-accountability of sex workers (in Dutch, '*de-responsabilisering*'). Van der Laan et. al (2011) conducted a systematic review to explore what is known about the effectiveness of interventions that prevent or suppress cross-border trafficking for the purpose of sexual exploitation. Their main conclusion was that there was no (evaluative) research on anti-trafficking initiatives that met their methodological criteria. Consequently, they could not make a substantive conclusion about the effectiveness of the anti-trafficking initiatives.

Researchers that are critical about the way human trafficking is addressed and about the collateral damage of several anti-trafficking measures generally agree on the fact that sex workers (or their narratives) should be involved in policy development on human trafficking (Dottridge, 2007; Oude Breuil et al., 2011; Pitcher & Wijers, 2014).

34 See also article 3 of the Employment of Aliens Act (in Dutch 'Besluit uitvoering Wet arbeid vreemdelingen').

The contribution of my research

There are indications that the way in which human trafficking in the sex industry is dealt with (in order to prevent and prosecute it, or to protect possible victims) does not always fit the needs or problems of victims and sex workers. Therefore, this dissertation aims to add insight into how the tackling of human trafficking in the Dutch sex industry actually fits, or matches with, the nature of the phenomenon. This dissertation, in other words, seeks to explore to what extent the government's approaches to human trafficking in the sex industry connect to sex work realities. In this way the dissertation aims to offer explanations of and suggestions to overcome the apparent gap between government approaches and the needs of victims and sex workers.

Additional knowledge about the connection between the nature of exploitation in the sex industry, and on the ways it is addressed, is important, for at least three reasons. First, it is important for a phenomenon that gets a lot of government attention and funding that the efforts are focused on the right things. Second, for the well-being of exploited sex workers in the short- and long-terms, it is important that they are supported and protected appropriately. Third, for a successful implementation of the sex work policy, it is important that anti-trafficking interventions are not obstructive to the policy's goal of normalizing sex work and that the potential collateral damage of anti-trafficking measures is minimized. The same applies to the policy on human trafficking: for the policy to be effective, empirical knowledge about the nature, characteristics and manifestations of trafficking, as well as the implications for sex workers, are of importance.

From prior research it appears that moral views and unclear definitions blur the image of the nature of human trafficking, and that it is sometimes unclear for whom it actually is a problem. For this reason, it is sometimes unclear what it is that should be addressed, and that there is a range of ideas about how to address this. Several scholars seek to draw attention to the lack of empirical research on human trafficking that might "disentangle reality from myth" (Meshkovska et al., 2015: 380; see also Zhang, 2009). In addition, the fact that an increasing number of scholars draw attention to the consequences of anti-trafficking policies, increases the need to look at the way approaches may or may not be aligned with the nature of human trafficking, as it occurs in practice. Also, the perspective of sex workers and victims themselves on how they perceive exploitation and the formulated answers is relevant. With this dissertation, therefore, I aim to contribute to existing knowledge on the nature of human trafficking in the sex industry by exploring the social realities behind it, the ways it is tackled, and how these two are connected. By addressing both the perspective of (exploited) sex workers, and the policy perspective in the Dutch regulated sex industry, this dissertation could yield implications for policy and practice.

RESEARCH QUESTIONS

This dissertation consists of five studies, that together centre around the following question:

What is the nature of human trafficking in the Dutch sex industry and how does this connect to the way human trafficking is addressed?

This dissertation was not predetermined, but developed and broadened based on interesting findings in the data of several research projects that I conducted on the nature, prevention and criminal investigation of human trafficking. These projects were studies of the Research and Documentation Centre (WODC), where I work as a researcher. First, I was involved in an evaluation project of the programme-based approach to combat human trafficking in the sex industry. Part of this project consisted of an analysis of criminal investigation strategies of the police in human trafficking cases (see appendix 1 of Van Gestel & Verhoeven, 2009). The data of this analysis are used in chapter 4 of this dissertation; (for the report of the initial project see Van Gestel & Verhoeven, 2009). Later, I was involved in the Emergo project, a cooperative project between the municipality of Amsterdam, the police, the public prosecutor's office, tax authorities, and the Ministry of Security and Justice, including the Research and Documentation Centre (WODC). This cooperation aimed to gain insight into criminal power concentrations and underlying opportunity structures of organised crime in Amsterdam's red-light district (by working together and exchanging information). Part of this project consisted of an analysis of human trafficking cases that were carried out by the police in the Amsterdam red-light district. This analysis provided input for the project's final report on the situation in the area and how to tackle organized crime by using an integrated approach; (for the final report about the Emergo project, see Emergo, 2011). I also separately reported on the analysis of the human trafficking cases in a report on the nature and criminal investigation of human trafficking in Amsterdam's window prostitution (see Verhoeven, Van Gestel & De Jong, 2011). The data of this project are used in chapters 2, 3 and 5 of this dissertation. The last project that yielded data for this dissertation was a study of a specific anti-trafficking measure that was developed and implemented differently in three Dutch cities. For the report of this research project see Verhoeven & Van Straalen (2015). Chapter 6 is based on the literature and interview data that were collected through this study.³⁵

During the initial study of the investigative process in human trafficking cases, other interesting research topics and questions gradually emerged from the empirical data in the police files: the role of the informal economy for sex workers, and domestic violence parallels with trafficking relationships. The previously gathered data were used to conduct sub-studies on these themes. The gathered data collected within the different projects

35 The chapters in this dissertation have been published as articles in scientific journals. On the first page of each chapter it is indicated where the chapter has been published.

were re-analysed to arrive at the different studies as presented in the different chapters of this dissertation. The following subjects are addressed:

- (1) the characteristics of sex work and exploitation,
- (2) relationships between those who exploit and those who are exploited,
- (3) the criminal investigation of human trafficking, and
- (4) meanings of anti-trafficking measures for sex workers.

The research questions that are addressed in the five empirical chapters are described in more detail below.

To gain insight into the characteristics of sex work and exploitation, I consider the role of *informal services in sex work* in chapter 2. This chapter centres on the first research question:

What role do informal economic activities play in the everyday work of women who sell sex and to what extent do these activities affect the exploitation and the autonomy of sex workers?

Chapter 3 discusses the *relationships* between those who exploit and those who are exploited. The following research question is explored:

What kind of relationships exist between victims and suspects of sex trafficking, and what parallels exist with the characteristics of domestic violence?

The fourth and fifth chapters explore the *criminal investigation of human trafficking*. They explore the following questions, respectively:

Which investigation strategies are used by the police and what opportunities and risks are the result of those choices?

What are the challenges and best practices regarding the criminal investigation of human trafficking?

Finally, to gain insight into the *meanings of anti-trafficking measures for sex workers*, the sixth chapter explores the following question:

What is the meaning of the government's anti-trafficking policy for sex workers?

METHODS AND DATA

To answer the research questions, this study uses a qualitative research design. For this dissertation, I gathered information on both the perspectives of sex workers, and on the policy perspectives of government agencies. Using qualitative research methods, I try to not only understand the nature of human trafficking, but also to develop understanding of the ‘realities’ from the actors’ perspectives (Van Swaaningen & Staring, 2009). This dissertation is based on several studies using police files of criminal investigations into human trafficking in the Netherlands, combined with interviews with sex workers, police officers and public prosecutors. By using both police files and interviews I used triangulation to confirm and increase the reliability and validity of the findings (Chamberlain, 2012). The precise methods and data are described below. More details about methods can be found in the different chapters wherein I elaborate on the methods that are used within the separate studies.

Police files of criminal investigations into human trafficking

Because little empirical research on the criminal investigation of human trafficking had been done, in the first instance I decided to study four large-scale completed criminal investigations with the aim of providing insight into the complexity of the investigation of human trafficking by the police. This first study focused on cases that all took place in the Amsterdam red-light district and were comparable regarding the modus operandi of the groups of suspects (chapter 4).

For the second study ten additional human trafficking cases were selected to further analyse criminal investigation strategies. These cases were conducted by the police in the period 2006-2010 in the Amsterdam red-light district. The annual number of trafficking cases handled by the police are not available because trafficking is not registered separately in the police register (BNRM, 2012: 127); therefore, the Dutch Police were asked for a list of trafficking cases handled in the Amsterdam area. This list contained 25 cases. Together with the police it was determined which of this 25 cases were related to Amsterdam’s red-light district, which numbered twelve cases (two of which were already included in the first four cases).

In addition, in two of the selected cases it was possible, during the course of the investigation, to accompany the investigators and thus follow the cases closely. Besides that, the trials of six suspects who were arraigned in two of the selected criminal investigations were also attended.

The twelve cases included a total of 70 suspects and 76 victims. More than half of the women (45) were born in the Netherlands. Another significant group was born in Hungary. Other countries of birth were Romania, Germany, and in a few cases, Poland, Thailand, France, Kazakhstan, Lithuania, Belgium, and the Netherlands Antilles. In the case files a total of 70 suspects of human trafficking were involved, most of whom were men. The suspects created situations in which they managed or claimed an amount of

the money that sex workers earned, sometimes in exchange for protection or mentoring in sex work. Most of the men were born in Turkey (17), Hungary (16), the Netherlands (14) or Germany (12). Three of the 12 studied cases had only one suspect as the target of the investigation, whereas four cases centred on two or three suspects. Almost half of the cases (5) focused on a wider group of suspects, generally six or seven. One investigation was quite extensive, involving about 30 suspects. At the time of writing (April 2016) there had been convictions of human trafficking in nine of the twelve cases. Two cases still have yet to come to court, and in one case the details are as yet unknown.

The police files contain the results of each investigation and consist, among other things, of transcribed telecom interceptions, reports on police observations, interrogations, statements made by victims and suspects, etc. In the Netherlands, victims of human trafficking are counselled and interrogated by special police officers who are trained and certified in taking statements from these specific victims. Dutch criminal investigations make extensive use of wiretapping, yielding substantial amounts of ‘non-obtrusive’ evidence. In all the criminal investigations, the teams decided to wiretap suspects and/or victims. These telephone conversations provide valuable information about the relationship between victims and suspects and the ways in which they dealt with each other. Also, police interviews with suspects, victims, witnesses and other individuals who might be involved give a broad and detailed picture of the daily life and the social world of people who work in the realm of sex work.

Using police data inevitably also imposes some disadvantages. One disadvantage is that police files contain second-hand information. While fieldwork can provide first-hand information, access to primary sources can be restricted, and participants probably would rather not share information about operations that fall outside of government rules—although some informal activities may not necessarily be illegal. Another disadvantage of studying police files is that police data by definition are incomplete, because the results of police investigations are a reflection of what and who have been the focus of the police. Also, as Tyldum (2010) mentions, it is possible that the more severe cases with strong elements of coercion may be overrepresented in police information because these cases are seen as most likely to have successful outcomes (for the police). In addition, police information may be biased, because data are collected for the purpose of criminal investigation and prosecution and therefore focus on elements of force, coercion and exploitation, which is relevant for the criminal investigation of human trafficking (cf. Soudijn, 2006). Also, using police data implies a certain dependency on the labels that have been given and selections that have been made by others regarding the data.

Nevertheless, studying police files has significant advantages. These files contain a good deal of information about the way sex workers, pimps and other participants operate, cooperate, and interact with each other. Another advantage is that law enforcement agencies in the Netherlands are quite willing to cooperate with researchers and to provide access to police files (cf. Kleemans, Soudijn & Weenink, 2010: 19).

Interviews with public prosecutors and police officers

Before we studied the police files of the 12 cases, we interviewed police officers and Public Prosecutors dealing with each of the separate criminal investigations. The interviews were based on a semi-structured interview guide. These interviews were fully transcribed. For the study on anti-trafficking policy we also interviewed 20 government officials, police officers and social workers, and 15 brothel managers (window, club and escort).

Interviews with sex workers

To understand the realities of sex workers facing the government's counter-trafficking interventions, I garnered stories of their experiences with anti-trafficking initiatives. I experienced a great willingness from sex workers to answer my questions. Semi-structured face-to-face interviews with 21 sex workers were conducted. Sixteen of the sex workers that were interviewed worked in window prostitution in Amsterdam and The Hague, while five worked in a pick-up area in Utrecht (a so-called '*tippelzone*'). They came from Hungary (8), the Netherlands (4), Romania (3) Eastern Europe (3), South America (2) and Belgium (1). An interpreter who was experienced with the target group was present at the interviews. During the interviews we took notes which were directly elaborated after each interview. More detailed information on the method of interviewing can be found in chapter 6.

Coding and analysing the data

For each case, the information from the interviews and from the police files were arranged in an extensive topic list. This list was largely based on the topic list of the Organised Crime Monitor (Van de Bunt & Kleemans, 2007). Next to this, information that could not be placed in the list (immediately) was documented in a separate file. To analyse all the gathered information, I coded the data using MAXQDA to facilitate the analysis. The data that were initially gathered have been recoded within each of the different studies. Within each study the coding was done in several steps or 'cycles' (Saldana, 2009). By reading through the data several times codes (labels) were developed for parts of data (see also Boeije, 2010). This started with a list of initial codes to gather rough data from the files and interviews. This list contained broad general descriptive codes. A process of coding and recoding made it possible to find repetitive patterns and actions and enabled us to see which codes were especially useful. During this process, we gradually developed more abstract and analytical codes (e.g., Charmaz 2014; Saldana 2009). More details on the analysis can be found in the different chapters.

In sum, the used data shed light on sex workers' perspectives as well as on the government perspective on the nature of and approaches to human trafficking. The sex workers' perspectives can, for example, be found in the following data: statements they made to the police, telephone conversations, their presence and statements in court and interviews. The government's perspective can be found in policy notes, police files on the explanation

of chosen strategies, in accompanying a police team, and of course in the interviews with government officials. In this way, using a multi-method approach I attempted to apply methodological triangulation as much as possible within the constraints of what was practically achievable.

ORGANISATION OF THE DISSERTATION

The next chapter, chapter 2, investigates the role of informal activities of pimps and others in the everyday work of sex workers. I discuss to what extent these informal services affect the exploitation and the autonomy of sex workers. Chapter 3 explores the relationships that exist between victims and suspects of human trafficking. I focus on the similarities of these often intimate relationships with situations of domestic violence. Chapters 4 and 5 concern criminal investigation strategies used by the police. I first make a typology of different strategies and discuss the opportunities and risks that come with the chosen strategy. In chapter 5, I explore what challenges and best practices arise from the features of the crime, and with police organizational issues. In chapter 6, I discuss the meanings sex workers ascribe to their situations and to policies and initiatives of the authorities. I also shed light on the consequences of these meanings for the way sex workers act towards preventive and protective measures. Chapter 7 contains a general discussion of the main findings and conclusions and adds some theoretical reflections on the findings. The implications for policy and practice are discussed in this chapter. The structure of the dissertation, including subject, research questions and employed methods, is shown in Table 2.

Table 2. Organisation of the dissertation

Subject	Research Question	Methods & Data	Chapter
Informal services and sex work	What role do informal economic activities play in the everyday work of women who sell sex and to what extent do these activities affect the exploitation and the autonomy of sex workers?	-police files of 12 human trafficking cases (2006-2010) -interviews with police team leaders	2
Relationships between victims and suspects of human trafficking	What kind of relationships exist between victims and suspects of sex trafficking, and what parallels exist with characteristics of domestic violence?	-police files of 12 human trafficking cases (2006-2010) -interviews with police team leaders	3
Criminal investigation of human trafficking	Which investigation strategies are used by the police and what opportunities and risks are the result of those choices?	-police files of 4 human trafficking cases (1998-2007) -Interviews with police officers and public prosecutors	4
	What challenges and best practices regarding the criminal investigation of human trafficking can be identified?	-police files of 12 human trafficking cases (2006-2010) -interviews with police team leaders	5
Anti-trafficking and meanings for sex workers	What is the meaning of the government's anti-trafficking policy for sex workers?	-interviews with 21 sex workers and 20 government officials and 15 brothel managers (2014)	6

REFERENCES

- Aanwijzing Mensenhandel [Instruction on Human Trafficking] (2013), Staatscourant 16816.
- Agustín, L. (2008). Sex and the Limits of Enlightenment: The Irrationality of Legal Regimes to Control Prostitution. *Sexuality Research and Social Policy* 5(4): 73–86.
- Andrijasevic, R. (2007). Beautiful dead bodies: Gender, migration and representation in anti-trafficking campaigns, *Feminist Review*, 86, 24–44. doi:10.1057/palgrave.fr.9400355.
- Andrijasevic, R. & Mai, N. (2016). (Eds. special issue Trafficking Representations). *Anti-Trafficking Review*, 7.
- Baldwin-Edwards, M. (2006). *Patterns of migration in the Balkans*. Athene: Panteion University, University Research Institute of Urban Environment and Human Resources. Mediterranean Migration Observatory Working paper 9.
- Biesma, S., Nijkamp, R., Tromp, N. & Bieleman, B. (2010). *Evaluatie opheffing bordeelverbod Nijmegen*. Groningen/Rotterdam: IntraVal.
- Biesma, S., Van der Stoep, R., Naayer, H. & Bieleman, B. (2006). *Verboden bordelen. Evaluatie opheffing bordeelverbod: Niet-legale prostitutie*. Groningen: IntraVal.
- Bleeker, Y., Heuts, L., Timmermans, M., & Homburg, G. (2014). *Sekswerkers aan het woord: De sociale positie van sekswerkers in Nederland in 2014*. Amsterdam: RegioPlan.
- BNRM (2002). *Eerste rapportage van de Nationaal Rapporteur*. Nijmegen: Wolf Legal Publishers.
- BNRM (2005). *Trafficking in Human Beings. Third report of the Dutch National Rapporteur*. Den Haag: BNRM.
- BNRM (2009). *Mensenhandel: 2e rapportage van de Nationaal Rapporteur*. Den Haag: Bureau NRM.
- Boeije, H. (2010). *Analysis in Qualitative Research*. London: Sage.
- Boot-Matthijssen, M. (2008). Mensenhandel en mensenrechten. *Internationale Spectator*, (62)12, 668-672.
- Bottenberg, M. & Janssen, M. (2012). *De positie van Chinese masseuses in de Chinese beautybranche in Nederland. Onderzoeksrapport Fenomeenonderzoek Mensenhandel en Mensensmokkel in de Chinese beautybranche*. Driebergen: KLPD.
- Bottenberg, M., Valk, J., Kuipers, M. & L. de Weerd (2012). *Seksuele uitbuiting Criminaliteitsbeeldanalyse 2012*. Rotterdam: Thieme MediaCenter/KLPD.
- Bovenkerk, F., San, M. van, & Boone, M. van (2006). *Loverboys of modern pooierschap*. Amsterdam: Uitgeverij Augustus.
- Brants, C. (1998). The Fine Art of Regulated Tolerance: Prostitution in Amsterdam. *Journal of Law and Society*, 25(4), 621-635.
- Brink, S. van den (2013). De ratio en reikwijdte van artikel 273f lid 1 sub 3 Sr. *Tijdschrift Praktijkwijzer Strafrecht*, 1, 2-5.
- Bruckert, C. & Parent, C. (2002). *Trafficking in Human beings and Organized Crime: A Literature Review*. Research and Evaluation Branch, Royal Canadian Mounted Police. Retrieved from http://lastradainternational.org/lisidocs/bruckert_02_crime_0708.pdf
- Brunovskis, A. & Surtees, R. (2012). *Leaving the past behind? When victims of trafficking decline assistance*. Oslo: Fafo.

- Bovenkerk, F & Pronk, G. (2007). Over de bestrijding van loverboymethoden. *Justitiële Verkenningen* 33(7), 82-95.
- Brunovskis, A, & Skilbrei, M.L. (2016). Two Birds with One Stone? Implications of conditional assistance in victim protection and prosecution of traffickers, *Anti-Trafficking Review*, 6, 13-30. DOI: 10.14197/atr.20121662
- Bullens, R.A.R., & Horn, J.E. van (2000). Daad uit 'liefde': Gedwongen prostitutie van meisjes. *Justitiële Verkenningen* 26(6), 25-41.
- Chacón, J. M. (2010). Tensions and tradeoffs: protecting trafficking victims in the era of immigration enforcement. *University of Pennsylvania Law Review*, 158, 1609–1653.
- Chamberlain, J. (2012). *Understanding Criminological Research: A Guide to Data Analysis*. London: Sage.
- Charmaz, K. (2014). *Constructing Grounded Theory*. Los Angeles: Sage.
- Cleiren, T., Leun, J. van der & Meeteren, M. van (2015). Beperkingen aan en dilemma's van de slachtoffergerichte aanpak van mensenhandel; een blik op arbeidsuitbuiting. *Proces*, 94(2), 82-97. doi: 10.5553/PROCES/016500762015094002002
- Daalder, A.L. (2002). *Het bordeelverbod opgeheven, Prostitutie in 2000-2001*. Onderzoek en beleid 200. Den Haag: WODC/Boom Juridische Uitgevers.
- Daalder, A.L. (2007). *Prostitutie in Nederland na opheffing van het bordeelverbod*. Onderzoek en beleid 249. Den Haag: WODC/Boom Juridische Uitgevers.
- Daalder, A. (2015). *Prostitutie in Nederland anno 2014*. Cahier 2015-1. Den Haag: WODC.
- Dekker, H., Tap, R. & Homburg, G. (2006). *Evaluatie opheffing bordeelverbod: de sociale positie van prostituees*. Regioplan Beleidsonderzoek.
- Ditmore, M. (2008). Sex Work, Trafficking: Understanding the Difference. Retrieved October 2016 from <https://rewire.news/article/2008/05/06/sex-work-trafficking-understanding-difference/>
- Dottridge, M. (2007). Collateral damage, The impact of anti-trafficking measures on human rights around the world. Global Alliance Against Traffic in Women. Retrieved January 4, 2016, from https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/collateral_damage_gaatw_2007.pdf
- Duyne, P. van & Spencer, J. (2011). The traded human body : the ultimate commercial option? In: P. van Duyne, J. Spencer (eds). *Flesh and Money: Trafficking in Human Beings (pp. 5-18)*, Nijmegen: Wolf Legal Publishers.
- Emergo (2011). *De gezamenlijke aanpak van de zware (georganiseerde) misdaad in het hart van Amsterdam*. Amsterdam: Boom.
- Farrell, A., McDevitt, J. & Fahy, S. (2008). *Understanding and improving law enforcement responses to human trafficking*. Northeastern University.
- Felson, M. (2006). *Crime and Nature*. Thousand Oaks, CA: Sage
- Fijnaut, C. (1994). *Prostitutie, vrouwenhandel en (vermeende) politiecorruptie in Antwerpen: De reactie van de overheid*. Leuven: Acco.
- Fijnaut, C., Bovenkerk, F., Bruinsma, G. & Bunt, H. van de (1995). Eindrapport Georganiseerde Criminaliteit in Nederland. 24 072 Enquête Opsporingsmethoden nr. 16.

- Flight, S., Hulshof, P., Someren, P. van & Soorsma, P. (2006). *Evaluatie opheffing bordeelverbod, gemeentelijk beleid*. Amsterdam: DSP-groep BV.
- Gerritsma, E. & Wijers, M. (2003). Vrijwillige werving van prostituees over de grens, *NEMESIS* (3), 63-68.
- Goderie, M. & Boutellier, H. (2009). *Het slachtoffer en zijn ketens: Een studie naar mensenhandel in strafrechtelijk perspectief*. Utrecht: Verwey-Jonker Instituut.
- Goderie, M. & Boutellier, H. (2011). Een gevalsstudie van mensenhandel. *Proces*, 90(2), 71-84.
- Goderie, M., Spierings, F. & Woerds, S. ter (2002). *Illegaliteit, onvrijwilligheid en minderjarigheid in de prostitutie een jaar na de opheffing van het bordeelverbod*. Utrecht/Den Haag: Verwey-Jonker Instituut/WODC.
- Holvast, N. & Meij, P. van der (2011). De problematiek van sfeervervaging bij de bestuurlijk-strafrechtelijke aanpak van mensenhandel in de legale prostitutiesector. *Tijdschrift voor Veiligheid*, (10)3, 3-16.
- Huisman, W. & Kleemans, E.R. (2014). The challenges of fighting sex trafficking in the legalized prostitution market of the Netherlands. *Crime, Law and Social Change*, 61 (2), 215-228. doi: 10.1007/s10611-013-9512-4.
- Huisman, W. & Nelen, H. (2014). The Lost Art of Regulated Tolerance? Fifteen Years of Regulating Vices in Amsterdam. *Journal of Law and Society*, 41(4), 604-626.
- Jacobsen, C. & Skilbrei, M. (2010). Reproachable victims? Representations and self-representations of Russian women involved in transnational prostitution. *Ethnos*, 75, 190-212.
- Janssen, M. (2007). *Reizende sekswerkers. Latijns-Amerikaanse vrouwen in de Europese prostitutie*. Amsterdam: Spinhuis.
- Kempadoo, K. (1998). Globalizing Sex Workers' Rights. *Canadian Woman Studies/Les Cahiers de la Femme*, 22(3/4), 143-150.
- Kempadoo, K. (2005). *Trafficking and prostitution reconsidered: new perspectives on migration, sex work and human rights*. Boulder: Paradigm Publishers.
- Kempadoo, K. (2015). The modern-day white (wo)man's burden: Trends in anti-trafficking and anti-slavery campaigns. *Journal of Human Trafficking*, 1, 8-20.
- Klaver J. & Leun J.P. van der (2014), De Verblijfsregeling Mensenhandel in de praktijk: over oneigenlijk gebruik en niet-gebruik. *Beleid en Maatschappij* 41(4), 279-298.
- Kleemans, E., Berg, E. van den, Bunt, H. van de (with the assistance of Brouwers, M., Kouwenberg, R. & Paulides, G.) (1998). *Georganiseerde criminaliteit in Nederland. Rapportage op basis van de WODC-monitor [Organised Crime in the Netherlands. Report of the WODC-Monitor]*. Onderzoek en beleid 173. Den Haag: WODC.
- Kleemans, E.R., Brienen, M.E.I., Bunt, H.G. van de, Kouwenberg, R.F., Paulides, G., Barenzen, J. (2002). *Georganiseerde criminaliteit in Nederland. Tweede rapportage op basis van de WODC-monitor [Organised Crime in the Netherlands. Second report of the WODC-Monitor]*. Onderzoek en beleid 198. Den Haag: WODC.
- Kleemans, E., Soudijn, M. & Weenink, A. (2010). Situational Crime Prevention and Cross-border Crime. In K. Bullock, R. V. Clarke, and N. Tilley (Eds.) *Situational Prevention of Organised Crimes* (pp.17-34). Portland: Willan Publishing.

- Kleemans, E. R. (2009). Human smuggling and human trafficking. In M. Tonry (Ed.), *Oxford Handbook on Crime and Public Policy* (pp. 409-427). Oxford: Oxford University Press.
- Korvinus, D., Koster, D. & De Jonge van Ellemeet, H. (2006). Trafficking in Human Beings: The concept of exploitation in the Dutch trafficking provision. A translation of: Mensenhandel: de achtergronden en omtrekken van het begrip uitbuiting in art. 273a Sr. *Trema*, 29(7), 286-290.
- Koster, A.L. (2016). *Een vreemde eend in de bijt. Een onderzoek naar de problematiek omtrent artikel 273f lid 1 sub 3 Wetboek van Strafrecht*. Master thesis Universiteit Leiden, straf- en procesrecht.
- Krieg, S. H. (2009). Trafficking in human beings: The EU approach between border control, law enforcement and human rights. *European Law Journal*, 15(6), 775-790.
- Kruisbergen, E. , Bunt, H. van de & Kleemans, E. (with the assistance of Kouwenberg, R., Huisman, K., Meerts, C. & Jong, D. de) (2012). *Georganiseerde criminaliteit in Nederland. Vierde rapportage op basis van de Monitor Georganiseerde Criminaliteit [Organised Crime in the Netherlands. Fourth report of the Organised Crime Monitor]*. Onderzoek en beleid 306. Den Haag: WODC.
- Kulu-Glasgow, I., Galloway, A.M., Beenackers, E.M.T., Smit, M., & Zwenk, F. (2012). *Categorical accommodation and assistance for victims of trafficking in human beings: A study of four European countries*. Cahier 2012-8. Den Haag: WODC.
- Lehti, M. & Aromaa, K. (2006). Trafficking for sexual exploitation. In M. Tonry (Ed.), *Crime and Justice: A Review of Research* 34 (pp. 133-227). Chicago: The University of Chicago press.
- Lettinga, D., Keulemans, S. & Smit, M. (2013). *Verblijfsregelingen voor slachtoffers van mensenhandel en oneigenlijk gebruik. Een verkennende studie in het Verenigd Koninkrijk, Italië en België*. Cahier 2013-3. Den Haag: WODC.
- Limoncelli, S. (2009). The trouble with trafficking: Conceptualizing women's sexual labor and economic human rights. *Women's Studies International Forum*, 32: 261-269.
- Londen, M. van, & Hagen, L. (2012). *Evaluatie van de pilot Categoriële Opvang voor Slachtoffers van Mensenhandel*. Cahier 2012-14. Den Haag: WODC.
- Marcus, A., Horning, A. Curtis, R. Sanson, j. & Thompson, E. (2014). Conflict and Agency among Sex Workers and Pimps: A Closer Look at Domestic Minor Sex Trafficking. *Annals of the American Academy*, AAPSS, 653, 225-246. DOI: 10.1177/0002716214521993.
- Marinova, N. K. & James, P. (2012). The tragedy of human trafficking: competing theories and European evidence. *Foreign Policy Analysis*, 8, 231-253.
- Meshkovska, B., Siegel, M., Stutterheim, S. & Bos A. (2015) Female sex trafficking: conceptual issues, current debates, and future directions. *Journal of Sex Research*, 52(4), 380-95. doi: 10.1080/00224499.2014.1002126.
- Ministerie van Buitenlandse Zaken (2012). Dutch Policy on Prostitution. Questions and Answers 2012. Retrieved from http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/you_and_the_netherlands/about_the_netherlands/ethical_issues/faq-prostitutie-pdf--engels.pdf-2012.pdf
- Montpellier, M. (2009). *De kracht om te spreken: Een onderzoek naar het verloop van de aangifte en de strafrechtelijke procedure bij slachtoffers van mensenhandel in Nederland*. Masterscriptie, Medische Antropologie en Sociologie, Universiteit van Amsterdam.
- Morselli, C. & Savoie-Gargiso, I. (2014). Coercion, Control, and Cooperation in a Prostitution Ring. *Annals of the American Academy*, AAPSS, 653, 247-265. DOI: 10.1177/0002716214521995

- Naber, P. & Lier, L. van (2002). *Handhaving prostitutiebranche door Politiekorpsen, Belastingdienst, Arbeidsinspectie en UWV/GAK*. Den Haag: ES&E.
- Nijboer, J., Vocks, & Van Dijk, R. (2001). Sociale en culturele achtergronden van vrouwenhandel. *Tijdschrift voor Criminologie*, 43(4), 390-400.
- Nijkamp, R., Sijstra, M., Snippe, J., & Bieleman, B. (2014). *Verboden rood in beeld: Onderzoek aard en omvang niet-legale prostitutie in 2014*. Groningen-Rotterdam: IntraVal.
- NRMSGK (Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen) (2013). *Mensenhandel. Negende rapportage van de Nationaal rapporteur. [Human Trafficking. Ninth report of the national rapporteur]*. The Hague: Zalsman. Retrieved from https://www.nationaalrapporteur.nl/binaries/negende-rapportagemensenhandel-2013-print-versie_tcm23-34735.pdf
- O'Brien, E. (2015). Prostitution Ideology and Trafficking Policy: The Impact of Political Approaches to Domestic Sex Work on Human Trafficking Policy in Australia and the United States. *Journal of Women, Politics & Policy*, 36(2), 191-212, DOI:10.1080/1554477X.2015.1019277
- O'Connell Davidson, J. (2005). *Children in the global sex trade*. Cambridge: Polity Press.
- Oude Breuil, B. (2008). 'Precious children in a heartless world? The complexities of child trafficking in Marseille, *Children and Society*, 22(3), 223-234.
- Oude Breuil, B., Siegel, D., Van Reenen, P., Beijer, A. & Roos, L. (2011). Human trafficking revisited: legal, enforcement and ethnographic narratives on sex trafficking to Western Europe. *Trends in Organised Crime*, 14,30-46. DOI 10.1007/s12117-011-9118-0
- Oude Breuil, B.C. & Siegel, D. (2012). De autonome sekswerker: mythe of blinde vlek? Stereotypering en 'de-responsibilisering' in het Nederlandse prostitutiebeleid (pp.139-157). In: de Jong, F., Kool, R.S.B. (eds.), *Relaties van gezag en verantwoordelijkheid: strafrechtelijke ontwikkelingen*. Den Haag: Boom.
- Outshoorn, J. (2012). Policy Change in Prostitution in the Netherlands: from Legalization to Strict Control. *Sexuality Research and Social Policy*, 9, 233-243.
- Outshoorn, J. (2015). The trafficking policy debates. In: M. Dragiewicz (ed.), *Global Human Trafficking: Critical Issues and Contexts* (pp. 7-22). New York: Routledge.
- Pitcher, J. & Wijers, M. (2014). The impact of different regulatory models on the labour conditions, safety and welfare of indoor-based sex workers. *Criminology & Criminal Justice*, 4(5), 549-564. DOI: 10.1177/1748895814531967
- Rijken, C. & Dijk, J. van (2007). Het begrip mensenhandel in de Nederlandse context: achtergronden en reikwijdte. *Justitiële Verkenningen*, 33 (7), 23-38.
- Rijken, C., Dijk, J. van & Klerx-van Mierlo, F. (2013). *Mensenhandel: Het slachtofferperspectief*. Oosterwijk: Wolf Legal Publishers .
- Roos, L. (2008). *Weibliche Körper im Fluss des Globalen Kapitalismus*. Masterthesis Utrecht University, Straatprostituees in Berlijn.
- Saldana, J. (2009). *The Coding Manual for Qualitative Researchers*. Angeles/London: Sage.
- Segrave, M., Milivojevic, S. & Pickering, S. (2009). *Sex Trafficking: International Context and Response*. Portland, OR: Willan Publishing.
- Shelley, L. (2007). Human trafficking as a form of transnational crime. In: M. Lee (red.), *Human trafficking* (pp. 116-137). Devon/Portland: Willan Publishing.

- Shelley, L., (2010). *Human trafficking. A global perspective*. Cambridge: Cambridge university press.
- Siegel, D. (2005). Recent trends in women trafficking and voluntary prostitution: Russian-speaking sexworkers in the Netherlands. *Transnational Crime*, 4(1), 4-23.
- Siegel, D. (2007). Nigeriaanse madams in de mensenhandel in Nederland. *Justitiële Verkenningen*, 33(7), 39-49.
- Siegel, D. (2009). Human trafficking and legalized prostitution in the Netherlands, *Temida*, 5-16.
- Siegel, D. (2015). *Het Zandpad: closing brothels or closing eyes? Utrechtse sekswerkers na de sluiting van het Zandpad*. Den Haag: Boom.
- Siegel, D. & Blank, S. de (2008). Vrouwen die in vrouwen handelen. De rol van vrouwen in criminele netwerken. *Tijdschrift voor Criminologie*, 50(1), 35-48.
- Soudijn, M. (2006). *Chinese Human Smuggling in Transit*. The Hague: Boom Juridische Uitgevers.
- Spapens, T. & Rijken, C. (2015). The fight against human trafficking in the Amsterdam Red Light District, *International Journal of Comparative and Applied Criminal Justice*, 39(2), 155-168, DOI: 10.1080/01924036.2014.986040
- Staring, R. (2007). Handelaars in vrouwen: Achtergronden en werkwijze. *Justitiële Verkenningen*, 33(7), 23-39.
- Staring, R. (2012). Human trafficking in the Netherlands: trends and recent developments, *International Review of Law, Computers & Technology*, 26(1), 59-72.
- Smallenbroek, A.J.H. & Smits E.C.M. (2001). *Gemeentelijk prostitutiebeleid na opheffing van het algemeen bordeelverbod. Inventarisatie van de stand van zaken*. Den Haag: SGBO.
- SOU (Statens Offentliga Utredningar) (2010). *Evaluation of the Swedish legislation criminalising the purchase of sexual services (Förbud mot köp av sexuell tjänst En utvärdering 1999-2008)*. Geraadpleegd op 05-08-2010: www.regeringen.se/content/1/c6/14/91/42/ed1c91ad.pdf.
- Swaaning, R. van & Staring, R. (2009). Naar een kwalitatieve criminologie: De relatie tussen theorie, onderzoeksvragen en methode. In T. Decorte & D. Zaitch (Eds.), *Kwalitatieve methoden en technieken in de criminologie* (pp. 33-72). Leuven: Uitgeverij Acco.
- Tyldum, G. (2010). Limitations in Research on Human Trafficking, *International Migration*, 48(5), 1-13.
- Tyldum, G. & Brunovskis, A. (2005). Describing the unobserved: methodological challenges in empirical studies on human trafficking. *International Migration*, 43(1/2), 17-34.
- Tyldum, G., Tveit, M., & Brunovskis, A. (2005). *Taking stock: a review of the existing research on trafficking for sexual exploitation*. Fafo-report 493. Oslo: Fafo.
- Van de Bunt, H. (2011). In het hart van de vergunde sector [At the heart of the licensed sector]. *Justitiële Verkenningen* 33(7): 78-81.
- Van de Bunt, H. & Kleemans, E. (with the assistance of Poot, C. de, Bokhorst, R., Huikeshoven, M., Kouwenberg, R., Nassou, M. van & Staring, R.) (2007). *Georganiseerde criminaliteit in Nederland. Derde rapportage op basis van de Monitor Georganiseerde Criminaliteit [Organised Crime in the Netherlands. Third report of the Organised Crime Monitor]*. Onderzoek en beleid 252. Den Haag: WODC
- Vandekerckhove, W. (2003). Ethische problemen van en voor NGO's in de strijd tegen mensenhandel. In W. Vandekerckhove (Ed.), *NGO's in de strijd tegen mensenhandel: humanitaire motieven, repressieve middelen?* (pp. 76-97). Antwerpen: EPO.

- Van der Leun, J. & Vervoorn, L. (2004). Slavernij-achtige uitbuiting in Nederland. Een inventariserende literatuurstudie in het kader van de uitbreiding van de strafbaarstelling van mensenhandel. Universiteit Leiden/WODC.
- Van der Leun, J. & Schijndel, A. van (2016). Emerging from the shadows or pushed into the dark? The relation between the combat against trafficking in human beings and migration control, *International Journal of Law, Crime and Justice*, 44, 26-42. <http://dx.doi.org/10.1016/j.ijlcj.2015.04.001>
- Van der Meij, P.P.J. & Van der Leun, J.P. (2010). Beleid, barrières en begrenzingen. Een domeinoverschrijdende aanpak van het fenomeen mensenhandel. In: Schoep, G.K., Cleiren, C.P.M., Leun, J.P. van der Leun & Schuyt, P.M. (ed.) *Vervlechting van domeinen* (pp.67-83). Deventer: Kluwer.
- Van Gestel, B. & Verhoeven, M (2009). *De praktijk van de programmatische aanpak mensenhandel: Plan- en procesevaluatie van een pilot*. Cahier 2009-7. Den Haag: WODC.
- Van Gestel, B. & Verhoeven, M. (2011). Obstakels voor samenwerking: Bevindingen uit de procesevaluatie van de programmatische aanpak mensenhandel. *Justitiële Verkenningen* 37(2), 23-39.
- Van Gestel, B. & Verhoeven, M. (2014). Autonomie, ambtelijke organisaties en Criminaliteitsbestrijding. Over samenwerking tussen overheidsinstanties bij de aanpak van mensenhandel. *Tijdschrift voor Criminologie*, (56) 1, 24-41.
- Van Groenestyn, M. (2013). *Breaking the Silence: Onderzoek naar de bereidheid om aangifte te doen onder Hongaarse prostituees en slachtoffers van mensenhandel*. Z.pl.: Intercultureel Onderzoeks- en Adviesbureau Hinta.
- Van Dijk, E. (2002). *Mensenhandel in Nederland 1997-2000*. Zoetermeer: KLPD.
- Van Lier, L., Naber, P., Verheij, M., Zandhuis, E., Daniëls, M. & Haverkamp, A. (2002). Handhaving prostitutiebranche door gemeentelijke diensten, evaluatie van de preventie, controle en handhavingsactiviteiten van gemeentelijke diensten. Den Haag: ES&E/ NIPO Consult.
- Van Rij, J. (2014). *The trafficking and sexual exploitation of native Hungarian speaking women in the Netherlands. A case study into the nature of forced prostitution and the modus operandi of organised crime groups involved in human trafficking in Europe*. Phd-thesis.
- Vanwesenbeeck, I., Höing, M. & Vennix, P. (2002). *De sociale positie van prostituees in de gereguleerde bedrijven, een jaar na wetswijziging*. Utrecht/Den Haag: Rutgers Nisso Groep/ WODC.
- Vanwesenbeeck, I. (2011). Sex workers' rights and health. The case of The Netherlands. In: R. L. Dalla, L.M. Baker, J. DeFrain, & C. Williamson (Eds.) *Global perspectives on prostitution and sex trafficking (Europe, Latin America, North America, and Global)* (pp. 3-25). Landham, MD: Lexington Books.
- Veldkamp Marktonderzoek bv (2002a). *De prostitutiebranche, acceptatie door dienstverlenende instellingen*. Amsterdam.
- Veldkamp Marktonderzoek bv (2002b). *Het imago van de prostitutie*. Amsterdam.
- Verhoeven, M., Van Gestel, B. & De Jong, D. (2011). *Mensenhandel in de Amsterdamse raamprostitutie: Een onderzoek naar aard en opsporing van mensenhandel. [Human Trafficking in the Amsterdam window prostitution: A study into the nature and criminal investigation of human trafficking]*. Onderzoek en Beleid 295. Den Haag: Boom Juridische Uitgevers.

- Verhoeven, M. & Straalen, E. van (2015). *Contactmomenten tussen de overheid en prostituees [Contact moments between the government and sex workers]*. Cahier 2015-2. Den Haag: WODC.
- Van der Laan, P., M. Smit, I. Busschers, & Aarten, P. (2011). *Cross-border Trafficking In Human Beings: Prevention and Intervention Strategies for Reducing Sexual Exploitation*. Campbell Systematic Reviews 9. DOI: 10.4073/csr:2011.9
- Verwijs, R., Mein, A., Goderie, M., Harreveld, C. & Jansma, A. (2011). *Loverboys en hun slachtoffers. Inzicht in aard en omvang problematiek en in het aanbod aan hulpverlening en opvang*. Utrecht: Verwey-Jonker Instituut.
- Vocks., J., & Nijboer, J. (1999). *Land van belofte*. Groningen: Rijksuniversiteit Groningen.
- Vugts, P. (2014). Saban Baran: gewelddadige vrouwenhandelaar met een luizenleventje. Het Parool, 20 december 2014. Retrieved May 2016 from <http://www.parool.nl/amsterdam/saban-baran-gewelddadige-vrouwenhandelaar-met-een-luizenleventje~a3815029/>.
- Wagenaar, H., S. Altink, H. Amesberger (2013). *Final Report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands*. The Hague: Platform 31.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics and Society*, 35, 447-75.
- Weitzer, R. (2011). Sex trafficking and the sex industry: The need for evidence-based theory and legislation. *Journal of Criminal Law and Criminology*, 101, 1337-70.
- Weitzer, R. (2012). *Legalizing prostitution: From illicit vice to lawful business*. New York, NY: NYU Press.
- Weitzer, R. (2014). New Directions in Research on Human Trafficking. *Annals of the American Academy, AAPSS*, 653, 6-24. DOI: 10.1177/0002716214521562
- Weitzer, R. & Boels, D. (2015). Ghent's Red-Light district in comparative perspective. *Sexuality Research and Social Policy*, 12, 248-260. DOI 10.1007/s13178-015-0181-1
- Wijers, M. & Lap-Chew, L. (1999). *Trafficking in Women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution*. Utrecht: STV.
- Wijk, A. van, Ham, T. van, Hardeman, M., & Bremmers, B. (2014). *Prostitutie in Nederlandse gemeenten: een onderzoek naar aard en omvang, beleid, toezicht en handhaving in 2014*. Arnhem: Bureau Beke.
- Zaitch, D. & Staring, R. (2009). The Flesh is Weak and the Spirit Even Weaker. Prostitution clients and women trafficking in the Netherlands. In A. Di Nicola et al. (Eds.) *Prostitution and Human Trafficking Focus on Clients (pp.67-121)*. New York: Springer.
- Zhang, S. (2009). Beyond the 'Natasha' story – a review and critique of current research on sex trafficking. *Global Crime*, 10(3), 178-195.

Chapter 2

BETWEEN VISIBILITY AND INVISIBILITY: SEX WORKERS AND INFORMAL SERVICES IN AMSTERDAM

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ABSTRACT

This chapter examines informal services within the sex industry of in the red-light district of Amsterdam, the Netherlands and how these affect the autonomy of sex workers. Data were obtained from the police files of twelve criminal investigations into human trafficking in Amsterdam between 2006 and 2010. The empirical data show that sex workers' are intermeshed in a network of people who intercede with them and their work: pimps, bodyguards, errand boys, drivers, brothel owners, and accountants. While these informal players offer services to facilitate sex work, they simultaneously create a network of control around the sex workers and profit from the latters' earnings. The existence of this informal network and its activities both supports sex workers, but also undermines the autonomy of self-employed sex workers in the studied cases.

INTRODUCTION

In October 2014, a Dutch newspaper reported on a man, Juan, who helps sex workers in Amsterdam with administrative affairs and tax declarations.³⁶ Juan is not an official accountant, but helps Spanish-speaking sex workers with his services from the back of a friend's hair salon. For sex workers for whom Dutch is not their first language, it can be difficult to fill in tax returns and other forms. They use the advice and services of people they trust and who speak their own language. But Juan is now accused of defrauding the tax authorities and sex workers (Middelburg & Nikkels, 2014).

This chapter raises the issue of informal services by third parties, such as Juan, within the Dutch sex industry, and the consequences of these services regarding the autonomy of sex workers. We argue that, despite the legalization of sex work³⁷, certain characteristics of the sex industry maintain a certain degree of informality that influences sex workers' employment and conditions. Although this study focuses on cases of trafficking, where working conditions are possibly the worst, by exploring how sex workers are able or unable to shape their working conditions we hope to gain better insight into the causes and consequences of exploitation.

Literature about sex work, especially the feminist literature, emphasizes the career opportunities and independent status accorded to those who choose to be sex workers, as well as pointing to exploitation (Sanders, O'Neill, & Pitcher, 2009). These two polarized views actually question the same thing; namely, to what extent women have a choice when they become sex workers, and to what extent they are able to influence their working conditions.

However, various authors have pointed out that a schematic contrast between coercion and choice is too simple because, in practice, sex work is more complex (Sanders, O'Neill & Pitcher, 2009). In reality, a number of combinations exist, and there are many different forms of both choice and exploitation in the sex industry (Di Tommaso, Shima, Strøm, & Bettio, 2009; Bettio & Nandi, 2010). Several authors argue that it is better to speak of a continuum in which sex workers occupy a position between two extremes (Brents & Hausbeck, 2001; Sanders, O'Neill, & Pitcher, 2009; Bettio & Nandi, 2010; Bungay, Halpin, Atchison & Johnston, 2011; Weitzer, 2012).

We look at the working conditions of sex workers, considering both elements – exploitation and coercion, on the one hand, and autonomy and freedom of choice, on the other.

36 All personal information that would allow the identification of any person(s) described in the study has been removed.

37 According to Hughes (2004), legalization would mean the regulation of prostitution with laws regarding where, when, and how prostitution could take place. Decriminalization eliminates all laws and prohibits the state and law-enforcement officials from intervening in any prostitution-related activities or transactions, unless other laws apply (Hughes, 2004). Unlike legalization, a decriminalized system does not have special laws aimed solely at sex workers or sex work-related activity (Lutnick & Cohan, 2009).

By autonomy we mean the extent to which sex workers can determine and influence their own working conditions (Persak, 2013). By exploitation we mean profiting from other people's earnings in a way that is disproportionate to the services provided. While sex work can be voluntary and offer possibilities, it can also be exploitative. We think it is important to recognize both. Our focus remains specifically on the factors affecting the degree of exploitation as well as autonomy. We think that acknowledging prostitution as work offers the best possibilities to improve and protect the position of sex workers. We see, however, that there are still several challenges to overcome even within a legalized sex industry.

Views on sex work automatically lead to perspectives about the role the government should play in combatting trafficking and exploitation in the sex industry. In the Dutch policy on sex work, legalized sex work is seen as a means to strengthen the autonomous position of sex workers and to protect women from abuse. Prostitution was legalized in the Netherlands in 2000 to counter human trafficking in the sex industry. Since then, sex workers have been required to pay taxes, and brothel owners must obtain a license before they can rent workspaces to sex workers. Nevertheless, in practice, trafficking still occurs in the Dutch sex industry. Since 2000, several criminal cases have been conducted in the Netherlands in which trafficking suspects have been prosecuted and sentenced for the exploitation of sex workers (Verhoeven, Van Gestel & De Jong 2011; Verhoeven, Van Gestel & Kleemans, 2013).

In this contribution, trafficking follows the 2000 UN Palermo Protocol's definition of trafficking in persons, applied to trafficking for sexual exploitation.³⁸ This internationally recognized UN definition is also used in the Netherlands. This means that pimps exploiting sex workers by means of coercion, deception, or fraud can be prosecuted for the offense of human trafficking. Although this internationally recognized definition exists, it does not mean that trafficking is a clear concept. Several authors address the different perceptions of exploitation. Wagenaar, Altink & Amesberger (2013: 71) write that trafficking is "an unclear and fuzzy concept," while Agustín (2008a) addresses the disagreement about the meaning of key words like coercion, force, and deceit in concrete situations. She adds that those who are labeled as traffickers by outsiders, provide services that insiders (migrants for example) keenly desire (Agustín, 2008b).

38 The UN Palermo Protocol defines sex trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant (2000: 2).

Thus, we look at what role informal economic activities play in the everyday work of women who sell sex. Furthermore, we examine whether these activities may constitute or enable exploitation of sex workers in the sex industry. The main question is: what informal economic activities take place in the red-light district in Amsterdam, and how do these activities involve both the exploitation of sex workers, on the one hand, and the autonomy of sex workers on the other?

The red-light district - in Dutch, “de Wallen” - refers to the area located in the center of Amsterdam, widely known for its “window prostitution.”³⁹ The district consists of live sex shows, peep shows, sex shops, brothels without windows, private houses, and window prostitution. Here, we focus only on window prostitution in this particular red-light district. Window prostitution refers to (full) sexual services that are provided in a room where the window fronts the street and serves as a “shop window” and “negotiation venue” for the services offered. In principle, sex workers work independently: they are self-employed, and they negotiate the price and the services provided to their clients on their own (Van Wijk et al., 2010). The district has about 290 windows, or workrooms, which are offered for rent by thirty-one brothel owners (Van Wijk et al., 2010).

LITERATURE ON SEX WORK AND THE INFORMAL ECONOMY

While the “formal” economy refers to economic activities that governments recognize (and therefore regulate, tax, inspect, and so on), the informal economy refers to income-generating activities not protected by labor legislation (Agustín, 2006a, 2006b). Agustín explains: ‘[S]ome informal occupations closely resemble formal sector activities but they do not fulfill certain regulations or do not operate in locations zoned for them; some are primarily forms of tax evasion; some are crimes that require a victim; others fit definitions of “alternative” or “solidarity” economies (mutual-aid, community projects, voluntary work, self-help)’ (2006b: 120). Although informal activities are not necessarily illegal or punishable by law, informality provides opportunities for people to operate outside government rules (Agustín, 2006a; Slot, 2010).

Sanders (2008, 2013) emphasizes the role of informal or shadow activities within the sex industry, including regulated sex work. She studied the sex industry in the UK and described the phenomenon of service providers within the sex industry as “ancillary industries.” Here she is referring to the ancillary activities, which are usually informal services, of various players that *enable* the sex industry. Sanders (2008) identifies six such ancillary industries: prostitution venues, advertising, security, transport, presentation, and recreation and hospitality. The difference between service providers in other industries and

39 In addition to the old center of Amsterdam, there are two other areas in the city where window prostitution takes place, comprising another 117 windows.

that of sex work is that sex workers are usually not registered with tax or other authorities, although the sex industry itself can be formal if it is recognized by the government.

Anonymity and informal service providers

Several factors influence sex workers, even within a regulated sex industry, to abide with some degree of informality or to use informal service providers. The first factor is the desire for discretion and anonymity, to which sex workers generally attach great importance due to the stigma associated with sex work. As Agustín notes, sex work is an “advantageous but stigmatized occupation” (2007: 529). Even when sex workers want to be open about their work, they might choose to remain discreet because of possible negative consequences for themselves or their children. For example, it can be difficult for a sex worker or a sex work-related business in the Netherlands to open a (business) bank account or obtain a mortgage loan, despite the legalization and regulation of the industry (Daalder, 2007; Knight, 2011). That legalization of sex work does not automatically reduce such stigma is also shown for New Zealand where, although decriminalization has increased the rights of sex workers, it has not reduced stigma (Abel & Fitzgerald, 2010; Pitcher, 2015). Also, from the Dutch literature, it is apparent that anonymity for both sex workers and clients is an important feature, if not a prerequisite. Van de Bunt (2007: 80) argues that, despite the opportunities that arose from the lifting of the ban on brothels so that sex work could be performed as a “regular occupation,” many women preferred to operate on the margins by evading taxes and working in secret, particularly some sex workers who want to earn extra money or to work without their family members knowing the type of work they do. Dekker, Tap & Homburg (2006) interviewed 100 sex workers who worked in “the windows” and found that 70 percent refused to pay taxes. Daalder (2007) also noted considerable resistance within the sex industry toward the payment of income tax and social insurance premiums. Tax evasion, in other words, contributes to the need to remain anonymous, so that tax evasion is another reason why sex workers may go along with informality or informal services. The persistence of a cash economy is related to the need for anonymity, and cash continues to be the only way of paying for services in this industry in Amsterdam. Cash leaves no tracks; as a result, financial exchanges remain concealed from authorities. Tax evasion is simple, or even obvious, when women want to remain anonymous; thus, informal services can be attractive in this sense. Earnings are also greater when taxes are not, or not fully, paid.

A third reason why (potential) sex workers may utilize informal service providers is because they may need “people who facilitate the finding of jobs, people to provide advice, addresses of safe and inexpensive places to stay, information on whom to trust and whom not, transport, translations, information on labour and cultural norms, etc” (Agustín, 2006b: 121). Other affairs where assistance can be welcome are the (international) journey, the first rent to pay a workplace, and dealing with administrative matters, for all of which formal alternatives are not always available. For example, the regular and usually formal

employment agencies mediate for work such as mushroom or pepper picking, babysitting, and cleaning, but not for sex work.

Pitcher (2015) underlines that third parties assisting in these affairs often are not recognized in policy and regulation of the sex industry. This is also the case in the Netherlands. This probably has to do with the fact that the independence of sex workers is a starting-point in the Dutch policy on sex work. From this point, sex workers are assumed to be self-employed and thus lack interference from others.

Informal services

When examining the effect of informality on autonomy and exploitation, Persak's work is useful: her study (2013) focused on the informal economy in the sex industry. She described how the characteristics of the informal economy have both advantages and disadvantages for working conditions and the autonomy of workers in the sex industry (see also Sassen, 2007). Informality offers flexibility, employment and income, and anonymity. Moreover, Persak emphasizes that informality can be "more deleterious and more involuntary" in this particular industry (2013: 309). Not only do the activities and the identity of those involved in the informal economy remain out of sight, but so do the working conditions and possible exploitation taking place.

Furthermore, Williams and Windebank (1998) note that migrants, regardless of their legal or illegal status, are often more vulnerable to labor conditions in which they can be exploited. According to Agustín (2006b), people who are overeager to travel do little research to test what they are told by service providers. Some migrants might make themselves extra vulnerable or collaborate in their own deception "by signing a contract (with informal parties) without understanding what it meant, or without having an idea about the value of foreign money" (Agustín, 2006b: 122). But Agustín (2003) also states that just because a part of this informal economy turns to criminal exploitation does not mean the entire network does, nor that all of the clientele are its "victims".

METHODS

This study originated from a research project that initially focused on human trafficking and police strategies to combat it (Verhoeven, Van Gestel & De Jong, 2011). The main sources for this research project were police files of Dutch criminal investigations into human trafficking in Amsterdam's red-light district. In addition, interviews are conducted with police investigators and public prosecutors about those investigations. We chose to study police files because our research question was focused primarily on the nature of human trafficking and on police investigation strategies. Insight into the gathered empirical data, however, gradually led to other interesting research topics and questions; for example, findings about the intimate relationships between sex workers and pimps

and questions about the role of the informal economy for sex workers (Verhoeven, Van Gestel, De Jong & Kleemans, 2015; Verhoeven, Van Gestel & Kleemans, 2013). This contribution addresses the last question.

Using police files as a main source for research has advantages and disadvantages. One disadvantage is that police files contain second-hand information. While fieldwork can provide first-hand information, access to primary sources can be restricted, and participants probably would rather not share information about their operations outside of government rules – although some informal activities may not necessarily be illegal.

Another disadvantage of studying police files is that police data by definition are incomplete and biased because they are collected for the purpose of criminal investigation and prosecution (Soudijn, 2006). For example, some pimps stay out of sight because they outsmart the police, while others may often come into view because of their clumsy working methods.

Nevertheless, studying police files has significant advantages. These files contain a lot of information about the way sex workers, pimps, and other participants operate, cooperate, and interact with each other. In the Netherlands, the police are permitted to use wide investigative powers to collect evidence concerning the behavior of suspects. This information is gathered by (unobtrusive) police methods like telephone taps, police observations, and interviews with suspects, victims, witnesses, and other individuals who might be involved. In this way police files give a broad and detailed picture of the daily life and the social world of people who work in the realm of sex work. Consequently, the files also contain information about informal activities that are not necessarily illegal. The extensive use of telephone taps in Dutch criminal investigations especially reveals a lot of interesting information about everyday social interactions between individuals, such as conversations between sex workers and drivers. While this kind of information is often not of interest to investigation teams because their focus primarily is on finding evidence for human trafficking, it is very useful for social researchers.

Another advantage is that law enforcement agencies in the Netherlands are quite willing to cooperate with researchers and to provide access to police files (Kleemans, Soudijn, & Weenink, 2010). For this study, we had access to the original police files. We guaranteed anonymity in any publications.

Selection of police files

We selected all criminal investigations into human trafficking that took place in the red-light district between 2006 and 2010. Altogether, twelve investigations of varying sizes were conducted in this period. Three cases involved only one suspect; four cases covered two or three suspects; five cases focused on six or seven suspects; and one investigation was quite extensive, involving about thirty suspects.

Seventy suspects of human trafficking were involved in the twelve case files. The suspects consisted of pimps (thirty-seven) and other service providers (thirty-three), such as drivers, errand boys, and bodyguards. Most of them were men. The pimps created

situations in which they managed or claimed an amount of the money that sex workers earned, sometimes in exchange for protection or mentoring in sex work.⁴⁰ The ages of the suspects appearing in the cases varied from 18 to 58 years. The average age was 30 years. Most were born in Turkey (seventeen), Hungary (sixteen), the Netherlands (fourteen), or Germany (twelve). At the time of writing (February 2015), there had been convictions of human trafficking in nine of the twelve cases. Two cases have yet to come to court and in one case, the details are as yet unknown.

Seventy-six female sex workers were identified as victims in the twelve case files. The ages of these women varied from 17 to 35 years, with an average age of 23 years. The women were mainly in their 20s (fifty-four), but there were also adolescents (fifteen) and women in their 30s (seven). More than half of the women were born in the Netherlands (forty-five). Another significant group was born in Hungary. Other countries of birth were Romania, Germany, and in a few cases Poland, Thailand, France, Kazakhstan, Lithuania, Belgium, and the Netherlands Antilles.

Coding and recoding

Each case study started with face-to-face interviews with police investigators and public prosecutors about the criminal investigation. These interviews were fully transcribed. Subsequently, case-study data were collected and analyzed in several steps or “cycles” following the methodology of Saldana (2009, see also Charmaz, 2014). We started with a list of initial codes to gather rough data from the files. This list contained broad general descriptive codes like “recruitment,” “working conditions of sex workers,” “earning money,” “housing,” “violence,” “coercion,” “facilitating circumstances,” “social relations,” “police investigation strategies,” and so on. After this first step of gathering rough empirical material, we explored and filled out these codes (Saldana 2009). By reading the data again and comparing the initial codes with each other, we developed a code system. We refined the initial codes into sub-codes and furthermore constructed different codes, such as “assisting sex workers,” “protection,” “oppression,” “informality,” “intimate relationships,” “taking money,” and so on. The new codes were actions and relationships that became evident in the data.

We used computer software (MAXQDA) to code the data. With this software we could apply more than one code to the same passage, and we could code a smaller portion of text within a larger portion of coded text. It was also possible to quickly collect and display similarly coded data (or keywords) for further examination and to make comparisons (Saldana, 2009). This process of coding and recoding enabled us to find repetitive patterns and actions and enabled us to see which codes were especially useful. During this coding process, we gradually developed more abstract and analytical themes such as dependency, autonomy, the meaning of work, and self-determination.

40 The term “pimp” is used for this kind of activity, including possibly living off of the earnings of one or more sex workers; this study uses the term in this sense.

INFORMAL SERVICES IN THE RED-LIGHT DISTRICT

Looking at the informal activities among the twelve case studies, several players can be distinguished: pimps, bodyguards, errand boys, drivers, brothel owners, café owners, and accountants. Some of these players are legal professionals, but they partly participate in informal activities as well. Several informal activities and services that take place in the red-light district are described below. We look at the way these informal activities relate to the working conditions of sex workers, and how this relates to either exploitation or autonomy.

Protection by pimps and bodyguards

In the case studies, pimps and bodyguards provided protection for money. The reason for providing protection seems to be twofold. On the one hand, sex workers can be vulnerable for several reasons: they work alone behind a window and are alone with clients while there is cash in the room; clients may be under the influence of alcohol or drugs; and working hours can start or finish at nighttime. On the other hand, providing protection can also be a means to profit from the women's earnings. The hiring of protection is usually not at the initiative of the sex workers, and women are often coerced into it.

Pimps can undertake the work of protection themselves, but there are also examples in the case studies where the work is outsourced to bodyguards or "sitters," as one of the women calls them. In these cases, the bodyguards keep the pimps informed about all that takes place.

Protection usually means that the premises and the surrounding area around the workspace are continuously monitored. The men who are responsible for protection loiter in the area, walk around, or drive around and have regular contact with the women by phone. These "protectors" also ensure that no other pimps get too close to the women with the intention of profiting from them. Tapped phone calls reveal what this protection can look like. Linda, a Dutch sex worker, talks about being checked, while on the phone with a friend:

Glenn, my "watchdog". He is always standing on the bridge to check me when I am working. Even when it is raining, he is always standing there. I hear it from customers too. ⁴¹ (intercepted phone conversation in police files of case 8)

The same Glenn is called by a pimp and is told to check on another sex worker's house, to see who is coming out.

Some women are not allowed to leave their room during a shift under the guise of security. In this way, pimps and bodyguards try to make women work as much as possible.

41 This and other quotes are translated from Dutch by the author.

A bodyguard may also accompany a woman when she does leave her room. One woman states:

At the end of my shift, he escorted me to a car. He gave me a sense of security.
(statement in police file of case 9)

By controlling the “safety” of the women, pimps and bodyguards check if women work according to the set or “agreed” conditions. These working conditions differ significantly among the women. Some women say that they themselves decided how many days and hours they would work, although some kind of control was always present, as with Stella, a Romanian sex worker:

Stella told the police that she could decide for herself if she was working or not. She said that she could visit her mother back home if she wanted, but she adds that her pimp made sure someone accompanied her if she made such a visit to her home country. (summary of statement in police file of case 5)

Others were urged by pimps or bodyguards to work six or seven days a week and to work long hours, as Vicky’s case shows:

Vicky felt relatively free, but she said her freedom was limited by the fact that she had to pay that much money for protection. Vicky’s tapped phone calls indicate that she earned 600 to 700 euros a day and had to pay 2,500 euros per month for protection and 500 euros per month for rent. (summary of statement and intercepted phone call in police files of case 5)⁴²

Phone calls by Ruxandra, a Hungarian woman, reveal that she stayed with her pimp because she felt relatively well off with him:

Ruxandra tells her mother that she stays with her pimp a little longer because she can easily withhold money from him. She says she is better off with him than with a smarter, more violent pimp. At the same time she reasons that she should start looking for help to try to get away from him. (summary of intercepted phone call in police files of case 3)

42 The price sex workers in the windows charge usually lies between 35 and 70 euros. The price for a visit of around 20 minutes with “a blow job and fucking” is usually 50 euros (Van Wijk et al., 2010: 48). Van Wijk et al. quote a brothel owner who says that “a beautiful woman gets 50 euros and others do it for 30 euros” (2010: 48). The price for a room or window is around 100 euros during the daytime and 130 to 150 euros at night. According to several respondents, a sex worker “must have an average of four customers to take out all costs and three extra to make a little profit” (Van Wijk et al., 2010: 48).

The amounts paid for the services of pimps vary widely. Pimps earn more than bodyguards. Several cases show a hierarchy between pimps and bodyguards. The most extensive investigation, which covered a large number of suspects, illustrates this hierarchy clearly:

Every Friday night, bodyguards collect protection money (100 to 150 euros) from different women who sell sex. The bodyguards then deliver the money to Jane, the pimp's most important girlfriend. Jane then pays the bodyguards' wages under his direction. This means the women are actually paying the pimp, and the pimp in turn pays the bodyguards. (summary of police observations and intercepted phone calls from police files of case 11)

In other cases, women worked on the basis of a kind of package deal with their pimps. In several cases, 50 percent of the women's earnings were shared with a pimp in exchange for mentoring them in sex work, and for housing and protection. This was the case with Maria, who told the police the following about her female pimp:

She did take half of my money, but we agreed on that. That half of the money earned by me was for accommodation in Holland and for my food, etc.[...] She told me that she had a big house where I could sleep. She would buy everything for me and take me to work and bring me back. She also said that Holland was a very scary country with a lot of crime on the streets, and that I could not walk the streets on my own. (statement in police files of case 3)

When pimps arrange accommodation, this usually means the women can stay with these pimps, sometimes, with several other women. A number of women did not actually have a place of their own. Gina, also from case 3, tells the police that she did not have a key for the place where she stayed:

I don't have a key of the house, and I never had a key. We always go out together. (statement in police files of case 3)

The involvement of other people with sex workers can take different forms and can be perceived in different ways. In some cases, women do not perceive that they have much choice about whether to pay for protection. Some women were simply told that this is the way it works. In other cases, women perceive the services of protectors – including the money that has to be paid – as something that creates opportunities. For Anoeska, a Hungarian woman, her pimp made it possible to earn money in the Netherlands and help her family in Hungary. She told the police about her female pimp who demanded a lot of her earned money:

If we don't give money to her, we have to go back to Hungary, to the misery. She gave us this opportunity. I cannot work for myself because then I would get on the wrong side of her. She started this business; thanks to her, I can help my parents. (statement from police files of case 3)

As noted previously, the amounts that have to be paid to pimps and bodyguards vary widely. Also, the cases include examples where over time, initial agreements changed, and more money had to be paid. Several pimps told women that they would manage and save all the money that was earned. Later on, the money had been spent or disappeared, as in the following example:

Jewel made a statement to the police about the practices of her pimp, Sam. She explains how Sam took care of everything; he arranged a workroom, and Jewel could stay at his place. The deal was that they would split the earnings, and that he would take care of the money. She has never seen any of the money. (summary of statement in police files of case 12)

Suzy, a woman from case 9, also explains that she did not have access to her money; her pimp/boyfriend saved it. The same applies to Lexy and Lucy:

The files about Lexy and Lucy show that they hardly have money to spend, although they earn considerable amounts of money every day. Linda mentions that she has to start saving money for a daytrip to a theme park with her child. (summary of statement in police files of case 8)

The fact that sex workers have to pay for services, such as protection and access to accommodation and to a workspace, illustrates how sex work can be surrounded by a network of people who interfere with its practice and profit from it. Although pimps can be helpful in accessing employment and housing, dealing with pimps also puts sex workers in a situation of dependency. Often, the way protection is offered and provided involves the continuous monitoring of the women. In these cases, exploitation is taking place that limits the women's freedom of choice and independence.

Running of errands

Another kind of informal job is performed by people who can be designated as "errand boys." These are men who run all kinds of errands and provide services that facilitate the work of sex workers, pimps, and room rental operators. Examples include arranging or reserving a workroom for a sex worker (often under the instruction of a pimp), collecting rent for brothel owners from the women while at work, or collecting protection money for pimps. One of the women explains the role of one errand boy, Alex:

Alex had to collect the rent of the workrooms. He had to collect the money of the girls who were working and had to give this to the boss. He earned 30 to 35 euros a day. (statement in police files of case 3)

Other errands include buying groceries such as food and drinks, cigarettes, condoms, phone cards, or clothing for the women so that they did not have to leave work. The cases show how work is commissioned:

Hassan receives text messages from various pimps and bodyguards with instructions such as: "bring the blonde orange juice." He is also called and instructed to pay a driver, to collect money from the women and to check and make sure they have enough phone cards. (summary of intercepted text messages and phone conversations in police files of case 12)

Other errands include dropping off or depositing cash, usually in a foreign country. One errand boy, for example, was reimbursed 10 percent of the amount of money that he sent through a money transfer agency to a pimp's family member abroad. In another case, an errand boy had to drop off money in Turkey. He was caught at Amsterdam Airport with 7,000 euros in his underwear.⁴³ Errand boys can be closely connected to the pimps, are part of their network and are sometimes friends or family of the pimp. Sometimes the errand boys are less closely connected to the pimps and may even work for pimps and sex workers from other prostitution rings, as the story of Oscar illustrates:

Oscar claimed he had no contact with pimps and ran errands solely at the request of the girls. During a police interrogation, he stated that he performed odd jobs for about twenty to twenty-five Hungarian sex workers. According to his own estimates, he earned between 1,500 and 2,000 euros a month. (statement in police files of case 10)

These examples of informal activities performed by errand boys show that their services can be harmless and supporting of the women's work. On the other hand, in our cases, errand boys are often part of the network that monitors and controls the women's work, their earnings, and their movements, together with other informal players in the business.

Transportation

Another informal activity in the red-light district is offering transportation to sex workers. Though some women commute to work by public transport, many women in the studied cases are picked up, dropped off at work, and taken home again. This happens usually

43 It is not illegal to carry 7,000 euros in cash, but obviously this person did not want others to know that he was carrying that large sum, possibly because he did not have a formal job or he received social security benefits.

with informal drivers without a taxi license. These drivers can be called by the women themselves. Some women, like Maria, had a regular driver:

I go to work with a cab or when Noa has nothing to do, she brings us. The cab that brings and takes us is always the same cab. The driver is called Mo. We pay a fixed price, 15 euros per trip. I got Mo's number from one of the girls from the red-light district. (statement in police files of case 3)

A regular driver means a discreet way to get home, and only one person knowing about their workplace and address instead of different drivers every night. This is consistent with Sanders (2008), who indicates that taxi drivers are often associated with sex workers, and relationships are built on trust so that discretion is guaranteed. Sanders (2008) notes that these relationships are built over time in local urban networks of informal shadow economies.

Pimps or bodyguards may also pick up the women themselves or organize transportation for them - as in the case of Jim, who works for Max, one of the pimps:

Jim is a driver. He brings women who work for Max to work, and he brings them home again. He also has to pick up women who are recruited on the Internet from their homes and bring them to the hangout of a group of fellow pimps. Jim is paid by Max. (summary of police observations and intercepted phone calls in police files of case 5)

When transportation is organised by others, this can also be a means to control the women's movements. Denise from case 5 tries to flee from the network around her. Her driver may also have been part of that network. She told the police:

I closed the curtain of the window as if I had a customer and called a driver. The driver stopped in front of the building, and I got in. Directly after we drove away, the cab was stopped by one of John's sitters. He gets in the cab with me and called John immediately. John talked to me and asked why I wanted to get away. The sitter brought me back to my window again by order of John. (statement in police files of case 5)

Apart from the advantage of discreet transportation, unofficial transportation arranged by pimps means that in some cases the women never go anywhere independently without a pimp or bodyguard knowing exactly where they are.

Renting of workrooms by brothel owners

Brothel owners in the red-light district run room-renting businesses. Some own the buildings with several workrooms; others rent the buildings and sublet the workrooms to sex workers. The Netherlands maintains strict licensing requirements and conditions for

the operation of brothels and the rental of workrooms. Brothel owners must show proof of good conduct, and workrooms should be rented directly to self-employed sex workers only, without the interference of others. Despite these requirements, examples emerged from the case studies to indicate that activities in this industry are not always arranged in this way. One case in particular brought to light a great deal of information on the nature of informal activities when the rental of workrooms is involved. This case also shows a connection between the brothel owners and several pimps:

Ozan, a brothel owner, lost his license on account of renting workrooms to underage women. He then has his "errand boy" apply for the license again. By doing so, Ozan himself remains off the books while - according to women's stories - he in fact remains in control of the room-rental business. Ozan also runs a café, which is located opposite the workrooms. This café, which was used as a kind of hangout, offers pimps a discreet and camouflaged way of staying near the women. If necessary, the pimp can run from there to the women easily and quickly. The café also facilitates the pimps' activities by having a security camera outside the cafe. The camera images are visible to the visitors inside the cafe. This allows pimps to monitor the alley with workrooms and the number of customers going in and out from inside the pub while drinking at the bar. Ozan is mainly present in the café during the evening, where he conducts some of the business relating to the rental of workrooms. He sometimes does business directly with pimps who want to book a room for a woman. Therefore, it is not necessary for the sex worker to organize a workspace herself. (summary of police observations and intercepted phone calls in police files of case 6)

Several women in the case cited above claimed that they had to have sex with Ozan or the errand boy in exchange for renting a room. Laura told the police:

He told me that I would not get a room if I didn't have sex with him. [...] I felt obliged to have sex with him, otherwise I would not get a room. (statement in police files of case 6)

Thus, although the café and the brothel in this case are both legally operated businesses, given their municipal permit, both are entwined with the criminal and informal activities of pimps and errand boys from the red-light district.

Because sex workers in the regulated sex industry are seen as fiscally independent entrepreneurs, brothel owners have to provide invoices to people who rent a workplace. However, this does not always appear to be the case. One woman tells the police that the brothel refused to give receipts or invoices for the paid rent, which makes it hard for her to fulfill formal business requirements:

I asked for it, and my friend too; but they refused to give it. I asked Alex [an errand boy] to go inside and ask for the invoice for the rent. Without an invoice, I cannot go to the tax authorities. (statement in police files of case 6)

Brothel owners who cooperate with pimps and require sex in exchange for the opportunity to rent workspaces indicate that sex workers have little freedom of choice and are dependent on others to perform their work. Sex workers are sometimes forced to conform to the informal and fraudulent practices of others, and are therefore limited in their ability to make choices regarding their working conditions. In contrast, pimps who seek to exploit sex workers already have a network within window prostitution. Sex workers depend on people from these networks to rent a place to work, while some brothel owners may assist pimps who, in this case, are guilty of exploitation. These factors do not contribute to the self-employment and autonomy of sex workers.

Registration and administration services

Other informal services within the red-light district are registration and administration services, offered by accountants and consultants. These people perform legitimate tasks, such as facilitating entrepreneurs by doing their books, but may also advise clients on how to bypass regulations or evade tax liability. For example, the books of the aforementioned brothel and the café in case 6 were done by an accounting firm located in the red-light district. In this case, the police investigation team was confronted several times with the accountant's mediating role in the business:

The accountant in case 6 advised the brothel owner and the café owner on how to implement fraudulent administrative practices and assisted them with obtaining and maintaining the license to operate the brothel. The accountant was also suspected of keeping "shadow accounts" in collaboration with the brothel owner. For example, the brothel owner does pay taxes but reports an occupancy rate of just 50 percent, while in the parallel accounts it was discovered that the occupancy rate was actually 100 percent. (summary of i.a. police observations, evidence from a house search and statements in police files of case 6)

These consist of arranging a number of administrative matters necessary for the women to be able to rent a workroom at a brothel. These administrative affairs include, for example, registration at the municipality, obtaining a social security number, and registration at the Chamber of Commerce.

Other administrative services have to do with housing. The women in the cited cases often live with their pimps in the same house. These apartments are sometimes sublet. In order to hide these addresses from the authorities, women are registered at another address. Notably, one police file reveals that the women were all registered at the same address,

which was the address of the accountant's firm. Such addresses are usually made available for a fee. One of the interviewed police detectives told us the following:

The police team came across an address where thirty-five sex workers were registered. Obviously, they were not all actually living at that address ... this is often done, because an address is needed to apply for a registration number at the Chamber of Commerce. It is not clear if, or how much has to be paid for an address. (summary based on interview with police officer about case 1)

Accountants and consultants facilitating these administrative matters can be useful for sex workers because they provide assistance in arranging a number of administrative issues that are necessary for operation (for example, a registered address, a social security number, and a Chamber of Commerce registration). Self-employed sex workers are also required to keep accounting records for the tax authorities. Accountants can be helpful with these requirements. The problem is, however, that some of them commit fraud or circumvent regulations - like Juan, mentioned in the Introduction.

In addition, the women in these cases usually did not approach these firms themselves, but matters were arranged through pimps. These pimps and accountants inform the (migrant) women about the Dutch legislation regarding sex work. This can be helpful, given the large number of registrations that must be completed with different agencies. At the same time, it can undermine their autonomy because they depend on others who sometimes act not fully in accordance with the law. One example is the registration of women at the accountancy firm's address, while they were actually subletting at another address. Sex workers can end up in a situation where registrations are completed but are fully or partly outside the formal regulations and therefore possibly unprotected by labor or housing legislation.

Subculture

So far, we have mentioned some of the people who make up the network of informal players contributing to the shaping of sex workers' working conditions. From what is known about these informal players, some common facts are that a number of them have various criminal histories, are not always registered with the municipalities, or have no legal income. Sanders (2008) suggests that the typical characteristics of sex work – that it is concealed or anonymous – creates entrepreneurship that stems from opportunism or necessity. Because of the importance of remaining anonymous and therefore the concealing of certain aspects of the profession, the women engage with informal facilitators. This type of business provides opportunities to earn money for those seeking an alternative to the “normal” mainstream economy (Van der Leun, 2003; Bovenkerk, Van San, Boone, Boekhout van Solinge & Korf, 2006; Sanders, 2008).

Another reason for these informal players to work in this sector can also be found in the concept of “hustling,” as described by anthropologist Sansone (1992). By hustling,

Sansone is referring to engaging in a wide range of informal economic activities, legal or otherwise, that provide additional income (Sansone, 1992). Sansone focused on Creole youth subculture in Amsterdam and describes, for example, how hustling women can serve as an alternative to regular work. Many of the boys he studied used women as a potential source of revenue (Sansone, 1992). The boys try to get “sponsored” (maintained by the money earned by one or more girlfriends) or attempt more coercive ways such as pimping, in addition to other means of making money, such as handling stolen goods or dealing in drugs. The police files contain little information on the viewpoint of the informal players, but it is plausible that Sanders’ and Sansone’s findings in other contexts may also be applied to the boys who are active in the informal economy of Amsterdam’s red-light district.

CONCLUSION

This chapter focused on informal economic services in Amsterdam’s regulated red-light district and how these activities affected the autonomy of sex workers. Data were obtained from police investigations into sex trafficking. Although this information was collected by the police with the goal of investigating exploitation, it also offered an inside view into the hidden world of sex work.

The police files revealed a wide range of informal activities surrounding the sex industry and its working conditions. These activities enabled sex work and were characterized by the fact that they were not regulated or did not fulfill existing regulations. Such activities were, for example, not being registered or performing without the required licenses or permits, or not complying with tax regulations. Examples included pimps and bodyguards who provided informal protection services, errand boys who took care of all kinds of informal services, drivers who transported passengers without a license, brothels that operated under the license of someone other than the real owner, and accountants and consultants who advised on how to bypass regulations and taxes. Together, these activities constitute a lively informal economy. These findings are similar to the ancillary industries that Sanders (2008) found in the UK. She also found unregistered service providers in different industries, such as security and transportation, who support sex workers with several aspects of their work in an informal manner.

We explored to what extent sex workers were able to influence their working conditions and exert their autonomy, in the midst of these informal activities. On the one hand, we saw that some aspects of these informal activities were related to the nature of the work and the needs of sex workers - such as getting access to work or housing, or the desire to remain anonymous. For some sex workers, access to employment and income would be difficult or impossible to achieve without the assistance of informal players.

On the other hand, we saw a wide variety of people who attempted to profit from sex workers’ earnings by offering services in a coercive manner. The empirical data showed

that the involvement of sex workers with informal players also entailed dependency and exploitation. On the basis of the twelve case studies we could say that sex workers are intermeshed in a network of people who affect them and their work. These people can create an informal network of monitoring and control around the work and movements of sex workers and profit from the sex workers' earnings in an exploitative way.

Regarding the generalizability of our findings to Amsterdam's sex industry, it is important to note that our data are based on police files of criminal investigations into sex trafficking, and exploitation is a key characteristic of trafficking. Future research should look at the sex industry more broadly to explore whether coercion is common among informal services and if all sex workers have to deal with this kind of network. Nevertheless, our research provides insight into the informal services that facilitate sex work, which can contribute to the search for improvements in the working conditions of women who sell sex.

Within the informal networks we see that pimps are pivotal to several activities that enable sex work in the red-light district. They link a number of activities such as registration, security, and transportation. The services of pimps and other informal players, however, are hardly recognized within the Dutch policy on the sex industry, even though the aim of the Dutch policy is to counter sex trafficking and to strengthen the autonomy of sex workers. The policy is mainly focused on brothel owners and on sex workers themselves, and takes no account of the roles of pimps and other service providers. Moreover, a formal alternative for the offered services is often not available. This has afforded informal players the opportunity to intercede freely with sex workers. The agreements sex workers make with informal service providers, and the working conditions that result, stay out of sight of the authorities. These activities are therefore not inspected by the authorities. This makes sex workers, using informal services, vulnerable to exploitation (Agustín, 2006b). It is therefore important to look for more formal alternatives for services that enable sex work. This could improve the autonomy of sex workers and could improve the visibility of working conditions within the sex industry (Mossman, 2010; Pitcher, 2015). For example, support agencies for sex workers could provide reliable services. At this moment, sex workers still have to find an acceptable compromise between working autonomously and exploitation, even in a regulated sex industry (Weitzer, 2005; Day, 2010; Persak, 2013).

REFERENCES

- Abel, G. & Fitzgerald, G. (2010). Decriminalisation and Stigma. In G. Abel, L. Fitzgerald, C. Healy, and A. Taylor (Eds.) *Taking the Crime out of Sex Work: New Zealand Sex Workers' Fight for Decriminalisation* (pp. 239-58). Bristol: Policy Press.
- Agustín, L. (2003). Forget Victimisation: Granting Agency to Migrants. *Development*, 46(3), 30-6.
- Agustín, L. (2006a). Contributing to 'Development': Money Made Selling Sex. *Research for Sex Work* 9, 8-11.
- Agustín, L. (2006b). The Conundrum of Women's Agency: Migrations and the Sex Industry. In M. O'Neill and R. Campbell (Eds.) *Sex Work Now* (pp. 116-40). Cullompton: Willan Publishing.
- Agustín, L. (2007). Questioning Solidarity: Outreach with Migrants Who Sell Sex. *Sexualities*, 10(4), 519-534.
- Agustín, L. (2008a). The Shadowy World of Sex Across Borders. *The Guardian*, November 19. <http://www.theguardian.com/commentisfree/2008/nov/19/humantrafficking-prostitution>.
- Agustín, L. (2008b). Sex and the Limits of Enlightenment: The Irrationality of Legal Regimes to Control Prostitution. *Sexuality Research and Social Policy*, 5(4), 73-86.
- Bettio, F. and Nandi, T. (2010). Evidence on Women Trafficked for Sexual Exploitation: A Rights Based Analysis. *European Journal of Law and Economics*, 29(1), 15-42.
- Bovenkerk, F, San, M. van, Boone, M., Boekhout van Solinge, T. & Korf, D. (2006). *Loverboys of Modern Pooierschap*. Amsterdam: Augustus.
- Brents, B. & Hausbeck, K. (2001). State-Sanctioned Sex: Negotiating Formal and Informal Regulatory Practices in Nevada Brothels. *Sociological Perspectives*, 44(3), 307-32.
- Bungay, V., Halpin, M., Atchison, C. & Johnston, C. (2011). Structure and Agency: Reflections from an Exploratory Study of Vancouver Indoor Sex Workers. *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care*, 13(1), 15-29.
- Charmaz, K. (2014). *Constructing Grounded Theory*. Los Angeles: Sage.
- Daalder, A. (2007). *Prostitutie in Nederland na opheffing van het bordeelverbod [Prostitution in the Netherlands since the lifting of the brothel ban]*. Onderzoek en beleid 249. The Hague: WODC/Boom Juridische Uitgevers.
- Day, S. (2010). The Re-Emergence of 'Trafficking': Sex Work Between Slavery and Freedom. *Journal of the Royal Anthropological Institute*, 16, 816-34.
- Dekker, H., Tap, R. & Homburg, G. (2006). *Evaluatie opheffing bordeelverbod: de sociale positie van prostituees [Evaluation of the lifting of the ban on brothels: social status of prostitutes]*. Amsterdam: Regioplan Beleidsonderzoek.
- Di Tommaso, M., Shima, I., Strøm, S. & Bettio, F. (2009). As Bad as It Gets: Well-Being Deprivation of Sexually Exploited Trafficked Women. *European Journal of Political Economy*, 25(2), 143-62.
- Hughes, D. (2004). Repealing prostitution laws won't help anyone. *National Review*, October 20, 2004.
- Kleemans, E., Soudijn, M. & Weenink, A. (2010). Situational Crime Prevention and Cross-border Crime. In K. Bullock, R. V. Clarke, and N. Tilley (Eds.). *Situational Prevention of Organised Crimes* (pp. 17-34). Portland: Willan Publishing.

- Knight, R. (2011). *Onderzoek openen bankrekening door prostituees [Research opening bank accounts by prostitutes]*. Proeftuin Mensenhandel Alkmaar: Facilitators van de schone schijn.
- Lutnick, A. & Cohan, D. (2009). Criminalization, legalization or decriminalization of sex work: what female sex workers say in San Francisco, U.S.A. *Reproductive Health Matters*, 17(34), 38-46.
- Middelburg, B. & Nikkels, W. (2014). Massale belastingfraude in Amsterdamse prostitutie [Massive tax evasion in Amsterdam prostitution]. *Het Parool*, 05-09-2014. <http://www.parool.nl/parool/nl/7/MISDAAD/article/detail/3739673/2014/09/05/Massale-belastingfraude-in-Amsterdamse-prostitutie.dhtml>.
- Mossman, E. (2010). Brothel Operators' and Support Agencies' Experiences of Decriminalization. In G. Abel, L. Fitzgerald, C. Healy, and A. Taylor (Eds.) *Taking the Crime out of Sex Work: New Zealand Sex Workers' Fight for Decriminalisation* (pp. 119-40). Bristol: Policy Press.
- Persak, N. (2013). Prostitution in Times of Economic Crisis. Effects, Human Agency and Societal Responses. In P. Saitta, J. Shapland, and A. Verhage (Eds.). *Getting By or Getting Rich? The Formal, Informal and Criminal Economy in a Globalized World* (pp. 305-25). The Hague: Eleven International Publishing.
- Pitcher, J. (2015). Sex Work and Modes of Self-Employment in the Informal Economy: Diverse Business Practices and Constraints to Effective Working. *Social Policy and Society*, 14(1), 113-23.
- Saldana, J. (2009). *The Coding Manual for Qualitative Researchers*. London: SAGE.
- Sanders, T. (2008). Selling Sex in the Shadow Economy. *International Journal of Social Economics* 35(10), 704-16.
- Sanders, T. (2013). The Advantages and Attractions of Informality: Stripping Work Amongst Migrants and Students in the UK. In P. Saitta, J. Shapland, and A. Verhage (Eds.). *Getting By or Getting Rich? The Formal, Informal and Criminal Economy in a Globalized World* (pp. 327-44). The Hague: Eleven International Publishing.
- Sanders, T., O'Neill, M. and Pitcher, J. (2009). *Prostitution. Sex Work, Policy and Politics*. London: SAGE.
- Sansone, L. (1992). *Schitteren in de schaduw: Overlevingsstrategieën, subcultuur en etniciteit van Creoolse jongeren uit de lagere klasse in Amsterdam 1981-1990 [Shining in the shadow: Survival strategies, subculture and Creole youth from the lower class in Amsterdam 1981-1990]*. Amsterdam: Het Spinhuis.
- Sassen, S. (2007). *A Sociology of Globalization*. New York: W.W. Norton.
- Slot, B. (2010). Informele economie: oorsprong, oorzaak en ontwikkeling [Informal economy: origin, cause and development]. *Justitiële Verkenningen*, 36(7), 9-24.
- Soudijn, M. (2006). *Chinese Human Smuggling in Transit*. The Hague: Boom Juridische Uitgevers.
- UN Palermo Protocol (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. New York.
- Van de Bunt, H. (2011). In het hart van de vergunde sector [At the heart of the licensed sector]. *Justitiële Verkenningen*, 33(7), 78-81.
- Van der Leun, J. (2003). *Looking for Loopholes. Processes of Incorporation of Illegal Immigrants in the Netherlands*. Amsterdam: Amsterdam University Press.
- Van Wijk, A., Nieuwenhuis, A., Tuyn, D. van, Ham, T. van, Kuppens, J. & Ferwerda, H. (2010). *Kwetsbaar beroep: Een onderzoek naar de prostitutiebranche in Amsterdam [Vulnerable profession. An study into the prostitution sector in Amsterdam]*. Arnhem: Bureau Beke.

- Verhoeven, M., Van Gestel, B. & Jong, D. de (2011). *Mensenhandel in de Amsterdamse raamprostitutie: Een onderzoek naar aard en opsporing van mensenhandel. [Human Trafficking in the Amsterdam window prostitution: A study into the nature and criminal investigation of human trafficking]*. Onderzoek en Beleid 295. Den Haag: Boom Juridische Uitgevers.
- Verhoeven, M., Van Gestel, B. & Kleemans, E. (2013). Legale sector, informele praktijken: De informele economie van de legale raamprostitutie in Nederland. [Legal sector, informal practices: The informal economy of the legal window prostitution in the Netherlands] In D. Boels, L. Bisschop, E. Kleemans en K. van der Vijver (Eds.). *Illegale en informele economie [Illegal and Informal economy]* (pp. 115-30). *Cahiers Politiestudies*, 29. Antwerp: Maklu.
- Verhoeven, M., Van Gestel, B., Jong, D. de & Kleemans, E. (2015). Relationships between suspects and victims of sex trafficking: Exploitation of prostitutes and domestic violence parallels in Dutch trafficking cases. *European Journal on Criminal Policy and Research*, 21(1), 49-64.
- Wagenaar, H., Altink, S. & Amesberger, H. (2013). *Final Report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands*. The Hague: Platform 31.
- Weitzer, R. (2005). New Directions in Research on Prostitution. *Crime, Law and Social Change*, 43, 211-35.
- Weitzer, R. (2012). *Legalizing Prostitution: From Illicit Vice to Lawful Business*. New York: New York University Press.
- Williams, C. & Windebank, J. (1998). *Informal Employment in the Advanced Economies: Implications for Work and Welfare*. London: Routledge.

Chapter 3

RELATIONSHIPS BETWEEN SUSPECTS AND VICTIMS OF HUMAN TRAFFICKING: EXPLOITATION OF SEX WORKERS IN DUTCH TRAFFICKING CASES AND PARALLELS TO DOMESTIC VIOLENCE

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ABSTRACT

This chapter centres on the hypothesis that human trafficking for sexual exploitation is not only an organised criminal activity, but also a crime of a relational nature. Therefore, this study explores the relationships that exist between suspects and victims of sex trafficking, and examines to what extent the nature of sex trafficking has parallels with domestic violence. The study is based on an analysis of 12 police investigations into sex trafficking related to “window prostitution” in the Amsterdam red-light district during the period 2006-2010. The findings suggest that there are intimate relationships between traffickers and victims, and that these relationships display various characteristics similar to that of domestic violence. Aside from intimidation, control and violence, factors such as affection and attachment contribute to the persistence of these relationships. This empirical study shows the theoretical and practical importance of focusing on the relational aspects of sex trafficking and the use of domestic violence knowledge to help identify trafficking situations, as well as for the prosecution of cases and to provide assistance to victims.

INTRODUCTION

It is a random Friday night in Amsterdam's red-light district. Despite the rain, the streets are packed with people. Tourists stroll through the narrow streets and alleys, looking at the red-lit windows where women - working as sex workers - offer their services. Whereas the area exudes an atmosphere of fun and excitement, some sex workers are tricked out of their money by pimps, using manipulation and fraud. This phenomenon, the exploitation of sex workers, is known in the Netherlands as sex trafficking.

Sex trafficking is a form of trafficking in persons, which is defined in the UN Palermo Protocol as:

'The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant' (UN Palermo Protocol 2000:2).

This internationally recognised definition is also used in the Netherlands. This means that pimps exploiting sex workers by means of coercion, deception or fraud can be prosecuted for the offence of human trafficking.⁴⁴ In this chapter sex trafficking follows the UN definition of trafficking in persons, applied to trafficking for sexual exploitation.

Although there is an immense variety in trafficking situations and victims (Brunovskis 2012; Tyldum 2013), trafficking is often studied as a transnational organised criminal phenomenon (Viuhko and Jokinen 2009; Hoyle et al. 2011; US Department of State 2013). Much research focuses on recruitment in countries of origin and the transportation and exploitation of foreign girls to far away countries. Some authors stress the 'trade' aspects of human trafficking, with victims being moved across borders like illicit commercial products, comparable to other commercial illicit merchandise such as drugs and weapons (for a review, see e.g. Zhang, 2009; Abadinsky, 2010; Shelley 2010, 2011; Winterdyk & Reichel, 2010).

However, our study of prosecuted sex trafficking cases in the Netherlands shows that offenders and victims are often related in some way and often have close, intimate rela-

⁴⁴ In the Netherlands, sex work is a legal and regulated profession. Nevertheless, coerced sex work and the exploitation of sex workers is a criminal act and falls under the definition of human trafficking.

tionships. Without underestimating the seriousness of sex trafficking, it is clear that an organised crime perspective does not entirely fit the trafficking cases in which such intimate relationships exist between offenders and victims. Also, a focus on organised crime aspects may risk creating or confirming certain misconceptions about human trafficking. Such a perspective may, for instance, create a certain image or ‘ideal type’ of trafficking victims (Hoyle et al. 2011). This may mean, in consequence, that someone who chooses to work in the sex industry cannot be considered a victim of trafficking. Or, that someone who does not run away or press charges against the exploiter cannot be a victim of trafficking. These misconceptions can lead to missed opportunities to identify victims or situations of trafficking (Hoyle et al. 2011; US Department of State 2013: 30).

In this chapter, based on the cases studied, we argue that sex trafficking is not only an organised criminal activity, but can also be a crime of a relational nature. This argument is an important contribution to the existing sex trafficking literature (Lehti & Aromaa, 2006; Savona & Stefanizzi, 2007; Kleemans, 2009; Turner & Kelly, 2009). We show the relational nature of sex trafficking through an analysis of 12 police investigations of sex trafficking related to window prostitution in the Amsterdam red-light district during the period 2006-2010.⁴⁵ This study demonstrates that sex trafficking is often embedded in *intimate relationships*, in which intimidation, control and violence play a role, along with affection and (economic) dependency. These characteristics resemble situations of domestic violence, the parallels being that both occur within a relationship, that neither are single events but rather an accumulation of acts in which forms of violence enter the relationship, and that neither are easy to stop. It is quite remarkable that, to date, little or no sound empirical research has been done on the similarities between the two phenomena. Failure to map out these similarities means that valuable insights may be overlooked that could prove useful for a better understanding of the underlying processes. Knowledge of these (similar) processes could in turn be helpful in finding clues for effective prevention, investigation, prosecution and victim assistance (see also Caneppele & Mancuso, 2013). In this chapter, we survey those similarities in order to explore what can be learned from the domestic violence literature to achieve a better understanding of sex trafficking.

EARLIER RESEARCH

There is very little earlier research on the similarities between sex work exploitation and domestic violence. In 2007, for instance, a literature study was published on the intersection

45 The Amsterdam red-light district is a network of streets and alleys with approximately 300 ‘windows’ that are rented by sex workers. Window prostitution means that the sex worker is visible behind a window, a position from which she solicits customers who are walking by and are able to look at her. Once the customer has been solicited, the sexual services are provided behind the same window, after the curtains have been drawn.

between domestic violence and human trafficking (Warnath, 2007). Warnath's study, however, does not examine similarities but discusses cause-effect relations between both phenomena. It deals, among other things, with the extent to which victims of human trafficking are exposed to domestic violence. Warnath concludes that there is a large knowledge gap regarding the parallels between domestic violence and human trafficking, particularly concerning the interaction between the victim and the offender in human trafficking cases (Warnath, 2007).

In 2008, a study was published on how best to provide assistance and support to victims of the two phenomena. However, the similarities between the two phenomena solely pertain to the effects of these two types of offences on the mental and physical well-being and the socio-economic position of the victims (Surtees & Somach, 2008).

There is some research in which comparisons have been made between *prostitution* and domestic violence or between 'batterers' and pimps (Giobbe, 1993; Raphael, 2010; Hester & Westmarland, 2004). Some authors argue that sex work *per se* is violence and is the same as domestic violence, and that all sex work causes harm to women (Farley, 2004; Stark & Hodgson, 2004). An Australian study uses a wide definition of domestic violence and states that it may also include forced prostitution (New South Wales, 2012: 6). With the exception of this scant academic literature, we found very little empirical research on parallels between *sex trafficking* and domestic violence. In their recent study on human trafficking, Helfferich et al. (2011) do pay attention to the similarities between the phenomena and refer to insights gained from research on domestic violence because 'these cases are usually marked by difficult detachment processes' (Helfferich et al., 2011: 132). They furthermore refer to literature on domestic violence to explain the reluctance of victims of trafficking to turn to the police. We will return to both these aspects later in this chapter.

In order to explore the parallels, the following section looks into the definition and characteristics of domestic violence. The second section describes this current research, explaining our empirical data and research methods. The third section comprises empirical results on the relationships between offenders and victims, on control, intimidation and violence within sex trafficking relationships, and on victims' coping mechanisms. The last section discusses the main results of this study.

Characteristics of domestic violence

Domestic violence may be defined broadly or narrowly, but in essence it is about the exertion of (psychological) violence and control within relationships. There are different forms of domestic violence: (threat of) physical violence, sexual or emotional abuse, psychological violence such as controlling and dominating someone, and intimidation or stalking (Shipway, 2004). Often, violence serves as a means of exerting control and power (cf. Babcock et al. 1993). In this chapter we use the definition of the British Home Office that domestic violence is 'any incident or pattern of incidents of controlling, coercive,

threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality'.⁴⁶

International academic literature provides descriptions of various characteristics of domestic violence (Malsch et al. 2005; Stark, 2007, 2010). The prime characteristic of domestic violence is that violence is committed in a relational context. These are intimate (romantic) relationships or family relationships, yet domestic violence also includes violence committed against *ex* partners rather than just people who are living together.

A second characteristic of domestic violence is that the behaviour of both offender and victim display specific patterns or processes. Malsch et al. (2005) have described the systematic and persistent character of domestic violence. They observe that within violent relationships, particular patterns of dealing with one another frequently occur. Stark (2007, 2010) stresses that within abusive relationships the abuse tends to be 'on-going' rather than incident based. Furthermore, he points out that 90% of domestic violence consists % of tactics other than violence, namely intimidation, isolation and control. Consequently, he uses the term coercive control to describe this behaviour. In addition to physical assault, intimidation is used to induce fear and humiliation. Isolation refers to a subset of control tactics that constrain victims' access to friends, family and others (and thus to forms of support). Control includes material deprivation (money is taken away), limitation of speech and movement, and the regulation of someone's everyday life. He gives examples of certain trivial rules that women are forced by their partners to obey, always with the 'or else' proviso hanging over their heads. Illustrating the impact of imposed limitations, he describes how women explain that what was done to them was less important than what their partners prevented them from doing. Much of this deprivation and control is structural and induces an objective state of dependency (Stark, 2010: 3).

The result of the expressed power, control and created dependency is that partners will be reluctant to separate, and thus leaving is a complicated option. Leaving the relationship does not guarantee safety and may even increase the risk of further violence (Dichter & Gelles, 2012). Other barriers to leaving an abusive partner are: fear of increased violence, lack of economic or social resources, concern for the welfare of children, a sense of moral obligation, or love for the partner (Dichter & Gelles, 2012). Since these relationships are not always ended, the risk of domestic violence will also continue. Oddly, partners may continue the pattern of abuse even after the relationship has ended (Malsch et al., 2005: 366; Dichter & Gelles, 2012).

Victims' coping strategies in cases of domestic violence

According to Stark (2007), abusive offenders are actually dependent on their partner, either materially, sexually or emotionally. For this reason they usually "protect their investment" in a partner and actively block opportunities for escape. So, it is actually

46 Retrieved July 2013 from <https://www.gov.uk/domestic-violence-and-abuse>.

men who stay, not their partners (Stark, 2007: 130, 205). Taking action against domestic violence by reporting it to the police or attempting separation often places victims at a higher risk of renewed violence (Erez et al., 2012: 2). How do victims deal with this situation? Some authors contend that coping mechanisms or ways of dealing with these complex situations can be understood as a (protracted) process of adaptation, which can have the effect that victims do not perceive themselves as victims (cf. Helfferich et al., 2011). Stark describes battered women's reactions to coercive control as a dynamic interplay of agency, victimisation and resistance (2007: 215). He sketches how the dynamics in abusive relationships are shaped through continuous negotiation about proximity and distance (2007: 130). Paterson (2009) points to 'resistance strategies' to abuse that can be viewed as a continuum of attempts to reduce or eliminate violence. She also mentions the importance of the context in which victims choose their strategies, as this context 'is key in shaping the actual options available to women' (Paterson, 2009). Kearney (2001) has described the way in which victims deal with violence as an on-going process in which they redefine violence as something temporary or something that can be overcome. Some victims think, for instance, that they have to take care of the offender. Others think that they themselves are partly the cause of the violence, or are simply unable to see any other practical or emotional alternative (Ferraro & Johnson 1983). In other coping processes, victims are hoping for the return of better times within the relationship, or have an intense focus on the 'hoped-for' relationship and seek logical explanations for their partner's behaviour (Kearney 2001). The result of such reactions is that the relationship persists. It furthermore happens that women do not want to leave but just want the violence to end (Paterson, 2009), and that they will continue to strive for non-violent contact with their partner (Dichter et al., 2011).

Partly for the same reasons for not ending an abusive relationship, victims are usually reluctant to call on the police for assistance, to file a report, or to facilitate the state's prosecution (Dichter et al., 2011).⁴⁷ Research by Dichter et al. (2011) distinguishes several barriers that victims face when wishing to prevent further violence by means of State prosecution. Those barriers are: fear of retaliatory violence; love or financial dependency; the belief that the relationship will improve; the belief that the abuse is deserved, or that it was not serious or not 'bad enough'; concerns about the impact on children; negative prior police experiences; and the fear of being arrested themselves for illegal activity (Dichter et al., 2011). Also, victims do not wish their partner to be subjected to a prison sentence, and there is the role played by a sense of shame. Dichter et al. (2011) also found some motivating factors to engage in the prosecution process, namely: certain breaking points

47 Approximately one in four cases of physical interpersonal partner violence (IPV) are reported to the police, either by the females themselves or by others (Tjaden & Thoennes, 2000). Some women in the study of Dichter and Gelles (2012: 59) felt that the threat of police sanctioning would deter their partners from using violence in the future, while others said that the lack of accountability from formal institutions (including the legal system) made them feel less safe and less protected.

where the violence had built up to a level of ‘enough is enough’; concerns that the abuse was damaging for their children; and the presence of a social support network of friends, family or co-workers who could influence their decision to go ahead with prosecution (2011: 29-30).

There are generally no witnesses to domestic violence: prosecution or any other form of intervention largely depends on the willingness of the victim to report the offence to the police (Malsch et al., 2005). Moreover, filing a report is not anonymous, since victim and offender are involved in a relationship. In cases in which victims actually filed a report, they often withdrew it later, and/or returned to their partner (Smeenk & Malsch, 2005).

CURRENT RESEARCH

This study explores the relationships and interaction between victims and suspects of sex trafficking. It also explores parallels with the characteristics of domestic violence known from the literature, to see what insights this may yield. The research is based on an analysis of 12 criminal investigations into human trafficking for sexual exploitation.⁴⁸ Under Dutch law, human trafficking includes the exploitation of a person by coercion, deception or violence, regardless of whether this takes place across international borders or within the Netherlands.⁴⁹

We studied all sex trafficking cases that were prosecuted in the period 2006-2010 that were directly related to window prostitution in the Amsterdam red-light district. This concerns 12 cases that were selected as follows. Annual numbers of trafficking cases handled by the police are not available because trafficking is not registered separately in the police registration (BNRM, 2012: 127). Because there is no such overview, the Dutch Police were requested for a list of trafficking cases handled in the Amsterdam area. This list contained 25 cases. Together with the police we determined which cases that had already been concluded were related to Amsterdam’s red-light district, which were 12 cases. So, in a period of five years, a total of 12 cases were pursued that related to the

48 On the basis of the collected data we reported earlier on the investigation of human trafficking by the police and on their cooperation with other government agencies (Verhoeven, Van Gestel & De Jong, 2011).

49 Weitzer (2005: 228 and 2007: 463) states that the definition of ‘coercive sex trafficking’ (the use of force, fraud, or deception to procure, transport, harbour, and sell persons, within and between nations, for purposes of prostitution) does not apply to persons who willingly travel in search of employment in the sex industry. He stresses that many writers lump this kind of migration into the trafficking category. In the light of the discussion about what should be called trafficking, we want to mention that in some of the cases we see that there are situations in which both deception and voluntary travel go hand in hand. Women, for example, hear about possibilities and big earnings in the Dutch sex industry and they agree to travel with some of the suspects to the Netherlands. While working there, they are misled about their expenses and earnings and they are forced to hand over most of their earnings to suspects.

capital's red-light district. These 12 cases contain a total of 70 suspects and 76 victims. To compare, in the period 2007-2010, around 200 suspects of trafficking were registered by the Dutch Prosecutors Office each year (BNRM, 2012: 170, 200). This figure includes all forms of trafficking, not only sex trafficking.

For the source material we were granted access to, and analysed, the complete, original police investigation files. These files contained the results of each investigation and consisted, among other things, of transcribed telecom interceptions, reports on police observations, interrogations, statements made by victims and suspects, etc. In the Netherlands, victims of sex trafficking are counselled and interrogated by special police officers who are trained and certified in taking statements from these specific victims.⁵⁰ Dutch criminal investigations make extensive use of wiretapping, yielding substantial amounts of 'non-obtrusive' evidence. In all 12 investigations, the teams decided to wiretap suspects and/or victims. These telephone conversations provide valuable information about the relationships between victims and suspects and the ways in which they dealt with each other.

In addition, we conducted face-to-face interviews with leaders of police teams involved in the investigations. The 12 police investigations varied in duration from one to 18 months, while the majority lasted between three to seven months. All the gathered data were coded using MAXQDA to facilitate the analysis. This is a software tool especially designed for qualitative data analysis.

Using police data inevitably imposes some limitations. Police data are originally gathered for a different purpose, namely the investigation and prosecution of crime. Also, possible human trafficking that is not investigated by the police is not included. Unobtrusively gathered police data offers a close look at relationships between traffickers and victims, but does not give a complete picture. Interviews with the women involved could also shed light on similarities between sex trafficking and domestic violence, but for a first exploration of the hypothesis we chose to use police data. Further research and the use of other methods could test and validate the findings.

EMPIRICAL RESULTS

The data from the human trafficking cases relate to 76 victims and 70 suspects. Most suspects were male. All victims were female. In this chapter we therefore use the terms traffickers, suspects and men as synonyms, and the terms victims, sex workers and women as synonyms, depending on the context.

50 Furthermore, the police use so-called 'intake conversations' with victims of human trafficking in which the judicial procedure is explained by a specialised detective with the aim of enabling possible victims to make the decision whether they want to press charges.

The ages of the suspects appearing in the cases varied from 18 to 58. The average age was 30. Most were born in Turkey, Hungary, the Netherlands, and Germany. Three of the 12 studied cases had only one suspect as the target of the investigation, whereas four cases centred on two or three suspects. Almost half of the cases (five) focused on a wider group of suspects, generally six or seven. One investigation was quite extensive, involving about 30 suspects.

The ages of the victims at the time of the investigation varied from 17 to 35. The average age was 23. They were mainly in their 20s (54), but there were also adolescents (15) and women in their 30s (7). Approximately a third of the women were 21 or younger at the time of the investigation. More than half of the victims was born in the Netherlands (45). Another significant group of victims was born in Hungary. Other countries of birth of the victims were Romania, Germany, and in a few cases Poland, Thailand, France, Kazakhstan, Lithuania, Belgium, and the Netherlands Antilles.

In all cases relationships between suspects and victims occurred. The 12 studied cases involved 73 intimate relationships.⁵¹ Some investigations involved one or more relationships (five cases), whereas other investigations comprised three to five relationships (five cases). Two investigations consisted of more than 20 intimate relationships. These were both protracted investigations, in which suspects were under surveillance for a long time. The main suspects in these two cases had up to nine intimate relationships over a longer period of time.

Relationships between suspect and victims

In addition to information on exploitation, deception and different types of abuse, the police files contained information on how the traffickers established 'boyfriend relationships'. Victims and traffickers in the studied files met each other in nightlife or prostitution areas, or in their countries of origin. A lot of suspects were already active in the Amsterdam red-light district, as pimps, illegal taxi drivers or in other capacities, or they met the sex workers when visiting them as a customer.

In the beginning of the relationship the couples tended to enjoy themselves. They did fun things together, went out, visited places together and texted each other. A number of women indicated that they were having a good time together:

'We were forever talking, laughing, fucking, boozing, smoking joints and chilling out.'

Several women indicated that their boyfriend had shown kindness and personal interest during their first encounters, as the following excerpt from the police files shows:

51 Sometimes the police files contained a lot of information about the relationships between victims and suspects, while there was less information on others because it was not the focus of the criminal investigation. We excluded the intimate relationships between suspects and sex workers that emerged at some point outside the duration of the criminal investigation.

'X listened to me when I talked about my feelings and I felt he was someone I could talk to really well. He sometimes dropped by to sit with me for a while. He was aware of my problems in the prostitution business. (...).'

The criminal investigations we studied revealed that a number of men were keen to show off their money. They drove around in eye-catching cars, wore expensive clothes, and preferred to spend their money conspicuously in the company of others.

X. recalls the first time Y. came by to pick her up for a nice outing:

'Y. gave me butterflies. When I saw that car parked with that barrel-chested bloke in it (...). I thought 'this is it'. That's my man, strong, good-looking and smooth; it looks like he's got money. I think he's loaded. What more do you want?'

As usually happens at the start of intimate relationships, some particular characteristics of the partner are valued. One of the women described her boyfriend as sweet and shy. Other women indicated they were treated with respect, that their boyfriend was sensitive or very helpful. Besides affection, the relationship brought a number of other benefits. Their partners organised a place to live for the women, for example, or helped them do their work. They brought them to work and picked them up again, brought food during working hours, did the women's shopping and helped out when other pimps made trouble.

Almost all couples started living together. Sometimes they ran a shared household. Sometimes suspects lived with several women at the same time. There were also criminal cases in which several women and suspects shared a house. A number of couples talked of marriage, and one couple did get married. Some couples had a child.

Most of the suspects did not say very much during the police interrogation. However, a few did disclose bits of information. One suspect briefly talked about his relationships with his girlfriends and why he 'lived off them'. According to this man, his girlfriends really wanted to take care of him and thought that he did not need to do anything. 'It is normal in a relationship that you share everything', he argued. According to another suspect, what concerns women most is to have a sense of belonging, to have fancy things, and to have money. As one suspect said about a number of women and a group of other pimps:

'Those girls want to belong. They do it themselves. They themselves make that decision. They want to compete among each other with nice bags and beautiful clothes. For that you need money and you don't earn that on your own with some shitty job. And those guys have plenty of girls. They just say that if they want to belong, they have to start doing that work. Otherwise the girls can't see those guys. It's up to them. And then those girls start doing it because that's the way to become the guy's girlfriend.'

Later on in the relationship, some suspects encouraged ‘their women’ to start doing sex work. Other victims were already working in the sex industry. In all cases the men urged women to hand over their money, on the pretext of managing their money for them (for example for a shared future together, a house abroad, their own business, or for study), or that there were debts or certain (protection) costs. Sometimes women thought they had saved a lot of money together, only to discover later that the money was gone. Overall, the cases paint a picture of men who rely on the money earned by their women, while they act as if it is the other way around.

Control, rules and isolation

One of the methods used by traffickers to continue the relationship and the flow of money is through far-reaching control over the woman’s life, under the pretext of their shared future together, for her own safety, or simply because he sets the rules.

Most victims are dropped off at work and picked up afterwards. When working, the traffickers or others (so-called bodyguards) keep an eye on them. They watch how many customers they receive, how long the customers stay, the women’s working hours, and thus how much money they should have earned. Moreover, traffickers monitor whether other pimps try to persuade their women to start working for them. Therefore, traffickers are present in the red-light district and have frequent telephone contact with the women. Also, sometimes several times a day, the money is picked up at the women’s window by the men, to avoid the sex worker having a large amount of money in her room. The men claim that they are present in the area for the sake of security.

The suspects introduce certain ‘rules’ into the relationship. One woman says she had to promise her boyfriend to keep him informed about her working hours, to put his mind at ease. She sends him text messages about her earnings, to show how well she works. In one of the cases, women had to ask the men for permission to stop working or to leave the room to get a sandwich or something to drink. Sometimes a woman even calls her boyfriend after each customer visit. Some traffickers argue that in a relationship you inform the other where you are. One of the women says:

‘We always had to report if we went somewhere, we could not go out with men, we had to describe in detail who we spoke to, or who smiled at us.’

Various statements and wire taps also show how rules are imposed on victims as to the minimum daily earnings, while others are not allowed to travel alone or to talk to other women about their work, even when living in the same house. One victim tells the police the following:

‘He doesn’t only want control of my money, but also of my whole personality. He wants to prescribe who I hang out with, what I do, how much of my self-earned money I can spend, how I do my work, how long, and with whom...’

Several women reported about the ‘rule’ that they had to pay a certain amount if they wanted to stop working or to leave their partner. Amounts between €6,000 to €50,000 were quoted.

Also, when not at work, the women’s movements are limited. In several cases women remained alone, at home, with the door locked from the outside by their partner. In all of these cases there was only one key to the house, which the suspects always took with them when leaving, locking the door behind them, ostensibly in the interest of the women’s ‘safety’.

Some of these rules isolate women from their environment, from fellow sex workers and from others, with the effect of limiting their contacts. The fact that the victims live together with suspects and are taken to work also has the effect that the women actually never go outside alone. In addition to the above, isolation is sometimes exacerbated further by the purchase of a new telephone as a ‘gift’, but without the previous contact list of the old telephone. Moreover, independence is in some cases restricted even further by keeping the victim’s passport, making it impossible to travel or to rent a room in the red-light district independently. This happened to at least six women in the studied cases.

Intimidation

In addition to rules, isolation and control, relationships between traffickers and their victims are characterised by intimidation. To underline the importance of the ‘rules’ of the relationship, victims are threatened with violence if they don’t stick to the ‘agreements’. Other reasons for intimidation are related to the women’s work and earnings, or to prevent them from ending the relationship. Suspects also threaten to hurt the victims’ relatives. The seriousness of the threats varies. One of the suspects became very angry when his girlfriend did not answer the phone. Others became angry when the women did not start working early enough. ‘*When you get home, I’ll fuck you for that*’, said a suspect over the phone, because his woman had stopped by a supermarket before she started working. Another suspect became furious when he suspected his girlfriend was pretending to be sick and therefore could not work. He called her a ‘liar’ and a ‘dirty filthy whore’. He told her that she wasn’t sick and that she had better beware, otherwise he would press her eyes out of her head. Other victims faced death threats when they said they had had enough of doing sex work or wanted to end the relationship.

Victims’ statements demonstrate that they are not only threatened directly, but that they can also be intimidated by the reputation of the trafficker, his friends or his family. Furthermore, the fact that the trafficker possesses a firearm – which was the case in half of the investigations – was also perceived as so intimidating that women felt that leaving him was not an option. As one woman put it:

‘He uses it as a statement... as a kind of threat, like ‘keep in mind that I have a gun... I might use it, too.’

Although there are victims who tell the police that they do not take the threats seriously – *‘that’s just the way we talk to each other’* – others are truly terrified because suspects give them the feeling that the women cannot live without them.

Violence

What adds weight to the intimidation is the use of violence or the actual carrying out of verbal threats. The violence varies in terms of the injuries it causes. One example of violence that did not cause visible injuries involved a suspect throwing cold water over his girlfriend while arguing. She was already having an asthma attack at the time and he told her that cold water would increase the risk of having a heart attack. Another woman explained how her partner sometimes grabbed her by the throat, lifted her up and threw her away. Some women are hit only infrequently, while others are beaten up regularly, in a number of cases resulting in a broken jaw or nose. Victims are usually beaten when they ‘don’t behave’. One woman described the moment she tried to end her relationship with her boyfriend as follows:

‘He then smacked me. Like this! Three blows to my head with his fists. Things went black before my eyes three times. I started to cry. Then he said “embrace me, embrace me, embrace me now”. I just did what I was told. Ever since I’ve never gathered the courage to say that I wanted to leave him.’

In all the relationships we examined there was a combination of controlling and intimidation tactics, and the use of (threats of) violence. There was a considerable amount of variation in the extent to which violence played a (prominent) role. The findings show that the exploitation of sex workers is not a single event but a process, combining a variety of acts and tactics (see also David 2007).

Coping strategies

The above information paints a picture of human trafficking as a phenomenon that can be embedded in intimate relationships in which control, intimidation and violence play an important role. Trafficking is a gradual process, and this gradually created attachment or dependency in the relationships influences the attitudes and the responses of women in these relationships. When looking at the criminal investigations, we identified various ways in which the women dealt with control, intimidation and violence.

First, several victims took action and tried to get away and/or to end the relationship. Several women fled the country; in most cases the suspects threatened them or their family in order to make them come back. Second, we observed fear and docile behaviour in response to control and violence. Victims became cautious and asked permission, for example, before taking a five-minute break. Fear furthermore caused them to avoid interference by the police, as they were scared that this would put them or their relatives in danger. In fact, they tried to find ways to minimise the violence, as one woman describes it:

'I felt hopeless and frightened. I felt threatened...as if there was no way out...not to the left nor to the right. (...) The last possibility I saw was to negotiate with him.'

Third, victims played down what had happened. They blamed themselves for the situation or they thought no serious offences had been committed. They considered their situation to be temporary, for instance, or they said they just often had an argument. One reaction that we often found to explain aggressive behaviour or threats was that this was just how they coped with one another in the relationship, or that this was just part of how they talked to each other.

Fourth, being in love or being emotionally connected caused victims to accept certain behaviour. They attributed this behaviour to the suspect's problematic youth or to a particular disorder. Fifth, some victims did not have an interest in changing the situation or hoped that the relationship would improve, which made them refuse any intervention from outside. Since some women wanted to continue earning money through doing sex work, the problems connected to this profession were not acknowledged or dealt with. Furthermore, due to the fact that the women were earning some money - in order to ultimately become independent, or to support relatives - they were unwilling to change their situation (see also Brunovskis and Surtees, 2007). In some cases, women were exploited but nevertheless had the opportunity or prospective of earning more money than they would through other kinds of work.

On the other hand, escalating violence caused a number of women to decide that their situation was no longer bearable. One woman tried to flee when she was at work. She closed the curtain as if she had a customer and called a cab. The taxi stopped in front of the building and she got in. However, the taxi was intercepted by one of the trafficker's 'bodyguards' who took the victim back to the trafficker. Thus, threats and violence made some women afraid to end the relationship or situation, while in a number of other cases the violence actually caused the situation to come to light.

Willingness to report

Similar to cases of domestic violence, victims of trafficking face several obstacles that dissuade them from reporting their situation to the police. Earlier, we described how the women's various ways of coping with their partners' violence leads them to decline any outside interference. Aside from fear of retaliatory violence, some women consider the violence to be a relationship problem, something they have to solve themselves.

On the other hand, there are victims who do request help from the police and who do cooperate in prosecution. The data show that, for example, an escalation of violence can motivate women to file a report with the police. If the police were already conducting an investigation and can inform the victims that their partner has not saved any money at all, or that their partner has been telling other women the same story, this information sometimes increases their willingness to file a report.

The police reports indicate that victims can take different attitudes to filing a report or cooperating with a criminal investigation. The attachment to their boyfriend, the benefits of the relationship, the shared life, the idea that the situation is not that serious (she is not a victim, it is her own fault), or a feeling of gratitude towards the suspect (who has helped her) can make the victims unwilling to cooperate with the investigation. Also, fresh threats by the partner can make women change their earlier statements. They may contradict or retract their earlier statements, explaining them as the result of anger or rancour. Especially when there is still contact between the women and men (for instance, through prison visits), the women can make a complete turnabout with regard to decisions made previously. These findings are confirmed by the results of Helfferich et al. (2011), who studied the determinants of the willingness to make a statement and distinguished offender strategies, police action and the victim's perspective.

The ambivalent attitude of victims towards reporting to the police is illustrated by the story of Anna. This case is one example of the 73 intimate relationships we encountered in the police investigations on sex trafficking. The case also illustrates the relational nature of sex trafficking. The case is based on reports of conversations by Anna with the police, transcripts of intercepted telephone conversations and text messages between Anna and her boyfriend Musa⁵², and on the court ruling. Anna is a woman who came to work in the Netherlands from an Eastern European country. Musa takes away her money and has been convicted for human trafficking.

Case

Anna reports to the police after Musa has been arrested for human trafficking. She states that she met her boyfriend Musa one and a half years ago. He was an acquaintance of one of her girlfriends and she met him in a bar in the red-light district. Musa worked in that bar and she was also working in the same neighbourhood in window prostitution and he had noticed her on occasion. The couple formed a relationship and later lived together. After some time, Musa stopped working. He asked Anna for money, politely at first, pushier later on, finally hitting Anna when she refused to give him money. After some time they moved to a house of one of Musa's relatives. In the new environment, the violence became more frequent. They argued nearly every day and she was beaten about once a week. The arguments concerned money and Musa's jealousy. Anna states she didn't report to the police earlier because Musa intimidated her by, for example, demolishing her possessions. She mentions an incident where he demolished her suitcase to prevent her from leaving. He also threatened to report her because of her tax debts and threatened her with more violence.

52 Anna and Musa are fictitious names.

A few weeks ago Musa hit me and I got a black eye. (...). I wanted to leave him, but at the same time I was in love with him. Yet I was also scared that one day the beating would go wrong. Several times I was about to leave him, yet then at once he was very sweet again. He said he loved me and he wanted to marry me and he wanted to have children together.'

While Anna was working, Musa called her regularly. She states she didn't know why he called her so often when she was working. *'Perhaps because we lived together, I just answered the phone. I thought this was normal. I wasn't surprised that he checked on me every half hour, but later on I thought it was quite frequent.'*

Five days after her report, Anna visits the police again. This time she wants to retract her statements. She wants to do this, because she loves Musa and because she can't find another place to live (and because she dislikes the prosecution procedure). She confirms that everything happened as reported, but she does not want her statements to have consequences. She does not want Musa to be prosecuted.

'I've known him for a very long time and I know why he has done this. I am fond of him and I don't want to do this to him. I have always loved my boyfriend very much. I would regret it if Musa had to go to prison. I still love him.'

'I've had a lot of influence on Musa, I've changed him a lot, he has stopped using drugs. You can see Musa is looking for a job (...). Everything will be different now' [now that he's been arrested].

This case illustrates how trafficking can take place within an intimate relationship, and how exploitation, violence and affection can play a role in such a relationship, all at the same time. This interaction between victim and suspect of sex trafficking displays several elements that are also typical for domestic violence. First, the combination of intimidation, violence and affection. Second, the role of extreme control in the relationship. Third, a changing attitude towards reporting to the police. This changing attitude can have several explanations: fear and a certain dependency, feeling sorry for the trafficker, the hope for a better future, and not wanting your partner to end up in prison.

DISCUSSION

In this chapter we explored the relationships that exist between victims and suspects of sex trafficking, using police files of prosecuted sex trafficking cases. We looked at the possible parallels with familiar characteristics of domestic violence to see how knowledge of the latter can contribute to a better understanding of sex trafficking.

The findings show that intimate relationships exist between the men and women identified in the police files as traffickers and their victims. Suspects and victims ‘hang out together’, develop affectionate relationships and start living together. These relationships are characterised by forms of control, isolation, intimidation, violence and exploitation. Such characteristics resemble the characteristics of domestic violence. Surtees’ research on trafficking in Southern and Eastern Europe shows that, in several countries, a particularly high percentage of recruiters were men with whom the victim was in an intimate relationship (2008: 52, see also Kleemans, 2009). Brunovskis (2012: 55) similarly found that ‘it is not exceptional for a trafficker to be a friend, boyfriend or husband’ (2012: 55). Tyldum (2013) found trafficking situations within transnational marriages. Other studies on pimp-sex worker relationships also found mechanisms that correspond with domestic violence (Giobbe, 1993; Williamson & Cluse-Tolar, 2002; Hester & Westmarland, 2004). Our data show how traffickers keep an eye on victims, set certain rules, and isolate them from others. The relationships are furthermore characterised by intimidation and violence. Nevertheless, the relationships continue for several reasons (fear, love, attachment or dependency). This process corresponds to patterns of domestic violence, in which similar tactics are used and where partners do not split up easily.

Our results also show that how women deal with violence in sex trafficking relationships corresponds to coping strategies among victims of domestic violence. The various responses of victims to violence or exploitation contain all the elements of a coping process, including the belief in particular explanations for the violence. Thus, we see that the victims play down the violence and control, consider it as something temporary or as a relationship problem (a personal problem), or see it as their particular way of interacting with each other. This, combined with fear, results in relationships that persist. Women do not perceive themselves as victims or do not want to subject their boyfriend to a prison term, which prevents them from calling in help from outside or from filing a report with the police (see also Hester, 2000).

An escalation of violence may cause victims to raise the alarm, for instance by notifying the police. However, it frequently occurs that they retract previous statements later on, or that they give a contradictory statement. This ambivalent attitude of victims with respect to accepting police assistance or remaining in touch with the police is often based on fear, affection and economic attachment to the partner. These responses are comparable to those of victims of domestic violence.

Our findings show that the issue of trafficking for sexual exploitation can benefit from an additional perspective. In addition to the image of sex trafficking as transnational organised crime, we emphasise the importance of examining the relational nature of trafficking in certain cases. For this purpose, the perspective of domestic violence offers a useful comparison; this body of knowledge provides valuable insights to help understand the sex trafficking phenomenon and the attitude of victims. This knowledge could, for example, help identify trafficking cases and assist prosecutorial decision making. Prosecutors may conceivably be reluctant to pursue a case if the trafficker and the victim

have an intimate relationship. In such a case, understanding domestic violence dynamics could add a valuable perspective.

Considering sex trafficking from a relational perspective can also explain a number of apparent contradictions. First, trafficking is a process consisting of diverse behaviour and reactions, resulting in (unequal) relationships. Beside violence and control, these relationships can also be characterised by affection and attachment. For this reason, relationships do not simply end when violence occurs. This insight adds the necessary nuance to the familiar academic debate as to whether or not unwilling 'victims' are involved, who are forced to do sex work and hand over their earnings against their will. The context of an intimate relationship and shared household provides a more nuanced picture than that of unwilling victims, on the one hand, versus independent sex workers on the other.

Second, human trafficking relationships explain the ambivalent attitude of victims towards cooperating with a criminal investigation. While violence may lead to a report filed with the police, affection or loyalty towards the trafficker may lead to the retraction of statements or to giving contradictory statements. For criminal investigators, it is important to recognise that this ambivalent attitude does not typify an unreliable witness, but typifies complex relationships in sex trafficking cases. A better understanding of this process may help explain the attitude of victims of human trafficking during a trial. It may also serve professionals in different fields who work with sex trafficking victims, with a view to intervention strategies.

REFERENCES

- Abadinsky, H. (2010). *Organized crime*. Belmont: Wadsworth.
- Babcock, J. C., Waltz, J., Jacobson, N. S. & Gottman, J.M. (1993). Power and violence: The relation between communication patterns, power discrepancies, and domestic violence. *Journal of Consulting & Clinical Psychology*, 61(1), 40-50.
- BNRM (2012). *Mensenhandel in en uit beeld. Cijfermatige rapportage (2007-2011) [Human trafficking, in and out of the picture. A report of figures]*. Den Haag: BNRM
- Brunovskis, A. (2012). *Balancing protection and prosecution in anti-trafficking policies. A comparative analysis of reflection periods and related temporary residence permits for victims of trafficking in the Nordic countries, Belgium and Italy*. Nordic Council of Ministers. TemaNord, 556.
- Brunovskis, A. & Surtees, R. (2007). *Leaving the past behind? When victims of trafficking decline assistance*. Fafo: Oslo and NEXUS Institute.
- Caneppele, S. & Mancuso, M. (2013). Are protection policies for human trafficking victims effective? An analysis of the Italian case. *European Journal on Criminal Policy and Research*, 19(3), 259-273.
- David, F. (2007). *Law enforcement responses to trafficking in persons: Challenges and emerging good practice*. Trends & Issues in crime and criminal justice, Australian Institute of Criminology, 347.
- Dichter, M. E., Cerulli, C., Kothari, C. L., Barg, F.K. & Rhodes, K. V. (2011). Engaging with criminal prosecution: The victim's perspective. *Women & Criminal Justice*, 21(1), 21-37.
- Dichter, M. E. & Gelles, R. J. (2012). Women's perceptions of safety and risk following police intervention for intimate partner violence. *Violence Against Women*, 18(1), 44-63.
- Erez, E., Ibarra, P. R., Bales, W. D. & Gur, O. M. (2012). *GPS Monitoring technologies and domestic violence: an evaluation study*. <https://www.ncjrs.gov/pdffiles1/nij/grants/238910.pdf>
- Farley, M. (2004). 'Bad for the body, bad for the heart.' Prostitution harms women even if legalized or decriminalized. *Violence Against Women*, 10(10), 1087-1125.
- Ferraro, K. & Johnson, J. (1983). How women experience battering: The process of victimization. *Social Problems*, 30(3), 325-338.
- Giobbe, E. (1993). An analysis of individual, institutional, and cultural pimping. *Michigan Journal of Gender & Law*, 1(33), 33-57.
- Helfferrich, C., Kavemann, B. & Rabe, H. (2011). Determinants of the willingness to make a statement by victims of human trafficking for the purpose of sexual exploitation in the triangle offender-police-victim. *Trends in Organized Crime*, 14(2&3), 125-147.
- Hester, M. & Westmarland, N. (2004). *Tackling street prostitution: towards a holistic approach*. Home Office Research Study 279.
- Hester, M., Pearson, C. & Harwin, N. (2000). *Making an impact: children and domestic violence*. London: Jessica Kingsley.
- Hoyle, C., Bosworth, M. & Dempsey, M. (2011). Labelling the victims of sex trafficking: Exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20(3), 313-329.
- Kearney, M. (2001). Enduring love: A grounded formal theory of women's experience of domestic violence. *Research in Nursing & Health*, 24(4), 270-282.

- Kleemans, E. R. (2009). Human smuggling and human trafficking. In M. Tonry (Ed.), *Oxford Handbook on Crime and Public Policy* (pp. 409-427) Oxford: Oxford University Press.
- Lehti, M. & Aromaa, K. (2006). Trafficking for sexual exploitation. In M. Tonry (Ed.), *Crime and Justice: A Review of Research*, 34 (pp. 133-227). Chicago: The University of Chicago press.
- Malsch, M., Muijsken, J. & Visscher, M. (2005). Geweld in perspectief: mishandeling in de huiselijke sfeer en belaging in het strafproces [Violence in perspective: maltreatment in the domestic sphere and stalking in trial]. *Delikt en Delinkwent*, 35(4), 360-379.
- New South Wales (2012). *Domestic violence trends and issues in NSW*. Standing Committee on Social Issues. Report no. 46.
- Paterson, S. (2009). (Re)Constructing women's resistance to women abuse: Resources, strategy choice and implications of and for public policy in Canada. *Critical Social Policy*, 29(1), 121-145.
- Raphael, J., Reichert, J.A. & Powers, M. (2010). Pimp control and violence: Domestic sex trafficking of Chicago women and girls. *Women & Criminal Justice*, 20(1&2), 89-104.
- Savona, E.U. & Stefanizzi, S. (2007). *Measuring human trafficking: Complexities and pitfalls*. Springer-Verlag GmbH.
- Shelley, L. (2010). *Human trafficking: A global perspective*. Cambridge: Cambridge University Press.
- Shelley, L. (2011). The globalization of crime. In M. Natarajan (Ed.), *International Crime and Justice* (pp. 3-10). Cambridge University Press.
- Stark, E. (2007). *Coercive control: The entrapment of women in personal life*. New York: Oxford University Press.
- Stark, E. (2010). Coercive control. National Domestic Violence Fatality Review Initiative, Fatality Review Bulletin. http://www.ncdsv.org/images/NDVFRI_FatalityReviewBulletin_Spring2010.pdf
- Stark, C. & Hodgson, C. (2004). Sister oppressions: A comparison of wife battering and prostitution. *Journal of Trauma Practice*, 2(3&4), 16-32.
- Surtees, R. (2008). Traffickers and trafficking in Southern and Eastern Europe: Considering the other side of human trafficking. *European Journal of Criminology*, 5(1), 39-68.
- Surtees, R. & Somach, S. (2008). *Methods and models for mixing services for victims of domestic violence and trafficking in persons in Europe & Eurasia*. Washington DC: USAID.
- Shipway, L. (2004). *Domestic violence: a handbook for health professionals*. London/New York: Routledge.
- Smeenk, W. & Malsch, M. (2005). Family violence and police response: Learning from research, policy and practice. In W. Smeenk & M. Malsch (Eds.), *Family violence and police response: Learning from research, policy and practice in European countries* (pp. 241-254). Cornwall: MPG Books Ltd.
- Turner, J. & Kelly, L. (2009). Trade secrets: Intersections between diasporas and crime groups in the constitution of the human trafficking chain. *British Journal of Criminology*, 49(2), 184-201.
- Tjaden, P. & Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Tyldum, G. (2013). Dependence and human trafficking in the context of transnational marriage. *International Migration*, 51(4), 103-115.

- UN Palermo Protocol (2000). United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime, Trb. 2001, 68, art. 3.
- US Department of State (2013). *Trafficking in persons report*. Washington, D.C.: Department of State.
- Verhoeven, M. A., Van Gestel, B., & Jong, D. de (2011). *Mensenhandel in de Amsterdamse raamprostitutie. Een onderzoek naar aard en opsporing van mensenhandel [Human trafficking in the Amsterdam red-light district. A study on the nature and criminal investigation of human trafficking]*. Den Haag: Boom Juridische Uitgevers. Onderzoek en beleid 295.
- Viuhko, M. & Jokinen, A. (2009). *Human trafficking and organised crime: Trafficking for sexual exploitation and organised procuring in Finland*. European Institute for Crime Prevention and Control (HEUNI). Helsinki: Hakapaino Oy.
- Warnath, S. (2007). *Examining the intersection between trafficking and domestic violence*. Washington, DC: USAID.
- Weitzer, R. (2005). New directions in research on prostitution. *Crime, Law & Social Change*, 43(4), 211-235.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447-475.
- Williamson, C. & Cluse-Tolar, T. (2002). Pimp-controlled prostitution: still an integral part of street life. *Violence against Women*, 8(9), 1074-1092.
- Winterdyk, J. & Reichel, P. (2010). Introduction to a special issue on human trafficking: Issues and perspectives. *European Journal of Criminology*, 7(1), 5-10.
- Zhang, S. X. (2009). Beyond the 'Natasha' story: a review and critique of current research on sex trafficking. *Global Crime*, 10(3), 178-195.

Chapter 4

HUMAN TRAFFICKING AND CRIMINAL INVESTIGATION STRATEGIES IN THE AMSTERDAM RED-LIGHT DISTRICT

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ABSTRACT

The subject of human trafficking has recently received a lot of attention. The criminal-law approach to human trafficking has also been placed high on the agenda of law enforcers. Human trafficking is, however, a complex crime with several specific characteristics. For example, there is often a complex relationship between victims and perpetrators of human trafficking, and victims are often too afraid to file a report. How do the police and the judicial authorities work in the investigation of human trafficking in view of the specific characteristics of human trafficking? What choices are made in practice, and what different police investigative strategies can be distinguished? What opportunities and risks are inherent in the choices made?

In this chapter we answer these questions on the basis of four large scale police investigations into human trafficking that were studied closely. The four criminal cases all focused on violent groups of human traffickers that operated in the Amsterdam red-light district. All criminal cases have since been concluded (in the first instance).

It turned out that in each of the four investigations the relevant police team applied a different investigative strategy: one investigation focused primarily on victim statements, one focused on reports of public nuisance, one focused on the evidence against the criminal organisation, and one investigation focused on the offences (evidence concerning the exploitation of sex workers).

In this chapter we compare the four strategies applied and consider the consequences of each strategy for the course of the investigation and the criminal prosecution, and what dilemmas were faced in the use of each strategy. Although the various investigations cannot be easily compared and a uniform 'best' strategy cannot be designated, the comparison does show that some choices or decisions entail great opportunities or risks regarding the successful investigation and prosecution of human trafficking. The decisions concern, for example, the choice of involving local investigative services (community police), or the choice for short-term or, as the case may be, longer-running investigations.

INTRODUCTION

Over the past 10 years the criminal investigation of human trafficking in the sex industry has become an important issue on the agenda of Dutch crime fighters.⁵³ In the Netherlands, sex work is a legal business, but *coerced* sex work and the exploitation of sex workers is nonetheless a criminal act and falls under the definition of human trafficking.⁵⁴ The human trafficking to which this chapter refers takes place in the ‘window prostitution’ of the red-light district of Amsterdam. This district is a network of streets and alleys with approximately 300 ‘windows’ which are rented by sex workers. Window prostitution means that the sex worker is well visible behind a window, from which position she solicits customers who are walking by and getting a good look at her. Once the customer has been solicited, the sexual services are rendered behind the same window, after the curtain has been drawn.

Over the past few years, situations of abuse in the window prostitution business in the Netherlands have received a great deal of attention from the police and the judicial authorities. In particular, the appalling working conditions of sex workers and the exploitation by pimps have become focal points in criminal investigations. However, human trafficking is a complex offence. Research in the United States indicates that the identification and investigation of human trafficking cases remains a complex undertaking for local law enforcement, and that human trafficking investigations are often lengthier and more complex than other criminal investigations (Farrell, McDevitt & Fahy, 2008: 1, 10).

First of all, human trafficking in the sex industry usually involves an ambivalent (love) relationship between victims and offenders. As a result, victims are often afraid to press charges or they do not want to do so, because they may not feel victimised or because they blame themselves for the situation in which they find themselves (e.g. Van de Velde, 2009: 16). A sex worker who was giving her pimp all the money she earned, told the police: *‘I am not a victim. I understand that you believe that I am, but now you know that it is not like that, now you have heard our story as well. Now you can see from our point of view that we are working voluntarily.’*⁵⁵ This example is an illustration of the difficulties that occur when trying to gather evidence for a case of human trafficking. It may have to do with shame, or with being afraid of or, on the contrary, feeling emotionally attached to the human traffickers.

53 For example, the National Crime Squad made human trafficking a key area for the period 2008-2012, and for some years now the Public Prosecution Service has been investing in reinforcing the fight against human trafficking (KLPD 2008).

54 The criminal offence of human trafficking is punishable under Section 273f of the Dutch Criminal Code. It is, in brief, a criminal offence to recruit, transport, accommodate and to induce to give up money earned by prostitution under duress, by using violence (or threatening to do so), by deception, extortion, fraud or abusing a vulnerable position for the purpose of exploitation. On the other hand, the sex industry business is regulated under administrative law by a licensing regime; the owners of window prostitution businesses are required to obtain a licence from the municipal authority.

55 Verbatim quote from police files, as part of a statement the sex worker made to the police.

The limited willingness to press charges may also have to do with the fact that sex workers, in spite of their sometimes miserable working conditions, do – after all – make some money themselves by selling sex, as a result of which it is in their interest to continue to work and leave the situation as it is (NRM, 2009: 132, 476; Kleemans, 2009: 411).

Secondly, human trafficking is unlike other forms of crime in that it is not a single, static ‘event’, but more of a process. This process can involve multiple offenders and crime sites (across several jurisdictions), ultimately leading to exploitation of the victim (David, 2007: 2; ICMPD, 2003: 87).⁵⁶

Due to these specific characteristics, the structure of a criminal investigation into human trafficking is complex, and differs on a number of counts from a criminal investigation into, say, drug smuggling or a robbery. Criminal investigations are always based on making choices on, for instance, the objects and the scope of the investigation, and on the use of telephone taps and surveillance techniques, among other things. In the Netherlands an investigation is executed by an investigation team under the direction of the public prosecutor. The aggregate of those choices made by the investigation team and the public prosecutor constitute an investigation strategy. The specific characteristics of human trafficking in the sex industry require a specific method, and affect the choices to be made by the investigation team with regard to the investigation strategy to be applied.

Many publications exist on the phenomenon of human trafficking, but very little empirical research is available on the practice of criminal investigations into human trafficking. While there are limited publications on law enforcement responses to human trafficking, they focus primarily on the tension between the position of the victims of human trafficking in the criminal investigation process, on the one side, and the goals of the police and justice system on the other (e.g. David, 2007; Goodey, 2004).

Some recent publications on law enforcement responses to human trafficking have identified obstacles to the investigation of human trafficking; for example, the lack of training and expertise of law enforcement personnel (Clawson, Dutch & Cummings, 2006: v; Gallagher & Holmes, 2008), new laws, the complexity of investigations, conflicting law enforcement goals, communication problems (Farrell et al., 2008), and identifying and contact with victims (Farrell, McDevitt & Fahy, 2010; IACP 2006; Surtees, 2008: 61, 63). Although these publications are not about the strategies that are used by law enforcement, they do mention that more research is needed on the development of (successful) strategies for investigating and prosecuting human trafficking (Farrell et al., 2008: 10-11; 2010: 224). Our research goes some way to fill this gap.

In this chapter we describe the way in which a criminal investigation into human trafficking is carried out in practice, and which choices are made in the process. How do

56 Due to the specific problems of human trafficking there are more guidelines for the investigation of human trafficking, for example with regard to approaching and informing victims. See, inter alia, the Instruction on Human Trafficking, Government Gazette of 22 March 2006, no. 58, page 15.

the police and the judicial authorities investigate a case of human trafficking, with regard to the specific characteristics of human trafficking? Which specific choices are made, and what are the distinguishing features of the different investigation strategies? What opportunities and risks are the result of those choices? We will explore these questions by describing four large-scale criminal investigations into human trafficking in the Dutch sex industry. While our findings are indicative rather than conclusive, they nevertheless future direction in a planned follow-up study that will examine ten further cases that will allow for wider generalizations.

Structure

The following section discusses our research method. The subsequent section briefly discusses the group of suspects and the modus operandi for each separate case, in accordance with the information found in the criminal files. We then discuss in subsequent sections different investigation strategies that were applied by the investigation teams. We conclude this chapter by highlighting a number of issues for consideration, and possible follow-up studies.

RESEARCH METHODS

The foregoing showed that very little empirical research on investigations into human trafficking has been undertaken, and therefore limited literature on the subject exists. For that reason, we decided to undertake a very detailed examination of 4 cases. We chose to study in-depth these investigations with the aim of providing insight into the complexity of the cases. The main purpose of this study is not to generalize results to other investigations, but rather to gain new insights into the investigation process into human trafficking (see Yin, 1989; Wester, 1987; Van Gestel, 2006). In other words, we have chosen to gather much information on a small number of cases.

Our study began with an extensive examination of one very large police investigation into human trafficking, known as *Raven*.⁵⁷ That investigation had just been completed by the police and transferred to the Public Prosecutor when we started the current study, at the end of 2007. *Raven* was one of the largest police investigations into human trafficking accomplished in The Netherlands. Subsequently, we searched for police investigations comparable on various aspects to this large investigation, which had to meet certain criteria.

First of all, the place where the offence was committed was the Amsterdam red-light district, a well-known area for window prostitution in Amsterdam.

Secondly, we looked at the nature of the group of suspects and the modus operandi of the groups concerned. We selected criminal investigations revolving around *violent*

57 This and other code names are fictitious.

suspects, who were primarily involved in human trafficking, and who in that context made use of physical, sexual or psychological violence.

Thirdly, we selected investigations that were initiated by the police between 1998 and 2007, and completed investigations that the police had handed over to the Public Prosecution Service for further processing. In such cases it was likely that the ‘hard’ material collected by the police was sufficient to proceed with criminal prosecution. We did not select investigations which had begun only recently, but intentionally selected cases of an earlier date, on which the court had rendered a decision, provided that the case had been presented to the court.

Based on these selection criteria we selected three criminal investigations, with the code names *Starling*, *Pigeon* and *Titmouse*. Only these three cases matched the selection criteria. Adding the first case, *Raven*, made a final selection of four large-scale, completed investigations.

Subsequently we interviewed police officers and Public Prosecutors dealing with each of these criminal investigations. The interviews were based on a semi-structured interview guide. Next, police files were studied and analysed. These police files contained all results of the criminal investigations and consisted, inter alia, of wiretap transcripts, data obtained from police observations, interrogations and statements of victims and suspects, intelligence, etc. Each of the investigations consisted of several sub-investigations (several case files and several files on individuals). We applied thematic labels to analyse the files. Based on the interviews and the information from the police files, key information from each case was summarized with the help of a topic list. The thematic labels and the topic list made it possible to compare the four investigations on several characteristics with respect to the investigation process.

DESCRIPTION OF THE CASES

Before describing the investigation strategies used, we provide a short description of the group of suspects, the modus operandi employed by them, and the course of each investigation.

Case 1 - Starling

Based on police files we found that the criminal network consisted of a large group of suspects involved in the sex work of a large number of girls from Eastern Europe. The core of the network consisted of 8 prime suspects, who had approximately 20 women working for them. The victims were brought from Eastern Europe to the Netherlands, and by making the journey they accumulated a debt, which they had to repay to the suspects once they engaged in sex work. The women worked in the Netherlands and in Germany. In order to get the women to do sex work, different methods were used: their passports were confiscated, they had to give up

the money they earned, and there was physical, sexual and psychological violence or threats of violence. Each prime suspect had a number of women working for him, as well as a number of bodyguards, who kept an eye on the women. The rest of the suspects had supporting roles such as arranging cell phones, accommodation and transport.

Starling began in 1998 by the Amsterdam regional police. The direct cause for the investigation was a statement made by one of the accomplices of the human trafficking gang, in which he tells the police that the members of this gang are involved in human trafficking of women.

The investigation team began the investigation by seeking the identities and whereabouts of the victims. After some time, the special police officers who monitor the red-light district managed to win the confidence of the victims, and the women decided to file a report to the police as a group. Even though the victims were afraid of being beaten or losing a family member in the country of origin, they decided to go to the police anyway. After consulting with the investigation team, various arrangements were made to ensure a relatively 'safe' manner to file all the reports. In order to protect the women as much as possible, it was agreed that the police would arrest the prime suspects as soon as the reports had been made and completed. At that moment, the women were transported to a safe place, as well. Thanks to the elaborate reports filed by means of this procedure, the police acquired a lot of information on other victims. On the basis of the information provided by the group of victims, the police continued their investigation.

Eventually, 26 victims filed a report, and 14 victims testified. No phone taps were used during the investigation. Consequently, the police gathered little information on the structure of the organization. However, as the investigation team of *Starling* successfully collected reports and testimonies, they were able to get a clear picture of the way in which the women were recruited and transported. After the suspects were arrested, sentences of 30, 28, 24 and 20 months imprisonment for human trafficking were handed down for the prime suspects.

Case 2 - Pigeon

This investigation revolved around 17 suspects, including 3 prime suspects, who were two brothers and an associate. In 2003 the brothers had a bar in the red-light district in Amsterdam. Apparently, this bar served as an 'office' where pimps got together and from which the sex industry world of Amsterdam was regulated and managed. The group was a dominant factor in the streets around the bar. Fights and threats of violence were a common feature. Also, community police officers observed sex workers being exploited and assaulted.⁵⁸ There were indications that the suspects were earning money in the red-light district by acting as pimps for one or more sex workers. It is alleged that several women were forced to surrender their

58 Further to the community police officers' story, a book was published in 2004 on exploitation in the Amsterdam red-light district ('I will never let you go'), as well as a report in NRC magazine ('Slave trade in the red-light district') by Ruth Hopkins, who is a lawyer and a journalist.

earnings to the suspects under duress. The suspects also acted as intermediaries for obtaining residence permits and false or forged passports mostly in order to shield identities.

In 2003 the Amsterdam police began the *Pigeon* project. The causes for the criminal investigation were observations regarding persons who were exploiting sex workers in the red-light district and causing street fights. In addition, residents reported that they felt unsafe.

In the process, various methods of detection were used in order to investigate these observations: telephones were tapped, and the suspects linked with the bar were kept under systematic surveillance. An investigation was carried out in order to determine the actual owners and managers of the bar. Furthermore, there was an intensive exchange of information with the municipal authorities with regard to granted permits. With the aid of operational information from the criminal investigation, the municipality had the power to revoke the permit for the suspects' bar, as a result of which the 'office' in the red-light district was forced to close.

In spite of this measure under administrative law, and the use of different means of investigation, this investigation did not produce sufficient evidence of human trafficking or possible victims. Possibly, the pimps and sex workers meet face-to-face, as a result of which the taps on telephones did not produce evidence of human trafficking. Consequently, it was not possible to trace and contact victims, and the suspicions on exploitation remained unconfirmed. After 6 months, the police decide to terminate the investigation.

Case 3 - Raven

Again based on police files, this investigation focused once again on the 3 prime suspects described above in the *Pigeon* investigation. At the end of 2005, it was decided to start a new investigation, based on information that was known about the suspects. The object of this investigation was to investigate and prosecute these prime suspects and the rest of the 'criminal organisation'. The group emerging from this investigation consisted of approximately 30 persons and there were indications that they were operating at an international level. The group consisted of primarily pimps, 'bodyguards' and drivers. The two brothers and their associates were the leaders of the group and were also acting as pimps themselves.

Most of the women who were controlled by the suspects were already working as sex workers before they were contacted by the suspects. In order to ensure that the women gave up their earnings, they were threatened and abused. Almost all of the money earned by the women went to the pimps, the bodyguards and the drivers.

At the same time, the suspects presented themselves as the lovers of the women and applied the so-called 'loverboy' method. A number of women lived with their pimps, which made it easy for their 'lovers' to control them.

In order to be able to get a clear picture of the human trafficking activities of the prime suspects and to demonstrate the existence of a network with a division of tasks and roles which comes with such a network, a large-scale, long-term criminal investigation was begun in early 2006. However, information on the investigation was leaked prematurely and, as a

consequence, the prime suspects were arrested at an earlier time than planned. The victims had not been contacted yet and the criminal file had not been completed. After the suspects were arrested, the police contacted the victims in order to collect reports and victim statements. Women who had by then left the country were also contacted and requested to testify. However, some women stated that they were not victims and refused to make a statement. Eventually, the indictment stated the names of 31 victims. Fifteen women made a report or a (partly exculpatory) statement. On 11 July 2008 6 suspects were sentenced for human trafficking, 5 of whom were charged with participation in and/or being in charge of a criminal organisation. The sentences varied from 8 months to 7.5 years imprisonment. The two prime suspect brothers were sentenced to 7.5 and 2.5 years imprisonment, respectively.⁵⁹

Case 4 - Titmouse

The criminal investigation *Titmouse* was aimed at 2 suspects, one of whom was the prime suspect. He began an intimate relationships with several women simultaneously and his mode of operation can be characterised as that of a 'loverboy'. He met women in nightlife and red-light areas and gave them the impression that they were very special to him. Some women were already working as sex workers when he contacted them, while other women were persuaded by him to undertake sex work. He deceived the women and made them believe that they were building a future together, for which money was needed. In order to get the women to do sex work, he used violence as well: the women were hit in the face, and punched. He also arranged accommodation for them, which made the women dependent on him. As soon as they were working as sex workers he used violence and manipulation in order to ensure that they would give him their earnings. He controlled the women constantly and used bodyguards to keep an eye on them. During the investigation 6 possible victims were identified.

The *Titmouse* investigation began in the autumn of 2006. It was a small-scale, short-term investigation primarily concentrating on human trafficking rather than on the larger network around the prime suspect. At the beginning of the investigation the investigation team assumed that no reports would be filed by victims, as this is often difficult in human trafficking cases. The team chose to make a file for each suspect and each victim, in which all information was recorded for each suspect and victim separately.⁶⁰

59 Both the Public Prosecutor and the defence appealed. The appellate proceedings took place in November 2010. The prime suspect who was sentenced to a term of imprisonment of 7.5 years fled the country while on leave.

60 By means of the so-called 'accumulated application of Section 27'. Section 27 provides that a person may be regarded as a suspect if there is a reasonable suspicion that an offence has been committed on the basis of the facts or circumstances. This accumulation includes all these facts and circumstances.

After the police team recorded all available information in the personal files, it was determined what information was missing and in what way further additional information must be gathered in order to provide sufficient evidence for a case of human trafficking. Subsequently, the team started to tap specific telephones and to carry out specific surveillances; telephone of the prime suspect and the possible victims were tapped and a transmitter was placed under the car of the prime suspect in order to follow his whereabouts.

The Court of Appeal found that there was sufficient evidence to prove that 4 women were the victims of human trafficking; the prime suspect was sentenced to a term of 4 years imprisonment and the other suspect was sentenced to 10 months imprisonment.

Criminal investigation strategies

All four criminal cases focused on violent and intimidating (groups of) suspects, who took earnings from sex workers. The groups were all active in the red-light district in Amsterdam, as well as in various other cities in the Netherlands. In all criminal investigations their violence made them stand out: they used violence in the streets, they got involved in fights, and they abused both the other suspects and the women that they used. In all cases the human trafficking took place in window prostitution.

However, the criminal investigations into these suspects and the applied investigation strategies were different on a number of counts. By analysing the choices that were made concerning the applied investigation methods, it was possible to identify several strategies, with each of the four investigations showing a different strategy. The strategy depended, among other things, on the circumstances, the immediate cause, the information available at the beginning of the investigation, and the objectives of the investigation. Other factors that could have influenced the choices and strategies were available police capacity, applied policy, trends and politics. The means required to carry out the strategy depended on the choice of a specific strategy.

Each of these four investigations utilized different strategies, each with a specific focus on a different aspect of human trafficking. For each of the 4 cases we describe the existing opportunities and risks⁶¹ regarding the investigation. We discuss the *victim statement oriented investigation*, the *public nuisance oriented investigation*, the *organisation oriented investigation* and the *offence oriented investigation*, respectively. We conclude with a number of items for consideration.

61 According to the UNODC (2009), 'trafficking in persons brings a number of risks that are different to general investigations and, in some cases, unique to trafficking cases' (UNODC, 2009: 13). These risks should not only be recognized and planned for, but should form a key aspect of investigators' strategies in the trafficking of persons in an investigation. Effective risk assessment increases the chance of a successful investigation and prosecution in trafficking cases (UNODC 2009: 2,3).

Victim statement oriented investigation

The *Starling* investigation may be characterised by a focus on getting people to report an offence and getting victims to make statements. The choice for this strategy was based on the information which was available at the start of the investigation. The police had acquired initial information from the criminal network itself, which was specific, and therefore valuable. The collecting of evidence was then able to take place in a targeted and efficient manner. As a result, a lot of useful information was acquired on the suspects and victims involved, within a short period of time.

This investigation shows that its object was to investigate human trafficking. In order to achieve this goal, the investigation was primarily focused on getting reports. The team worked hard to win the confidence of the victims and get them to cooperate actively. In order to achieve that goal a choice was made, among other things, to give the community police an active role in the investigation, which had regular contacts with the women working in the red-light district, actively contributing to the identification of the victims and their whereabouts.

Next, the investigation team, including the community police, invested time and effort in making contact with the victims and convincing them to trust the police. The vice squad and other confidential persons from the network of the victims (such as interpreters or social workers) were also enlisted to contact victims. Also, specific arrangements were made with the women regarding their filing of a report and the best moment for arresting the suspects.

When the police had collected all the statements of the victims in this investigation, the suspects were arrested. Generally speaking, reports and victim statements provide much information and points of departure for the criminal investigation, as the police came in contact with other victims through these women. It is therefore of vital importance that there is mutual trust between the police and the victims.

It is clear that an investigation aimed at reporting offences provides an opportunity to obtain a wide variety of reports, which provide a lot of information on the mode of operation and the organization of the human traffickers. This reinforces other available evidence. A victim statement oriented investigation such as *Starling* focused on human trafficking, not on the organisation as such. Nevertheless, thanks to the wide variety of victim statements, a large number of suspects and victims were identified.

The research on the four cases shows that the risk of focusing on obtaining statements of victims, by investing a lot of time and effort in making contact with them, is that victims eventually fail to make a report or withdraw their statement at a later stage. Without a victim statement there is not much evidence left and the criminal case may not be resolved. Also, the risk of ‘leaking’ is considerable in this strategy, i.e. if the women tell the suspects that they are being investigated. Also, police teams are sometimes reluctant to involve community police in their investigation because they fear that the suspects will discover that they are under investigation. Other strategies show that this can be a basis to refrain from actively involving the community police. This is the case, for example, in the *public nuisance oriented strategy*, which is described below.

Public nuisance oriented investigation

The *Pigeon* investigation focused on public nuisance. Residents were confronted with fights and quarrels in the streets and with the intimidating presence of the suspects in the neighbourhood, which they reported this to the police.

Before the investigation began, community police officers had already been collecting information for three years on the men who caused a nuisance and on the exploitation of sex workers. The community police officers had good contacts with the sex workers and they had a signalling role with regard to human trafficking. However, the information of these community police officers was not used in this investigation. In order to make sure that the suspects would not discover that they were under investigation, it was not made public. It was kept quiet within the police organisation and had a kind of ‘embargo’ status. Indeed, the community police were neither involved in nor informed of the investigation.

The investigation team’s goal was to end public nuisance and investigate human trafficking at the same time. In order to achieve this goal they cooperated with the municipal authorities, by which a plan was made and information from the investigation was shared. This involved the exchange of specific information on persons, centres of nightlife, permits and criminal activities. On the basis of this information the municipality had the power to revoke the permit of the suspects’ bar, as a result of which the meeting point of the human traffickers was shut down.

Such a public nuisance oriented strategy creates the possibility, by revoking permits, to drive away criminal entrepreneurs from a sex work area. The public nuisance in the streets will largely disappear as a result. At the same time, this strategy, if it is successful, prevents the municipality from facilitating human trafficking by granting permits to human traffickers.

On the other hand, this strategy has its limitations. By focusing on public nuisance, the collection of evidence for human trafficking may suffer. The public nuisance is tackled, but there is a risk that too little information on human trafficking is gathered, as a result of which the offence of trafficking will eventually not be proven. After all, if the suspects are chased away and the public nuisance ends, there is still a chance that the situation of exploitation will continue to exist.

Moreover, the decision not to involve information from the community police presents a risk. Specific information and insights into victims, abuse and exploitation may fail to materialise and, consequently, it is possible that no clues will be found for the investigation of human trafficking. In that case, we can no longer speak of the prosecution of human trafficking.

Organisation oriented investigation

The strategy in the *Raven* investigation can be called an organisation oriented strategy. Here, the emphasis is placed on mapping out the whole criminal organisation. At the start of this investigation a lot of information was already available, as it was a continuation of a previous investigation, with the persons playing a central part in the investigation

having been investigated before. Consequently, a group of suspects was identified, which the investigation team wanted to deal with. In addition to the investigation of human trafficking, the goal was to break up the entire organisation. The investigation focused on the group of (prime) suspects and on the relations and division of tasks within the group of suspects, in order to provide evidence for participating in a criminal organisation as well.⁶² Much less effort was spent on contacting victims. In order to get a full picture of the entire criminal organization, a choice was made for a long-term investigation. If, during the investigation, reports were filed by victims or incidents such as a stabbing occurred, no immediate action was taken.

The investigation had an extensive file, as there was a lot of information available at the beginning of the investigation, and the investigation took a long time to complete. The amount of information increased partly because the telephones of various suspects were tapped for long stretches of time.

In principle, this organisation oriented strategy offers a possibility to tackle criminal behaviour thoroughly. Dealing with the whole group instead of dealing with just a few suspects can put an end to exploitation in the most effective manner.

However, this strategy presents risks as well. As the investigation focuses on the organisation, and less on contacts with victims, there is a chance that victim statements and information on the victims are obtained to a much lesser extent, or not at all. If contacting the women is the very last stage of the investigation, there is a risk that they have already left for their country of origin by then or that they are otherwise difficult to find.

Additionally, a longer-term investigation into human trafficking presents risks with regard to the ban on tolerating human trafficking. The danger is that at a certain point in a long-term investigation, it is necessary to take action in respect of the ban on toleration, or because information on the investigation has 'leaked' before the necessary evidence is complete.

Finally, this strategy shows the importance of properly organizing all of the gathered information during the investigation. The risk of a large-scale investigation with a wide scope without a specific classification plan is that an overview of the information is no longer available, and that it is not made clear during the investigation which vital information is still necessary for the provision of evidence; in other words, which specific, vital information must be the focus of further investigation. The *Raven* investigation mentions a relatively large number of suspects and victims, but provides relatively little information on each person. In the end, only the top members of the organization were convicted, and some pimps and bodyguards could still have continued their activities.

62 In the Netherlands it is a criminal offence to participate in a criminal organisation under Section 140 of the Criminal Code.

Offence oriented investigation

The *Titmouse* investigation may be characterised as an offence oriented strategy. This strategy focuses on the distinct ‘elements’ of human trafficking such as using violence, arranging accommodation, giving up earnings, deception, duress, etc. The investigation team starts with the identified suspects and chooses to ‘stack up’ the information gathered about them and their victims. But how is the ‘stacking up’ of information interpreted by the Dutch police?

Stacking up means that all the small pieces of the available information are recorded in separate files on suspects and victims. These files combine all information regarding the (role of the) person in question. The filing of information for each suspect and each victim separately is often called the ‘0+0+0+0 = 1 principle’ by the police. It is a ‘stack’ of facts indicating that the women are not selling sex voluntarily, or indicating that there is a case of human trafficking. By stacking up these facts in a criminal file, a reasonable suspicion of guilt of the suspect can eventually be investigated and proven, without it being necessary for the victim to file a report or make a witness statement. Moreover, this method does not focus merely on the suspect, but also on the situation of the victim (Cf. Van der Wegen, 2005: 14-15).

Furthermore, the information in these files on suspects and victims is structured by systematically classifying the information on the basis of different key characteristics of human trafficking as they appear in the statutory provision on human trafficking, in the (scientific) literature on human trafficking and ‘lover boys’ (e.g. Bullens & Van Horn, 2000), and in the Instruction on Human Trafficking of the Board of Procurators General. These key features include such things as control, violence, the surrender of earnings, (the violation of) physical integrity, ‘lover boy’ methods, the influence on working hours and conditions, the isolation of the women, and accommodation.

By recording the information systematically in structured files it becomes clear which information is still missing with respect to evidence that is still needed for the proper furnishing of proof. The investigation can then be specifically directed towards obtaining that information.

In the *Titmouse* investigation, the investigation team arranged specifically selected taps on telephones and carried out targeted surveillances in order to obtain the missing information. There was also close contact between the community police and the investigation team. They exchanged information and kept each other informed on the latest developments. As the community police were familiar with the developments of the investigation, they were able to gather specific information. In other words, police officers in the street knew what to look for. The *Titmouse* investigation shows that the result gained by stacking up information subsequently may be used to obtain witness statements.

At a certain moment in time the victims, who were identified through the method of stacking up information, were contacted by the police. First of all, initial interviews were held. These were informative meetings during which the victim was given an opportunity to tell the police what had happened to her. During such a meeting the criminal proceedings

were also explained and the victim was informed with regard to the possibilities of calling in assistance. In the Netherlands, such an initial interview is a compulsory component when approaching the victim in the event of human trafficking. When the women in the *Titmouse* investigation were faced with a list of information from the 'stacked up files' (which put the acts of their 'lover' in a different perspective), a number of women were willing to file a report or make a statement. After the reports had been submitted, the suspects could be arrested.

The advantage of this offence oriented strategy is its well-organised structure and, consequently, its potential efficiency. Due to the limited number of suspects and the clearly arranged information (files that are ordered by victim and suspect and by the elements of human trafficking), it is easy to gain a clear overview of the investigation. This overview makes it obvious which information is still missing and which elements must be the focal point of further investigation. The available capacity can be used in a targeted and efficient manner. This is one of the reasons why the *Titmouse* investigation turned out to be a relatively short-term investigation, also referred to as a 'prompt intervention' case. These cases are characterized by a targeted focus on specific suspects or situations. Usually, the short term also enhances the ability to maintain a clear overview of the investigation. In spite of the short term nature of the investigation, relatively high sentences were obtained.

The structured approach to building up the files and the inherently related manner of evidence gathering leads to the conclusion that there appear to be few risks attached to this offence oriented type of investigation.

Items to be addressed in the investigation of human trafficking

Literature in the field of investigation training shows that the investigation practice is faced with various dilemmas (De Poot et al., 2004). Most often there is more than one applicable option or strategy. There is no 'best strategy' and one choice is not always clearly better than another. The important thing is to look for a link with the circumstances in the best possible way. Some choices are made for a specific reason, others are made in the middle of a hectic investigation (De Poot et al., 2004: 337). This is illustrated by the criminal investigations studied in this chapter.

We have shown above that some choices or decisions within the various strategies present good opportunities or great risks. To conclude this chapter we will discuss those opportunities and risks below, by referring to a number of items for consideration.

The local nature of human trafficking

Human trafficking is commonly perceived as an international phenomenon. International contacts seems to be of vital importance for the performance of criminal activities and, as a result, the focus is on 'entering' a country or work role and on the transport of victims across borders. The investigation of human trafficking often forms an integral part of international cooperation. However, apart from being an international criminal offence, human trafficking is also very much a local problem and embedded in local situations.

The activities of sex workers and human traffickers are often concentrated within certain districts, neighbourhoods and streets. In the criminal cases noted above, victims of human trafficking worked in window prostitution in streets forming part of neighbourhoods, often in small-scale sex work areas. The women were (visibly) in or close to the street for the larger part of twenty-four hours a day, and had contact with people in the street.

This local character of human trafficking provides possibilities for involving the community police in investigations. What do the community police officers actually do, and why is their role important for the investigation of human trafficking?

The community police operate on a local level and are the eyes and ears of the police in the street. Community police officers can gather information by carrying out surveillances and by their regular and direct contact with people in the street and neighbourhood. Therefore, the community police officers are often more capable of building a bond of trust with people from the neighbourhood, often within a shorter period of time than is possible with other police departments. The community police are also active in window prostitution areas. This means that the community police officers are often acquainted with the women who work there. Consequently, they can pick up signs of abuse, exploitation and human trafficking. They can also act as a contact point for the women in the event of problems.

The degree to which the community police are involved in a criminal investigation of human trafficking is therefore an important issue. If we compare the four criminal investigations discussed above, it seems that the involvement of the community police has an effect on the information gathered during the investigation. There appears to be a connection between the degree to which the community police are involved in the investigation and the gathered evidence. In some investigations, for instance, community police officers contributed to the identification of the victims. Additionally, the community police, after having been informed of the developments in the investigation, gathered specific information without attracting too much attention.

An active involvement of the community police appears to have a positive effect on the gathered information in some of the investigations previously presented. In the criminal investigations in which the community police were not involved, it was observed that there was a risk that the victims would not be able to be identified.

Duration and scope

Other issues for consideration are the scope and the duration of the investigations. When looking at the choices made during the investigations regarding the decision to intervene, there is a difference between choosing to intervene at an early stage, or choosing to continue the investigation activities. We distinguished between a short-term investigation, followed up by intervention and by making arrests, for example, and a long-term investigation in which a choice was made not to intervene for a longer period of time, but to continue until more information became available about the organization. Combinations are also possible; for example, a long-term investigation in which an intervention does take place,

but the investigation of the other suspects is continued (Cf. Van de Bunt & Kleemans 2007: 142).

The characteristic feature of short-term investigations, also called ‘prompt intervention’ cases, is a focus on specific suspects or situations. There are many reasons to opt for a prompt intervention strategy. The availability of a lot of information at the beginning of the investigation, but also the availability of victim statements, may be a reason to intervene at an earlier stage. The wish to terminate a situation of exploitation as soon as possible may also constitute a reason to proceed with the arrests of suspects. In this approach, information is usually processed quickly, and taps are listened to immediately. Usually, the short term also enhances the ability to maintain a clear overview of the investigation.

In the event of a long-term investigation, the goal is usually to deal with an (entire) organization. To that end, the aim is to provide evidence for a case of Section 140 of the Criminal Code⁶³ by investigating the relations and division of tasks within a group of suspects. In that case, a long-term investigation is preferred, in order to reveal the social conditions of the criminal activities (Cf. Van de Bunt & Kleemans 2007: 141). However, in respect of the absolute ban on tolerating criminal acts, which applies to human trafficking, it may be difficult to let a human trafficking investigation last for a long time. The danger in a long-term investigation is that, at a given moment in time, after lengthy investigation activities, it may be necessary to intervene unexpectedly due to the absolute ban on tolerating criminal acts or due to ‘leaking’, without the proper evidence being complete. A criminal investigation of human trafficking differs in that respect from investigations into other forms of organised crime, where that ban on tolerating criminal acts is not absolute.

The above shows that both the ‘prompt intervention’ and the ‘long-term’ are legitimate options, depending on the information already available. A combination is also possible. If, for example, the situation requires an intervention, this is also possible in a long-term investigation. However, we have noted that the scope and, as a consequence, the ability to maintain a clear overview of the investigation affects the efficient balance between the capacity applied and the results achieved, as suggested in the foregoing cited

63 Section 140 of the Dutch Criminal Code reads as follows:

1. Participation in an organization which purpose is to commit crimes, shall be punished with imprisonment not exceeding six years or a fine of the fifth category.
2. Participation in the continuation of the activity of an organization that is prohibited by final judicial decision or is legally prohibited or on which a final declaration under Article 5a, first paragraph, is issued, shall be punished with imprisonment not exceeding one year or a fine of the third category.
3. For the founders, leaders or directors prison sentences may be increased by one third.
4. Participation, as defined in the first paragraph, also includes the provision of financial or other material support.

investigations. Both the investigation and the prosecution of human trafficking seem to benefit from a short-term investigation with a clear overview of the number of suspects and the amount of available information.

Final comment

The four investigation strategies and the issues for consideration arising from them may be further specified and refined by taking into consideration other criminal investigations of human trafficking. A follow-up study could illustrate which strategies are usually applied in investigations, and what the outcomes are of those applied strategies. Such a follow-up study would better inform us of the opportunities and risks of the different choices made in the investigation process, and to make finer differentiations, if necessary, with respect to this research area.

REFERENCES

- Aanwijzing Mensenhandel [Instruction on Human Trafficking], Staatscourant, 22 maart 2006, 58, 15.
- David, F. (2007). *Law enforcement responses to trafficking in persons: challenges and emerging good practice*. Trends & Issues in crime and criminal justice, Australian Institute of Criminology, no. 347, December 2007.
- Bullens, R.A.R. & Horn, J.E. van (2000). Daad uit 'liefde'; gedwongen prostitutie van meisjes. *Justitiële Verkenningen*, 26(6), 25-41.
- Clawson, H.J., Dutch, N & Cummings, M. (2006). *Law Enforcement Response to Human Trafficking and the Implications for Victims: Current Practices and Lessons Learned*. Washington, DC: ICF International.
- Farrell, A., McDevitt, J. & Fahy, S. (2008). *Understanding and improving law enforcement responses to human trafficking*. Northeastern University.
- Farrell, A., McDevitt, J. & Fahy, S. (2010). Identifying Human Trafficking Victims. Where are all the victims? Understanding the determinants of official identification of human trafficking incidents. *Criminology & Public Policy*, 9(2), 201-233.
- Gallagher, A. & Holmes, P. (2008). Developing an Effective Criminal Justice Response to Human Trafficking. Lessons From the Front Line. *International Criminal Justice Review*, 18(3), 318-343.
- Hopkins, R. (2005). *Ik laat je nooit meer gaan: Het meisje, de vrouw de handelaar en de agent [I will never let you go: The girl, the woman, the trafficker and the cop]*. Breda: Uitgeverij de Geus.
- Hopkins, R. (2005, 1 oktober). Slavenhandel op de Wallen [Slave trade in the red-light district]: Amsterdamse politie staat machteloos tegenover loverboys, NRC-magazine, 14. (http://www.nrc.nl/binnenland/article1750940.ece/Slavenhandel_op_de_Wallen).
- ICMPD (2003). *Regional standard for anti-trafficking police training in South Eastern Europe*. Vienna: ICMD
- Kleemans, E.R. (2009). Human Smuggling and Human Trafficking. In M. Tonry (red.), *Oxford Handbook on Crime and Public Policy* (pp. 409-427). Oxford: Oxford University Press.
- KLPD, Dienst IPOL (2008). *Nationaal Dreigingsbeeld 2008: Georganiseerde Criminaliteit [National Threat Assessment 2008: Organised Crime]*, KLPD: Zoetermeer. (http://www.politie.nl/KLPD/Images/2008nationaaldreigingsbeeld_tcm35-423895.pdf).
- KLPD, Dienst Nationale Recherche (2008). *Schone schijn: De signalering van mensenhandel in de vergunde prostitutiesector*. KLPD: Driebergen.
- NRM (National Rapporteur on Trafficking in Human Beings) (2002). *Mensenhandel: Eerste rapportage van de Nationaal Rapporteur [Trafficking in Human Beings. First Report of the Dutch National Rapporteur]*. Den Haag: Bureau NRM.
- NRM (National Rapporteur on Trafficking in Human Beings) (2009). *Mensenhandel: Zesde rapportage van de Nationaal Rapporteur [Trafficking in Human Beings. Sixth Report of the Dutch National Rapporteur]*. Den Haag: Bureau NRM.
- Parlementaire Enquêtecommissie Opsporingsmethoden (1996). *Inzake Opsporing: Enquête opsporingsmethoden [Concerning Investigation. Inquiry into Criminal Investigation Methods]*, Bijlage V: Opsporingsmethoden. Den Haag: Sdu Uitgevers.

- Poot, C. de, Bokhorst, R.J, Koppen, P.J. van, & Muller, E.R. (2004). *Rechercheportret: Over dilemma's in de opsporing*. Alphen aan den Rijn: Kluwer.
- Surtees, R. (2008). Traffickers and Trafficking in Southern and Eastern Europe. Considering the Other Side of Human Trafficking. *European Journal of Criminology*, 5 (1), 39-68.
- UNODC (2009). Anti-human trafficking manual for criminal justice practitioners. Module 5: Risk assesment in trafficking in persons investigations. New York: United Nations.
- Van de Bunt, H.G. & Kleemans, E.R. (2007). *Georganiseerde criminaliteit in Nederland: Derde rapportage op basis van de Monitor Georganiseerde Criminaliteit [Organised Crime in the Netherlands. Third Report Based upon the WODC-monitor]*. Den Haag: Boom Juridische Uitgevers. WODC-Reeks Onderzoek en Beleid, 252.
- Van de Velde (2009). 'Oost West thuis best?' een onderzoek naar aangiftebereidheid bij Oost-Europese slachtoffers van uitbuiting in de prostitutie.
- Van Gestel, B. (2006). *Nieuws, beleid en criminaliteit. Over de wisselwerking tussen lokale media en criminaliteitsbestrijders*. Amsterdam: Aksant.
- Wegen, J. van der. (2005). Tegen haar wil: Opsporing mensenhandel via artikel 27-stapelning. [Against her will. Investigating human trafficking by way of the accumulated application of Section 27.] *Blauw – recherche*, 4, 14-15.
- Wester, F. (1987). *Strategieën voor kwalitatief onderzoek*. Muidenberg: Coutinho.
- Yin, R.K. (1989). *Case study research: design and methods*. London: Sage.

Chapter 5

CRIMINAL INVESTIGATION OF HUMAN TRAFFICKING IN THE NETHERLANDS

A slightly different version of this chapter was published earlier in Dutch as:

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ABSTRACT

Police teams investigating human trafficking face several challenges that arise from the features of the crime and from police organizational issues. By studying both the human trafficking features and police practices, challenges and best practices are identified. Our findings are based on an analysis of police files of twelve criminal investigations into human trafficking in Amsterdam “window prostitution”. Interviews were held with police team leaders that investigated the cases. Relevant are the relationships between suspects and victims that characterizes the crime, its local embeddedness, and the gradual process of trafficking. These features give rise to challenges regarding the availability of victims’ reports, the identification of cases, and the gathering of proof. We explore the expertise and experience of police teams with human trafficking, the initiation of cases, and the investigative methods used. Practices that often work best are the use of wiretaps and collaboration with local investigation partners such as the community police. Further considerations for effective criminal investigation are retaining expertise and knowledge, and making the most of ‘residual information’ from previous investigations.

INTRODUCTION

While exploitation in the sex industry has been reported frequently, the criminal investigation of human trafficking has received a new priority in recent years (College van procureurs-generaal, 2012; Regeerakkoord, 2012). Human trafficking in the sex industry, particularly prostitution, is a complex offence and differs from other forms of organised crime. Therefore, the criminal investigation of this offence is not easy. This chapter discusses several characteristics of human trafficking and their practical implications for the criminal investigation of trafficking in “window prostitution” in Amsterdam.⁶⁴ Several challenges and best practices are discussed.⁶⁵

The complexity of human trafficking

Human trafficking in the prostitution sector is complex. A first point that differentiates it from other crimes and that complicates cases of human trafficking is the multifaceted relationship between victim and suspect trafficker. As a result, victims can be afraid to press charges or they do not want to do so because, for example, they do not feel victimised or because they blame themselves for the situation in which they find themselves (Cf. Van de Velde, 2009: 16). While this limited willingness to press charges may be related to fear or to emotional attachment to the traffickers, it may also arise from the fact that sex workers, in spite of their disadvantaged working conditions, do—after all—make some money themselves by selling sex; therefore, it is often in their interest to continue to work and to maintain the status quo (BNRM, 2007: 128)—a point developed further later on in this chapter. In addition, when victims do report being trafficked, it often becomes the word of the victim against that of the suspect (BNRM, 2007: 138).

Secondly, human trafficking is unlike other forms of crime as it is not a single, static ‘event’, but much more a gradual process. This process can involve multiple offenders and crime sites across several jurisdictions, ultimately leading to exploitation of the victim (ICMPD, 2003; David, 2007).

A third point by which human trafficking differs from other forms of organised crime is that, according to police and justice officials, human trafficking cases are laborious and often not initiated by victims. Because cases concern so-called “hidden” crimes about which usually no report or declaration is (formally) made, the police have to initiate a case and vigorously pursue information themselves (Cf. LP/OM, 2008: 3; Goderie &

64 Window prostitution refers to sexual services that are provided in a room where the window fronts the street and serves as a “shop window” and “negotiation venue” for the services offered. The “windows”, or workrooms, are rented out by brothel managers in two shifts. In principle, sex workers work independently: they are self-employed, and they negotiate the price and the services provided to their clients on their own (Van Wijk et al., 2010). The red-light district in Amsterdam has about 290 windows/workrooms, which are offered for rent by 31 brothel owners (Van Wijk et al., 2010).

65 This chapter is adapted from parts of Verhoeven, Van Gestel & De Jong, 2011, *Mensenhandel in de Amsterdamse raamprostitutie* [Human trafficking in the Amsterdam window prostitution].

Boutellier, 2009: 31). In addition, the complex legislation—the longest article of the Criminal Code—does not endear the offence with police and justice officers (BNRM, 2009: 321).⁶⁶

Furthermore, because of specific issues about human trafficking, there are various guidelines for the detection of the offence. Several policy documents are published by the prosecutors office⁶⁷ and the police⁶⁸, with guidelines on tackling human trafficking that investigation teams should take into account (BNRM, 2002: 118-123). For example, the Board of Prosecutors General (in Dutch ‘*College van procureurs-generaal*’) published ‘Instructions on Human Trafficking’ (Aanwijzing mensenhandel, 2008), which contains guidelines for the detection of human trafficking. It involves the use of multidisciplinary teams and the approach to victims of trafficking. Before any report is filed the police should first conduct a conversation (“intake”) with a victim.⁶⁹ In this interview victims are informed about the process of a criminal investigation and trial, the consequences of reporting the crime, and the possibility to make use of the B9 regulation.⁷⁰

International studies on the criminal investigation of human trafficking also have identified obstacles in the investigation of human trafficking. For example, the lack of training and expertise of law enforcement personnel (Clawson, Dutch & Cummings, 2006: v; Gallagher & Holmes, 2008), new laws, complex investigations, conflicting law enforcement goals, communication problems (Farrell et al., 2008), and identifying and contact with victims (Farrell, McDevitt & Fahy, 2010; IACP, 2006; Surtees, 2008: 61, 63).

RESEARCH METHODS

This chapter focuses on the challenges and best practices concerning the criminal investigation of human trafficking. On the one hand, we look at the specific characteristics of human trafficking; on the other, we explore how these are dealt with in the investigational practice. In particular, several issues are evident: To what extent do investigation teams have knowledge and experience with the characteristics of this offence? What are the

66 Also see ‘Politie moet leuren met mensenhandelzaken’, in Blauw, Opsporing, (2010).

67 Aanwijzing mensenhandel (2008), Openbaar Ministerie (2009). Handboek aanpak mensenhandel.

68 ‘Beleidsadvies voorkoming en bestrijding mensenhandel, een eenduidige aanpak’ (1998); ‘Handboek Prostitutie en Mensenhandel’ (BNRM, 2002: 118-123) and the ‘Referentiekader Mensenhandel’, November 2008.

69 This is a different kind of intake than the intakes that are discussed in Chapter 6.

70 The term B9 refers to chapter B9 in the immigration legislation. It describes the procedure which is intended for victims of trafficking. Its purpose is to make victims able to file a report and eventually to remove any threat of deportation.

sources of initial information? And, what role do detection resources such as wiretaps and the involvement of the community police have in the investigation of human trafficking?⁷¹

The findings in this chapter are based on a study that focused on the criminal investigation of human trafficking in the Amsterdam red-light district. For this study we examined the police files of twelve investigations into alleged human trafficking that were carried out in the period 2006-2010.⁷² The police files contained all results of the criminal investigation and consisted, *inter alia*, of wiretap transcripts, data obtained from police observations, interrogations of and statements from victims and suspects, etc. Moreover, face-to-face interviews were held with the team leaders of the police teams that led the investigations. In two of the more recent investigations there was the possibility to closely observe and follow the investigation process and team. The interviews were transcribed and the information from the police files were processed and ordered on the basis of different themes. Accordingly, these text files were coded with the help of MAXQDA, a software program developed specifically for the analysis of qualitative data.

Background cases

The twelve investigations centred around suspected traffickers (76) who exploited sex workers (70) by means of coercion, deception or fraud. Sometimes victims were ‘recruited’ abroad, often women were already doing sex work, but were convinced ‘to do business’ with the suspects. Several women were from the Netherlands, so some of the cases concerned domestic trafficking. However, it also occurred that Dutch women were taken to work in Belgium and Germany for a short time when business in Amsterdam was low. The suspects were mostly born in Turkey (seventeen), Hungary (sixteen), the Netherlands (fourteen), or Germany (twelve). More than half of the women were born in the Netherlands (forty-five). Another significant group was born in Hungary. Other countries of birth were Romania, and in a few cases Poland, Thailand, France, Kazakhstan, Lithuania, Belgium, and the Netherlands Antilles.

The duration of the investigations varied from one to eighteen months. The majority of the cases lasted three to seven months. The cases varied in terms of the size of the suspect groups: three cases involved one subject each; four of the cases involved two or three, while five of the investigations each involved six to seven suspects. One investigation was extensive, involving thirty suspects. The cases with several suspects involved cooperating pimps, suspects that worked together in watching sex workers, or who used others for providing odd jobs. A number of cases concerned suspects who facilitated Hungarian

71 A recent study from Belgium noted the constraints in the investigation of human trafficking (Boels & Ponsaers, 2011). However, the focus of this research was aimed at another question, namely, how the criminal policy is reflected in specific criminal cases. Because of this difference in questioning, it is not always possible to compare the results of this study with the findings of our study.

72 Two of the twelve cases are also discussed in Chapter 4, the other two cases from chapter 4 are not used in this chapter because they concerned older cases.

women in their journey to the Netherlands and in sex work. One investigation concerned a group of friends who picked up girls in the nightlife scene and persuaded them to be sex workers.

RESULTS

The relational and local nature of human trafficking

The studied cases revealed certain notable features, the first of which was the relational nature of human trafficking. In all cases it occurred that relationships existed between suspects and victims and that often they lived together. In these relationships, intimidation, control and violence play a role, besides affection and mutual dependence. This combination does not facilitate easy termination of such relationships. In some respects these relationships show similarities with domestic violence in terms of how victims deal with intimidation, control and violence, and the coping strategies they employ. As we have seen in chapter 2, the women tended to play down violence, manipulation or control, and that they saw their situation as something temporary, as a relationship problem, or simply as a way in which they treated each other. This, combined with fear, caused relationships to persist. Women did not see themselves as victims, or they did not want their partner to go to jail. Therefore, they did not seek help and they seldom reported events to the police.

A second aspect that stands out in the cases is the local nature or embeddedness of human trafficking. Human trafficking is usually associated with the international trade in people, a consequence of which is that law enforcement is focused on international contacts of suspects, and at the 'entrance' and transport of victims. However, besides being an international crime, we found that human trafficking was also a local phenomenon and locally embedded. The activities of sex workers and traffickers were often concentrated in certain districts, neighbourhoods and streets. Women worked in window prostitution in streets, that are part of neighbourhoods, often in small sex work areas. The women were on or near the street for a large part of the day or night and regularly had contact with people on the streets, with brothel managers and with other local entrepreneurs. Pimps collect money at the windows, hang around in the area, and drop-off or pick-up women before and after their work.

What are the implications of these specific characteristics of human trafficking for the criminal investigation of this phenomenon? To answer this question, we explored the challenges and best practices for criminal investigation as presented in the twelve cases. We first document the knowledge of and experience of the police teams in investigating and prosecuting human trafficking, followed by the initiation of human trafficking cases, and finally the investigative methods.

Implications for law enforcement

Experience and expertise

Because of the specific and complex nature of human trafficking, we explored to what extent the police teams had experience with investigating human trafficking. In half of the twelve cases none of the team members had experience at the beginning of the investigation. In the other half of the teams, the team leader (and sometimes a single detective) already had experience with human trafficking. In five of the cases a public prosecutor who specialised in human trafficking was involved, while in seven cases this was not the case.

One of the team leaders said there are often changing team leaders on human trafficking cases, who then have to continuously “re-invent the wheel”. A team captain, who led an investigation for the first time and lacked experience, indicated that some signals did not seem relevant at first: *A human trafficking case is very different from a drugs investigation, you have to look for completely different signals.*⁷³ Another team leader said that it is unusual for the district police to specialise certain people by having them perform the same type of investigation more than once, a policy that is underpinned by the idea that police officers should gain experience in several broad areas. For this reason they are constantly deployed on other types of crimes, and thus required knowledge of a certain type of crime then gets exchanged between colleagues. This working assumption underpins how policing is organised, namely, that the police tasks at the district level are as broad as possible. On regional and nationwide levels, more specialist tasks are assigned.⁷³ Of the twelve cases, five were conducted by the district police, while three of the investigations were each carried out by the regional police and supra-regional police, and one investigation was carried out by the national police.

In the police teams with little or no experience with human trafficking, knowledge on the topic was gained in different ways at the start of the investigation, which one team leader illustrates:

‘You cannot just start with a human trafficking investigation. Personally, I first jumped into the literature to get to know more about the subject. This turned out to be very valuable. After all, you should first have some knowledge of the background before you can set up your case well.’

In three police teams, an expert was asked to lecture on human trafficking to the entire team. In these lectures it was mentioned what signals the team should look for, how they

73 From January 1 2013, the police in the Netherlands was organised from 26 police corps into one National Police. In the new police organisation the vision is of generic targeting within basic teams and more specialized targeting at regional and nationwide levels. In addition, there is the plan to work with the so called ‘playfield model’ where ‘generic capacity and specialisms are brought together situationally’ (Concept Inrichtingsplan Nationale Politie, 2012: 52).

can set up the investigation in the best way, and what they should look for when listening to wiretaps. One of the teams also watched a film about human trafficking. Further, the teams made use of information from the police intranet about human trafficking, from the ‘Instruction on Human Trafficking’, and from documents about “the stacking method”⁷⁴ of the police Expertise Centre on Human Trafficking and Human Smuggling (EMM). Some teams approached this Centre or the vice squad with questions. Teams without experience thus gained information on human trafficking in different ways.

The result of a lack of experience with human trafficking is that extra time and effort is required to get to know the specific phenomenon. In the Belgian study on the detection of human trafficking (Boels & Ponsaers, 2011) the point of a lack of expertise also was noted, creating what police officers experienced as a bottleneck in their investigations.

Signalling human trafficking

Because victims of human trafficking are reluctant to report to the police, it can be difficult to identify signals of human trafficking (Cf. KLPD, 2008). Moreover, police capacity is limited and human trafficking cases compete for police resources with sexual assault and rape cases that are more regularly reported by victims themselves (Goderie & Boutellier, 2009: 31). If victims of human trafficking are usually reluctant to file a report, the question, then, is on what basis and information does the investigation begin?

The twelve investigations we studied began on the basis of different kinds of information, derived from different sources: police intelligence (from the Criminal Intelligence Unit, the ‘secret service’ of the police), information from the police registration system (in Dutch ‘*mutaties*’), witness and victim reports, and witness statements of nuisance and violent incidents.

It is often a combination of different kinds of information that initiates an investigation. Information from an earlier investigation, also called excess or residual information—

74 Stacking up means that the available information is ordered in files on suspects and files on victims. These files combine all information regarding the (role of the) person in question. The filing of information for each suspect and each victim separately is often called the ‘0+0+0=1 principle’ by the police. It is a ‘stack’ of facts indicating that the women are not prostituting themselves of their own free will, or indicating that there is a case of human trafficking. By stacking up these facts in a criminal file, a reasonable suspicion of guilt of the suspect can eventually be investigated and proven, without it being necessary for the victim to file a report or make a witness statement. Furthermore, the information in these files on suspects and victims has been structured by systematically classifying the information on the basis of different key characteristics of human trafficking. These key characteristics include such features as control, violence, the surrender of earnings, the influence on working hours and working conditions, the isolation of the women, and accommodation. By ordering the information systematically in structured files on suspects and victims, it becomes clear which information is still missing with respect to evidence that is needed for the proper furnishing of proof. The investigation can then be specifically directed towards obtaining that information.

information that is not used in a particular case and to which no further investigation was performed—often plays an important role at the start of a (new) investigation. Half of the studied investigations began on this basis. Reasons for this are, for example, that the information referred to a new suspect for which no time or capacity was available in the first investigation, or that the information did not fit within the aim of the particular investigation. Sometimes the information was so interesting, that it became a reason for a new investigation.

The residual information that was available at the start of the investigations came from several different sources. Firstly, it may have originated from wiretapping.⁷⁵ Incriminating information can come to light from tapped phone calls that concern other persons or crimes than those central in the initial investigation. For example, in one case we saw that arrests by the police caused a panic reaction amongst the suspects. The phones of these suspects were wiretapped and their conversations contained clues about new suspects. This information however could not be used in the initial investigation, but did give reason for a new investigation. If residual information is available, a new investigation is not always started immediately. This was the case, for example, with a suspect of a shooting. In the context of the investigation to this crime, the phone of the suspect was wiretapped. From the phone calls he made, the impression was raised that he also was involved in the exploitation of sex workers. The investigation of the shooting, however, did not allow for zooming in on human trafficking activities. If, however, clues of his involvement in human trafficking come up again a few of years later, the tapped phone calls from the shooting case may be used for the start of a new investigation into human trafficking.

Secondly, residual information may be derived from declarations, reports, or hearings from older cases. For example, a victim not only reports about her current pimp, but also about an ex-boyfriend who forced her into prostitution years before. When hearings occur during the completion of an investigation, this information sometimes can not be used anymore and hence valuable residual information remains, as it was unused in that particular case. Valuable information about new suspects also comes to light from the interrogation of suspects. As with the other examples, this new information was not always useful for the initial case, but may help with or initiate a new investigation into human trafficking.

When an investigation team starts a case on the basis of residual information, they first have to consider to what extent the information is still up to date. One of the teams had to deal with victims who had moved abroad in the meantime, which impeded the investigation. Furthermore, a number of cases showed that victims and other witnesses were reticent in cooperating with the investigation, because the exploitation occurred some time ago. They meanwhile had different jobs and did not want to be confronted with the sex work, or were disappointed that the police did not act at an earlier time.

The use of residual information offers a good opportunity to further investigate other

75 Wiretaps are granted by a judicial magistrate

signals of human trafficking. This is of importance, because the signalling of human trafficking is complicated. The above shows the importance of not letting residual information age, but to use it expediently and quickly.

Tapping phones

Other challenges and best practices arise with the use of wiretaps as an investigational means regarding human trafficking. In all of the studied cases the choice was made to tap phones (for both audio and textual data), although wiretapping was never used alone. In most investigations, the phones of both the suspects and the victims were tapped, although in some cases just the phone of the victim or that of a suspect was tapped.

Increasingly criminals are more careful with using phones to prevent detection by the police (BNRM, 2009; Odinot, De Jong, Van der Leij, De Poot & Van Straalen, 2012). However, we did not see this restraint in the studied cases. The tapped phone calls often brought relevant information to the investigation. Firstly, they provided information about the relation between the victim and the suspect. In human trafficking, dependency and exploitative relationships, dominance, duress and deception play a role, so information about the nature of the relationship between suspect and victim is of importance. On the phone, endearments and threats were made, and the control that suspects exerted on their victims was evident. This is illustrated by the following examples:

Suspect: *"How much have you earned already?"*

Sex worker: *"Can I quit?"*

Suspect: *"You have to come home with 700 to 800 euros!"*

The conversations indicated that the women were urged to make as much money as possible. While working, a woman received a call to do better: *'You're standing there like a wooden doll.'* Another woman called a suspect and asked if she could go for a sandwich because she's dizzy from hunger. She can go, but only for five minutes. The suspect did not want her to be outside for too long.

Secondly, phone calls give information about the collaboration and the division of tasks between different suspects: bodyguards are controlled, money is transferred, instructions are exchanged on how to manipulate, extort, and use violence. Examples of conversations are: *'Who is watching that woman today?' 'He doesn't work for us any longer, I'll just wreck his face.'* After the arrest of a suspect, the others talk on the phone about someone else who should now pick up the money from the girls and that person should leave for Hungary with the money as soon as possible. Further, contacts between suspects and brothel managers came up in phone calls. In four investigations the suspects try to reserve a room or seek information about the availability of work rooms by phone. In most cases the brothel managers did not respond this.

Thirdly, tapped phone calls give tactical information about new suspects and new phone numbers, which the police can then intercept. Phone calls can also provide

information about the residence of the suspects. Furthermore, the conversations can be valuable when combined with observations or house visits. For example, the impression that a woman is molested by her pimp develops in an investigational team because of a wiretapped phone call. The team asks a local police officer to visit the woman. The officer notices that the woman has a black eye, the woman answers that it was caused by an accident. Later, she calls her pimp and tells him that she did not tell the police anything.

The intercepted conversations also indicate that suspects instruct victims about their statements to the police. For example, one suspect told a woman that she should tell the police that she came to the Netherlands by herself and that she works on her own. In some of the investigations, it also appears from tapped phone calls that victims are instructed to watch other victims, or to pick up their money. In this way, the suspects can stay out of red-light districts themselves, and they may think that they will be less noticeable to the police.

The above shows that tapping phone calls plays an important role in collecting evidence in human trafficking investigations. A team leader of the police notes that suspects increasingly use the internet (Email, Skype, Hyves and other social network sites) for communication. In one investigation an ‘internet tap’ was also used, by which call, surf and e-mail behaviours could be examined. This gave a lot of information about the ‘recruitment methods’ of the suspects. In another case the use of an internet tap was considered. Eventually, consideration of investment and efficiency led to the decision to not use an internet tap. In two investigations the hard drives of the suspects’ computers were inspected. Chat conversations were found, from which it appeared that the suspect tried to persuade different girls to work in prostitution for him.

The Dutch “national rapporteur on trafficking in human beings” notes that few results are achieved by wiretaps, because criminals consider that they are being wiretapped. This is supposed to count to a lesser extent for ‘first offenders’, or the ‘periphery’ of suspects (BNRM, 2009: 349). Also, in different investigations that we studied, suspects seemed to have considered that they can be wiretapped. The suspects used different phone numbers at the same time (sometimes six different numbers), and regularly changed from one phone number to another, or used some kind of code language. These measures are not always effective, though. The following example, where two suspects talk about money, shows that they are not always adroit in their code language:

Suspect 1: *‘I have ten red points.’*

Suspect 2: *‘How many was ten red points again?’*

Suspect 1: *‘Hundred.’*

Another suspect instructed his ‘girlfriend’ to never use his name on the phone, because he is afraid that he might be wiretapped, as he tells her on the phone. That suspect considered the police investigation, and said that nothing should be discussed on the

phone anymore. In practice, however, they are not always rationally steering phone calls or shielding themselves. For example, one suspect yells on the phone when he is warned that the police is watching him:

'I said it before, why didn't they come yet? (...) I'm tired of being paranoid about them tapping the phone. Like I'm the biggest criminal in the world.'

Involving the community police

Taking the local embeddedness into account of a crime that is often approached as typically transnational, can improve an investigation. As noted before, human trafficking is also a local phenomenon, that is, locally embedded. Although mobility can play a role in human trafficking, the window prostitution of Amsterdam, in which the human trafficking occurs, is mainly a neighbourhood-based industry. It is run for a major part by locally bound entrepreneurs (see also Zhang, 2009: 191). This local embedding of human trafficking offers possibilities for the deployment of the community police, who operate on a local level and are the eyes and ears on the street. Community police officers can gather information by carrying out surveillance and by their regular and direct contact with people in the neighbourhood. Therefore, community police officers are often more capable of building a bond of trust with people from the neighbourhood, often within a shorter period of time than is possible with other police departments. The community police are active in window prostitution areas in Amsterdam. This presence forms an important moment of contact between government and potential victims of human trafficking (BNRM, 2009: 306). Because of this, community police officers often know the women who are working in the red-light districts, as well as the pimps that walk around and the brothel managers that rent the rooms. As a consequence, they can pick up signs of abuse, exploitation and trafficking. They can also form a point of contact for the women in case of trouble.

The extent to which the community police are involved in an investigation is an important factor. For example, community police officers contribute to the identification of victims in some investigations, and can gather targeted information without being overly conspicuous when they are aware of developments in the investigation. When a person becomes the subject of an investigation, it is usual that the police systems are examined for information that is already known about this person. In the case of human trafficking, information often comes up about the (frequent) presence of the suspect in the red-light district, and the contacts with pimps or sex workers in the area. This information usually comes from the community police. In a number of cases, the registered information of the community police play a role in the start of an investigation.

In a large number of the studied cases, the community police not only gathered information, but also they were actively involved in the investigation team, commonly playing a role in identifying and observing suspects and victims. Because community police officers are in contact with members of the neighbourhood, they know (or they can easily

get to know) who is who, who works in which room, where they stay, who are family and friends, and because of their local knowledge are useful in the interpretation of tapped phone calls. Both investigation teams and the community police declare that it is beneficial when the community police are aware of the course of the investigation. In addition, the studied investigations suggest that contacts between police officers and brothel managers can bring forth information about pimps. Actively involving the community police thus seems to have a positive effect on the gathered evidence in the cases we studied.

CONCLUSIONS

Police teams investigating human trafficking face several challenges that arise from the features of the crime and with police organizational issues. By studying both the human trafficking features and the police practices, some best practices could be identified.

The continuity of knowledge and expertise

In human trafficking, complex relations between suspects and victims occur, and human trafficking can develop gradually. This relational and process-oriented nature makes it difficult to identify or prove the crime, for which specific knowledge and experience of the detectives is indispensable. In half of the cases we studied, however, none of the team members had experience in the field of human trafficking. In the other half of the cases, the team leader, and some detectives, did have experience with investigating human trafficking. Knowledge about human trafficking legislation, recognizing situations of human trafficking, picking up signals and approaching victims requires expertise of team leaders and detectives. The continuity of that experience and expertise is important. A lack of such expertise can have a retardant and obstructive effect on the identification and investigation of human trafficking.

It is, then, perhaps obvious that organizing this expertise within the police structure is necessary. In Amsterdam the *regional police* has featured a specialized team in human trafficking since 2009, which principally takes on the detection of human trafficking. However, cases that are investigated at more local levels can still be carried out by more generic teams. The question, then, is how the importance of specialised human trafficking teams and public prosecutors relates to the vision that police officers at the more local level should be principally generalists. However, with the new organization of the National Police, the special human trafficking team has moved to the immigration division of the police (in Dutch '*de vreemdelingenpolitie*'). This raises the question as to what effect knowledge and expertise in the area of human trafficking is guaranteed in the practice of the new National Police organisation.

Apart from the continuity of expertise, the use of residual information offers a chance to optimally investigate signs of human trafficking. New information about other (possible) suspects, other cases and victims often develops from tapped phone calls and

declarations by victims and perpetrators. However, in order to keep the initial investigation manageable, the decision is often made to not take into account all new persons and events in that investigation. This residual information is then passed on to another investigational team, or remains unused. Moreover, the residual information about new suspects implies that there are no definite demarcated groups of suspects, but rather interrelationships between different pimps, sex workers and service providers. This interrelationship in window prostitution between (groups of) suspects and victims can be made more visible by the use of residual information. Residual information offers a good opportunity to further investigate the signs of human trafficking and to optimally use them in further investigations. In this context, Kleemans et al. speak of ‘chances that develop as a spin-off from other investigations’ (2002: 152).

Our study shows that half of the studied cases started on the basis of residual information. However, it also appeared that a new investigation was not always started directly. Sometimes there was a long period between the availability of residual information and the actual start of a further investigation. That interval can partly be ascribed to the usual bureaucratic procedures that come with assigning an investigation, and to investigation capacity. If a forward investigation first has to go through an extensive consideration procedure, it takes time. The danger then arises that the knowledge obtained by the police team gets lost in the meantime because of the termination of the team. Because of the passing of time, the risk also develops that new suspects are now located elsewhere or that they have changed their working methods (Cf. Kleemans et al., 2002: 515). The opportunity that arose thanks to information from earlier investigations may then have disappeared. To optimally use valuable residual information, it is thus important to be able to directly and quickly start further investigation. In such a scenario current police information about the suspect group does not get lost, the expertise of an existing police team is retained, and it is possible to quickly respond to signals of human trafficking.

Local embeddedness and the role of the community police

In policy notes, human trafficking is usually associated with international trade in people. As a consequence, ways to address the issue are organised accordingly. An example is the “barrier model”, which clearly shows the steps human traffickers take in order to execute their criminal activities, and defines the organisations that could play a role in interfering with and imposing criminal sanctions on those activities. The barriers established for human trafficking are entry/recruitment, accommodation, identity, employment and finance (Task Force Human Trafficking, 2011). Following the appointed ‘barriers’, the model recommends cooperation with international partners and border police. The thought behind this is that victims of human trafficking come from abroad, and thus have to cross country borders to get to the Netherlands and that they do not have valid identity papers. However, in the investigations we studied, more than half of the victims (45) were

born in the Netherlands and all had valid identity papers to work in the Netherlands.⁷⁶ Our human trafficking cases furthermore show that victims who do come from abroad mostly come from Hungary, a country that is part of the European Union (EU). EU members are free to travel through Europe. The barriers of ‘entrance’ and ‘identity’ thus do not play a major role in several cases. Moreover, in human trafficking cases there is always a local embedding, as was evident from the studied investigations. It is therefore advisable to actively involve local aspects and local investigation partners in the gathering of information.

A final remark

Innovation in criminal investigation practice quickly raises issues on the use of advanced methods and modern technologies. However, when it comes to the investigation of human trafficking, it is important to focus on improving quality. This study has shown that the detection of human trafficking could benefit from an improvement in using ‘traditional’ resources such as expertise and the quality of investigators, and cooperation with local actors such as the community police. In other words, it is not so much about introducing new technologies, but rather an investment in tools that already exist.

76 Shelley (2010) also notes that, compared to other countries, the Netherlands is the country with the most victims from within its own country. Van der Pijl, Oude Breuil en Siegel (2011) also conclude that the presumptions about human trafficking as a ‘global phenomenon’ do not correspond to the results from empirical research.

REFERENCES

- Aanwijzing Mensenhandel (2008). Staatscourant, nr. 2718, 31 december 2008.
- Beleidsadvies voorkoming en bestrijding mensenhandel; een eenduidige aanpak (1998). Politieële Beleids- en Adviesgroep Mensenhandel.
- BNRM (2002) *Mensenhandel: Eerste rapportage van de Nationaal Rapporteur*. Den Haag: Bureau NRM.
- BNRM (2007) *Mensenhandel: Vijfde rapportage van de Nationaal Rapporteur*. Den Haag: Bureau NRM.
- BNRM (2009). *Mensenhandel: Zesde rapportage van de Nationaal Rapporteur*. Den Haag: Bureau NRM.
- Boels, D. & Ponsaers, P. (2011). Knelpunten in de opsporing en vervolging van mensenhandel en mensensmokkel. Casestudie binnen een gerechtelijk arrondissement. *Panopticon*, 5, 33-49.
- Clawson, H.D., Dutch, N. & Cummings, M., (2006). *Law enforcement response to human trafficking and the implications for victims: current practices and lessons learned*. ICF International, Washington.
- College van procureurs-generaal (2012). Richtlijn voor strafvordering mensenhandel in de zin van dienstbaarheid en arbeidsuitbuiting (2012R002).
- Concept Inrichtingsplan Nationale Politie (2012).
- David, F. (2007). *Law enforcement responses to trafficking in persons: Challenges and emerging good practice*. Trends & Issues in crime and criminal justice, Australian Institute of Criminology, 347.
- Farrell, A., McDevitt, J. & Fahy, S. (2008). *Understanding and improving law enforcement responses to human trafficking*. Northeastern University.
- Farrell, A., McDevitt, J. & Fahy, S. (2010). Identifying human trafficking victims. Where are all the victims? Understanding the determinants of official identification of human trafficking incidents. *Criminology & Public Policy*, 9(2), 201-233.
- Gallagher, A. & Holmes, P. (2008). Developing an effective criminal justice response to human trafficking. Lessons from the front line. *International Criminal Justice Review*, 18(3), 318-343.
- Goderie, M. & Boutellier, H. (2009). *Het slachtoffer en zijn ketens: Een studie naar mensenhandel in strafrechtelijk perspectief*. Utrecht: Verwey-Jonker Instituut.
- IACP (2006). *The crime of human trafficking A law enforcement guide to identification and investigation*.
- ICMPD (2003). *Regional standard for anti-trafficking police training in South Eastern Europe*. Wenen: ICMD.
- Kleemans, E.R., Brienens, M.E.I., & Bunt, H.G. van de (2002). *Georganiseerde criminaliteit in Nederland: Tweede rapportage op basis van de WODC-monitor*. Den Haag: Boom Juridische Uitgevers. Onderzoek en beleid 198.
- KLPD, Dienst Nationale Recherche (2008). *Schone schijn: De signalering van mensenhandel in de vergunde prostitutiesector*. Driebergen: KLPD.
- LP/OM (Landelijk Parket/ Openbaar Ministerie) (2008). Notitie Versterking aanpak mensenhandel en mensensmokkel. Zwolle: Openbaar Ministerie Landelijk parket.
- Odinot, G., Jong, D. de, Leij, J.B.J. van der, Poot, C.J. de, & Straalen, E.K. van (2012). *Het gebruik van de telefoon- en internettap in de opsporing*. Den Haag: Boom Lemma. Onderzoek en beleid 304.
- OM (2009). *Handboek aanpak mensenhandel*. Zwolle: Openbaar Ministerie Landelijk parket.
- ‘Politie moet leuren met mensenhandelzaken’ (2010). *Blauw, Opsporing*, nr.1.

- Regeerakkoord (2012). Bruggen slaan. Regeerakkoord VVD – PvdA, 29 oktober 2012
- Shelley, L. (2010). *Human trafficking A global perspective*. Cambridge: Cambridge university press.
- Spapens, A.C.M. (2011). Barrières opwerpen voor criminele bedrijfsprocessen. *Justitiële Verkenningen*, 37(2), 23-39.
- Surtees, R. (2008). Traffickers and trafficking in southern and eastern Europe. Considering the other side of human trafficking. *European Journal of Criminology*, 5(1), 39-68.
- Van der Pijl, Y., Oude Breuil, B.C. & Siegel, D. (2011). Is there such thing as ‘global sex trafficking’? A patchwork tale on useful (mis)understandings. *Crime, Law and Social Change*, 56(5), 567-582.
- Van de Velde, R. (2009). ‘Oost West thuis best?’ Een onderzoek naar aangiftebereidheid bij Oost-Europese slachtoffers van uitbuiting in de prostitutie.
- Zhang, S.X. (2009). Beyond the ‘Natasha’ story: A review and critique of current research on sex trafficking. *Global Crime*, 10(3), 178-195.

Chapter 6

SEX WORK REALITIES VERSUS GOVERNMENT POLICIES: MEANINGS OF ANTI-TRAFFICKING INITIATIVES FOR SEX WORKERS IN THE NETHERLANDS

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ABSTRACT

Representations of the sex industry as a nest for involuntary sex work and exploitation shape the answers governments formulate to regulate the industry. In the legalized sex industry of the Netherlands, additional regulations and measures have been implemented recently to expand control and to prevent human trafficking. Increasing criticisms however claim that stricter control of the sex industry is not always in favor of the people concerned. This chapter uses symbolic interactionism to explore the meanings sex workers ascribe to their situation, to their work and to the government's interventions. The chapter addresses an example of a recently introduced anti-trafficking measure: the mandatory intake of people who want to work in the sex industry, meaning a face-to-face conversation with the authorities. This intake should inform sex workers and provide the local authorities with the possibility of identifying signs of trafficking, which can lead to work restrictions. However, interviews with sex workers show that the government's intentions to offer help and protection for sex workers can mean control, discrimination and work restrictions. Whereas the government wants to preclude possible victims of human trafficking from working in the sex industry, sex workers perceive their situation as a possibility to improve their lives. As a consequence, they withhold information about pimps and boyfriends from the authorities, or move to work in other cities, and sparingly use the assistance offered by the authorities.

INTRODUCTION

In a public meeting in November 2013 the mayor of Amsterdam presented the city's new prostitution and anti-trafficking policy. According to the mayor, new measures were needed because human trafficking takes place within the capital's regulated red-light district, meaning that "every night 400 women are raped against their will" (presentation by the mayor of Amsterdam, 2013). This assertion was, of course, reported in the newspapers the next day (Hermanides, 2013; Van Soest, 2013). While human trafficking remains an abstract and confusing term, rape is not, and therefore the mayor used a discourse of rape which the new policy instrument would help prevent. This image is an example of how human trafficking in the sex industry is represented by, in this case, a politician and the media. Human trafficking is framed as rape, as forced and involuntary sex work, and as a brutal crime. It is these meanings and representations that shape formulated policies and solutions, as well as how possible victims are treated. These representations of urgent societal problems seem to legitimize immediate governmental intervention in the regulation of the sex industry.

Both nationally and internationally however, there are also concerns about the impact of anti-trafficking initiatives on sex workers. In a study concerning anti-trafficking measures in eight countries, Dottridge (2007) found several negative aspects concerning the impact of these initiatives on the people they were intended to help. How is this possible for policies that are meant to help and protect people? To gain insight into the impact of the Netherlands' anti-trafficking policy on sex workers, this chapter focuses on the following question: What is the meaning of the government's anti-trafficking policy for sex workers in the Netherlands? To answer this question the case of the recently introduced mandatory intakes for sex workers in the Netherlands is used.

Sex work and anti-trafficking policy in the Netherlands

In the Netherlands sex work is legal provided it involves consenting sex between adults (i.e. over the age of 18), and as long as sex workers possess the legal residence permit required for employment (Daalder, 2007). Operating a sex business is legal when the operator meets the requirements as formulated in municipal systems of licensing, and sex workers in principle have to pay taxes (Vanwesenbeeck, 2011). The underlying assumption of this policy is that the normalization of sex work makes it more manageable, which could reduce harmful aspects such as exploitation and human trafficking.⁷⁷

In 1999 the Netherlands was one of the first countries to legalize sex work (Outshoorn, 2012). In 2000 this new legalization took effect and the ban on brothels was lifted; sex work was recognized as work and the regulation of the sex industry was delegated to local authorities (Outshoorn, 2012). Forced sex work, including human trafficking, remained a criminal offence. People working in the sex industry were to become entitled to the

77 Kamerstukken II (Parliamentary Proceedings Second Chamber) 1996-1997, 25 437, no. 3.

social rights usually accruing to other workers. Only EU citizens could work legally as sex workers; those from outside were not to receive work permits (Outshoorn, 2012).

The current policy on sex work in the Netherlands however is subject to ongoing debate (Outshoorn, 2012; Weitzer, 2012). Evaluations of the policy on sex work have shown that, despite the regulation of the industry, abuses in sex work still occur.⁷⁸ The conviction of six men in a 2008 extensive trafficking case in Amsterdam, as well as books and movies about so-called loverboys (pimps who seduce girls to do sex work in order to exploit them) and the media attention for both generated a lot of attention on exploitation and human trafficking in the sex industry.

The Dutch government uses the UN definition of human trafficking, which means that people who exploit others by means of coercion, deception or fraud can be prosecuted for human trafficking. Trafficking in persons is defined in the UN Palermo Protocol as:

“The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant.” (15 November 2000, (Trafficking Protocol), Article 3).

From a legal point of view, the UN definition “is interpreted widely in the Netherlands and declares all recruitment of women for sex work in another country as illegal” (Wagenaar, Altink, & Amesberger, 2013: 82). In practice, however, the Dutch law makes a distinction between acts of trafficking that are “punishable” and “non-punishable” (Wagenaar et al., 2013). “Punishable” acts require the elements of exploitation, deception or force, “meaning a cross-border ride to a befriended sex worker would be considered ‘non-punishable’ and would not lead to prosecution” (Wagenaar et al., 2013: 82). The wide interpretation of the definition of human trafficking in Dutch law, or in other words the criminalization of the international recruitment for sex work (without force or exploitation), stems from the Geneva Convention of 1935 (Staatsblad [Statute book]. 1935, no. 598). By not renouncing this treaty it is, consequently, left in Dutch law, even though it is in fact in opposition to the Dutch prostitution policy. For this reason several people argue this treaty should be removed from the statutory provision. Recent court decisions show that in practice exploitation or force are seen as necessary conditions for human trafficking. (See an example of such a court decision ECLI:NL:HR:2016:857, at <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2016:857>).

78 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2009-2010, 32 211.

To fight abuses in the sex industry in the Netherlands a criminal and an administrative (law) approach are combined. Human trafficking and punishable exploitation of sex work are approached via the Criminal Code, while the legalization of the sex work industry via an administrative law approach should, it is believed, lead to better control and regulation. This administrative approach takes shape at the municipal level by means of a licensing system (BNRM, 2002: 16).

Several municipalities have used this approach to withdraw licenses, sometimes with the consequence of closing down whole sex work areas. In 2007 the municipality of Amsterdam withdrew the licenses of four brothel owners, who owned 30 different sex businesses with a total of 100 windows, due to the suspicion of crimes (Siegel, 2009; Weitzer, 2012). In 2013, the city of Utrecht withdrew the licenses of operators of 143 workplaces on boats (NRMSGK, 2013). The licenses were withdrawn on the basis of, inter alia, indications of human trafficking. The same happened in a street with window prostitution in Utrecht's city center (Verhoeven & Van Straalen, 2014). Also, streetwalking zones in the main cities (Amsterdam, Rotterdam, The Hague and Eindhoven) were closed in the years after the official legalization of sex work. They had become more crowded with sex workers from Eastern Europe, which led to concerns about human trafficking and hence their closure by the municipalities (Siegel, 2009; Weitzer, 2012).

Furthermore, there is a current debate about the necessity to introduce more anti-trafficking measures such as the "prohibition of pimps", raising the minimum age for sex work, and the penalization of clients of trafficking victims. Since 2009, the government has proposed to introduce new legislation to address the problems in the sex work industry. This bill, the "Act to Regulate Prostitution and Combat Abuses in the Sex Industry" (Wrp) has a primary objective of addressing the causes of the persistence of abuses. The bill focuses on reducing local differences in sex work policies, gaining more visibility and control over the industry, and facilitating monitoring and enforcement.⁷⁹ The Wrp consists of a nationwide uniform licensing system for all sex businesses, and national mandatory registration of all sex workers in the Netherlands that includes a direct meeting between authorities and sex workers. This meeting should empower sex workers and facilitate the detection of abuse by the authorities. The assumption is that "compulsory registration increases the visibility and the grip on the sex sector and retrieves prostitutes from anonymity" (Outshoorn, 2012: 241).

Anti-trafficking initiatives at the municipal level

Three Dutch cities with sex work areas (Utrecht, The Hague and Amsterdam) anticipated this national bill and introduced mandatory intakes for sex workers in their municipalities. This means that people wanting to work in the sex industry in these cities must first speak to the local authorities so that government representatives can identify and prevent

79 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2009-2010, 32 211, no. 3.

human trafficking. The assumption behind this policy is that, during this face-to-face contact moment, information about sex work in the Netherlands can be provided to the sex worker and possible signs of abuse may be detected by the local authorities at an early stage. Because the introduction of such intakes were local initiatives, the intakes differ somewhat by city. In each city different people, such as social workers, police or brothel managers (assisted by social workers) carry out the intakes. Some municipalities gave this role to brothel managers because they wanted to increase their responsibility in countering abuses (in their business). Managers may refer a second intake to municipal social workers when they have doubts about the self-reliance of the sex worker. To make sure sex workers undergo the intake, one city provides registration numbers which they can check in the brothel manager's administration. Another city obliged brothel managers to make a report of the intake, so they can check if an intake has in fact taken place. Utrecht has a zone for street sex work; it uses a license system for sex workers who want to work there; the intake there is linked to the issuing of licenses.

Based on the idea that especially vulnerable sex workers are possible victims of human trafficking, the intakes are implemented to filter out vulnerable sex workers. During the intakes sex workers are asked about the existence of boyfriends or pimps, and language and cognitive skills are checked. When signs of trafficking are identified (for example dependency), the social workers send the information to the police. In two other cities, Amsterdam and The Hague they go a step further. When there are signs of trafficking, or women are not found to be self-reliant (e.g. when they do not speak sufficient English), working in the sex industry of the particular city can be denied. The city representatives argue that a sex worker needs to speak some English (or Dutch, French or German), to be able to negotiate and make herself clear to customers and to understand brothel managers. Based on the outcomes of the intake, a negative recommendation to the brothel operator, including work restrictions, can follow. In these cases brothel owners are advised not to rent a workspace to the particular sex worker. If the operator still allows this sex worker to work, then their license may be revoked. Despite concerns about the violation of privacy and labor rights (Schilder & Brouwer, 2014), these anti-trafficking intakes are implemented in three Dutch cities.

LITERATURE

Governments primarily view trafficking as a crime. This is shown by representations that often are about crime, slavery, and degrading situations for victims (Andrijasevic, 2007). As a consequence, governments' anti-trafficking policies are about preventing and stopping human trafficking by identifying victims and vulnerable women (primarily), rescuing them and offering protection, and about arresting and prosecuting traffickers (Dottridge, 2007). In the Netherlands, as mentioned before, sex work areas have been limited or closed down completely in order to (better) control human trafficking (Weitzer, 2012).

However, some scholars are concerned that initiatives to stop trafficking can be counter-productive for the very people they were supposed to benefit. These concerns are about prevention campaigns, bans, and sex work and migration policies being overly protective and restrictive, rather than increasing sex workers' choices (Andrijasevic, 2007; Dottridge, 2007; GAATW, 2010; Vanwesenbeeck, 2011; Kempadoo, 2015; Vuolajärvi, 2015). Dutch researcher Vanwesenbeeck (2011: 4), for example, states that “anti-trafficking policies mostly address the wrong phenomena.” Wagenaar, Altink & Amesberger (2013: 90) argue that the original goal of the Dutch prostitution policy to improve labor relations is displaced by an “almost exclusive emphasis on fighting and preventing trafficking.” These researchers argue that, as a consequence, “the burden of the fight against exploitation is placed on the shoulders of the sex worker, who is prohibited from working after she has been designated as a victim of trafficking” (Wagenaar et al., 2013: 90). In addition, other researchers have found that identified victims of trafficking often decline the assistance that is offered to them (Brunovskis & Surtees, 2007).

Everyday realities of (migrant) sex workers: hopes, opportunities and risks

How is it possible that initiatives that aim to help victims do not always work out that way? Several authors point out that sex workers' perceptions can differ from that of the government (Agustín, 2003). By working in the sex industry, sex workers generally want to improve their lives or escape insufficient economic conditions (Agustín, 2005; Vuolajärvi, 2015). In the field of commercial sex a variety of experiences of labor and exploitation occur, but the trafficking framework, according to Vuolajärvi (2015), does not always apply to the problems migrant sex workers encounter. Wagenaar et al. (2013: 90) describe how the notion of being a victim of trafficking does not correspond with the lived experience of many sex workers: “they see themselves as economic migrants who have fled from a situation without perspective to work in the sex industry in North-Western Europe.” Their problems are more often related to sex work policies that restrict possibilities for autonomous work and access to alternative spheres of labor than to individual traffickers (Agustín, 2005; Vuolajärvi, 2015). For sex workers, exploitative situations are sometimes (temporarily) accepted and can be even rational choices in a search for improvement, for migration, or for a solution to other, acute problems. Hoyle, Bosworth & Dempsey (2011: 327) point out that women sometimes have rational reasons to agree to situations that can be labelled as trafficking. They say that “most trafficking victims make decisions within the oftentimes considerable constraints on their choices.” Like some women who choose to stay in violent relationships, their decisions need to be understood as “rationally chosen in the context of their current lives” (Hoyle et al., 2011: 322).

Plambech (2016) also found that migrant sex workers from Africa in conditions of indenture find it more profitable to stay in Europe than to return to Africa, despite their, at times, very difficult and exploitative circumstances. Indentured labor carries a temporal aspect and their strong aspirations for a better life make them focus on an imagined future where the debt is repaid and the money earned is their own. Plambech also stresses that

it has to be taken into account that contemporary migrant labor is organized and that debt, for example, is a significant part of this organizing (2016: 15). This corresponds to cases that Jacobsen and Skilbrei (2010: 198) found: women who were identified as victims of trafficking by government agencies nevertheless presented themselves as “choosing, responsible and accountable” persons. Within their self-representations they tend to view themselves as “rational, able to choose and able to make the best of all sorts of experiences” (Jacobsen & Skilbrei, 2010: 199).

Several studies on sex work or sex workers in the Netherlands report on motivations and care needs of sex workers. Some of these studies are based on interviews with sex workers (Amsterdam Sociaal, 2010; Van Wijk et al., 2010; Bleeker, Heuts, Timmermans & Homburg, 2014; Nijkamp, Sijstra, Snippe & Bieleman, 2014). Van Wijk et al. (2010: 58), for example, found from interviews with people working with sex workers that sex workers often have financial problems. Sex workers in Amsterdam who seek help mostly ask assistance with career paths, and practical questions like filling in tax forms or about housing (Van Wijk et al., 2010: 59). Bleeker et al. (2014) conducted a survey among 364 sex workers. Nearly all of the sex workers in their study indicated that the treatment of sex workers by social institutions is a vital aspect that needs to be improved. Moreover, sex workers report that the acceptance of the profession of sex worker should be improved, next to improving working conditions and rights, lower taxes and focus on safety and health in the sex industry (Bleeker et al., 2014).

Attitudes towards government intervention

The meanings that are ascribed to sex work and even to exploitative situations can be used to explain sex workers’ attitudes towards government interventions to prevent or counter trafficking situations. Cases of sex trafficking are often comprised of autonomous choices by the trafficked individuals and help explain why “victims” might have good reasons to “hide from the rescuers” instead of looking for rescue (Meyers, 2014). Dottridge (2007: 20) also writes about “the risks that people who have been trafficked will take to avoid being identified as victims of trafficking, suspecting that ‘rescue’ may not be in their own best interests”. Plambech (2016) also found that a government’s “rescue” meant in practice the deportation of women back to Africa (in her study), and therefore meant downward social mobility. The women concerned perceived “deportation to be more embarrassing and stigmatizing” than doing sex work (Plambech, 2016: 17).

Despite the legalization of sex work in the Netherlands, recent discussions in parliament have focused on criminalizing certain aspects of sex work, with most initiatives intended to address human trafficking (Outshoorn, 2012). Several sex workers, however, have raised a voice against these initiatives in their online blogs or in street demonstrations (Siegel, 2015; Heus, 2016). The *Prostitution Monitor*, a survey of 94 sex workers in Amsterdam, provides some indication of how they view new regulations, especially the closing of windows (Amsterdam Sociaal, 2010; Weitzer, 2012). This *Monitor* found that 90 percent thought the policy was not in their interest and 88 percent did not feel represented by politics; 85

percent did not agree with the plans for the red-light district, and 94 percent of the sex workers indicated that the approach was not good for sex workers and they expected that their situation would only deteriorate. According to the sex workers, the municipal plans were therefore counterproductive (Amsterdam Sociaal, 2010: 16).

An evaluation of another city's anti-trafficking measures also indicated that sex workers themselves were not in favor of the implemented measures. Interviews with sex workers that were held for the evaluation indicated that registration of sex workers especially endangered their privacy and, moreover, would not help against human trafficking (Gemeente Utrecht, 2012).

Symbolic interactionism

To better understand the effectiveness of anti-trafficking initiatives one should study how those who are involved experience these initiatives and what meaning they assign to situations (Wigboldus, 2002; Rijkeboer, 1983; Agustín, 2005). The methodology of symbolic interactionism can be used for this purpose. It refers to the perspective that people act toward things based on the meaning those things have for them, and these meanings are derived from social interaction (with others and society) and modified through interpretation (Mead, 1970; Blumer, 1962; 1969).

Blumer (1962), as with Mead (1970), claimed people interact with each other by interpreting or defining each other's actions instead of merely reacting to each other's actions. Their "responses" are not made directly to the actions of one another but instead are based on the meaning which they attach to such actions. Thus, human interaction is mediated by the use of symbols and signification, by interpretation, or by ascertaining the meaning of one another's actions (Blumer, 1962).

To find out the meaning actors assign to situations or to certain measures, one has to put the actor's point of view as central (Mead, 1970). In this chapter, we have to understand the everyday realities of sex workers facing the government's counter-trafficking interventions. In order to explore the meaning of this policy for sex workers, stories of their experiences with anti-trafficking initiatives in the Netherlands were garnered.

METHODS

This study involved semi-structured face-to-face interviews with 21 sex workers. The interviews were held between April and July 2014. Sixteen of the interviewed sex workers worked in "window prostitution" in Amsterdam and The Hague. Window prostitution refers to sexual services that are provided in a room where the window fronts the street and serves as a "shop window" and "negotiation venue" for the services offered. Five of the interviewed sex workers worked in a pick-up area in Utrecht (a so-called "tippelzone"). They came from Hungary (8), the Netherlands (4), Romania (3) Eastern Europe (3), South America (2) and Belgium (1). All the interviews were conducted by me, the author, mostly

in cooperation with someone else. Street workers were interviewed by me alone, and in the windows area we were two females (myself, with a colleague or interpreter); one interview was undertaken by me and a male interpreter. Both interpreters (Italian and Hungarian speaking) were experienced with the target group, because they had been fieldworkers in several sex work areas for a number of years. All four of us had received interview training during our education and had broad interviewing experience. We also interviewed 20 government officials, police officers and social workers, and 15 brothel managers in window, club and escort businesses. This chapter mainly focuses on the sex workers' experiences and therefore on their interviews.

When it comes to the selection of sex workers that cooperate in such studies, Sanders, O'Neill & Pitcher (2009: 176) point to the probability in this type of research that, "the sample of interviewees often may be opportunistic rather than representative." For example, there is a possibility that, when access to sex workers is established via certain contacts, only sex workers are included in the sample who are in contact with aid agencies. In addition, a chance exists that researchers only speak with people who are willing or in a position to cooperate with the study and that the experiences of this group may differ from those who are not interviewed. The risk here is that the experiences of those who are less interested, or are not willing to speak, or who are not in a position to cooperate may not be reported. By using different ways to contact sex workers, we tried to prevent this as much as possible.

To contact sex workers we looked for them at their work place. We went to red-light districts and approached sex workers while they were standing in the windows. Three sex workers were asked via a social worker to participate in the research. The interviews took place at the windows, or in their workrooms. Two interviews took place at an information center for sex workers. In the pick-up area, a coffee and medical room were used to conduct the interviews. A poster was hung in the coffee room to announce the research and hopefully encourage sex workers to participate. The interviewees received compensation for their time in the form of a gift certificate worth €10-25, depending on the length of the interview, which varied in length from 5 to 45 minutes. Sex workers were asked about their own experiences with the government intakes and about their ideas in general about the introduction of intakes. We asked about the content of the intake and how it was carried out.

During the interviews we took notes which were directly elaborated after each interview. Subsequently, the interviews were analyzed by the author in several steps or "cycles" using open coding to get to the representations and meanings sex workers ascribed to their situations and to the government's policy (Saldana, 2009). To check my interpretations and the way I "read" the data, a colleague, who had broad experience with coding qualitative data, also read three interviews and we compared our labels. Doing and talking about this, more and more interpretative and reflexive labels arose (see also Mason, 2007). I thought about what was said, but also about how it was said, why it was said, why it was said to *me* and how the sex workers represented themselves as they did. This helped to interpret the

interview data. By reading through the data several times codes (labels) were developed for parts of data covering what was said or meant in the interviews (see also Boeije, 2010). Different codes were formulated, such as “different problems”, “treatment by the government”, “appreciation”, “distrust”, “intentions of government”, “taken seriously”, “improvement of situation”, etc. This process of coding and recoding enabled me to find repetitive patterns and actions and enabled me to see which codes were especially useful. During this process, I gradually developed more abstract and analytical themes such as “self determination”, the “meaning of work”, and the “meanings of governments’ approximation” (see also Verhoeven & Van Gestel, 2016).

RESULTS

While the primary goal of the interviews with sex workers was to find out how they experienced the intakes, several other themes also emerged. In their stories sex workers represented themselves and their situations. Different themes show what meaning they ascribed to their situations and to the government’s interventions. These meanings derive from interactions with and interpretations of government actions.

Choosing entrepreneurs

One thing that emerged from the interviews was that women, when talking about their own situation, represented themselves as entrepreneurs, and they emphasized their self-determination and their ability to make choices. Talking about their work, they emphasized with several examples that they were free to make their own choices and decide about their own working conditions. Cindy, (which is a fictitious name, just as all the other names) who previously worked in a club, explained that she had more freedom now since she had chosen to move from the club to the windows:

“But a club has several rules and you cannot go home when you want to. Here [in the windows] I can go home when I earned the rent, but there you have to stay, even if you don’t feel like it.”

Diana, who also worked in the windows, spoke about the freedom that comes with the work:

“I work for myself, every day I can do what I want.”

Eva emphasized that she picks her own customers: *“it is my body, I don’t have to”*. She declines customers from certain countries because she finds them *“dirty”* or because *“they have no respect for women who do this job”*.

There were also women who used others to help them. While men involved with the work of sex workers are often called pimps and are associated with exploitation, there are

also sex workers who emphasize that “pimps aren’t always a bad thing”, but can offer help or support (see also Verhoeven & Van Gestel, 2016). One of the women really wanted to leave her country and someone helped her with that. She gave that man money for years, but she did not have a problem with that, because she “*was not beaten or anything*” by him. She appeared to be proud that she managed to leave her country and was living and working in the Netherlands.

Like Cindy, who emphasized her choice of a different kind of work, others also told that the situation they were currently in was an improvement on earlier situations. A social worker also stated that it is very normal for sex workers to give money to someone “*who takes care of them*”. Bella showed pride and mentioned that she was happy that she had managed to leave a situation that was miserable:

“Look where I am now, out of that misery and poverty.”

These “representations of self” as choosing, self-determined and self-reliant persons are in line with the findings of Jacobsen & Skilbrei (2010), who found these characteristics among sex workers who had been identified as victims of trafficking. This representation is constructed in interaction with the image they think the government has of sex workers, pimps and of trafficking. Their representations are in fact a response to the government’s representations of sex workers as vulnerable victims, and of exploiters as brute criminals.

Emphasizing sex work as difficult and requiring certain qualities

When it comes to their work, several women mentioned that their work was not easy. While most sex industry policy focuses on abuses and trafficking, several women said that they faced other problems than trafficking. Some underlined that the work was “heavy” and required certain qualities or skills. The women we spoke to often underlined that they had these skills or found their way to deal with things. Jade, for example, said you need to be experienced and have to be somewhat older to deal with all the different people and their requests, while Fanny said the work can be lonely; “*you are standing here, alone, staring in front of oneself*”. Gail mentioned that “*you can hardly trust anyone, because other people want your customers, or your money*” She added that it is mentally and physically very hard:

*“The work is tough, that’s why I work only a couple of hours a day, but not the whole day.
(...) You have to be strong in your head.”*

Eva worked a couple of weeks and then went to her home country for a while; she needed that break to recharge herself.

Support with everyday problems

When it comes to the meaning of the governments’ initiatives, some of the sex workers supported the governments’ actions against trafficking because “*there are many shadows with*

this work,” as Patricia described it. Most appreciation for government actions, however, were about other things rather than about the anti-trafficking measures. They appreciated friendliness and respect, and support with everyday problems, such as help with a sick dog or buying a car, for example. What was also appreciated was the availability of medical services, especially for sex workers (so that they do not have to explain their work to their general practitioner), or meeting places for sex workers where they can chat with colleagues. Another example of appreciated support is mediation with other government agencies. This can involve, for example, someone explaining their kind of work to a government official. Several times when sex workers talked about this support they also mentioned that government officials were respectful. Indeed, receiving adequate support was experienced as a kind of respect.

Intakes as a form of control

Sex workers were positive about the information function of the intakes and about the fact that they get to know someone to whom they can go in case of questions or problems. While there were positive experiences of sex workers with government officials regarding the intakes, it was also mentioned that the intakes can be experienced as a form of control. Because of all the questions during an intake, some sex workers got the feeling that they were not trusted. Helen, for example, felt sex workers “*are seen as criminals*”. The story of Julia shows that she did not want the attention of government agencies. The agencies were worried about her limited English and offered her free language lessons to improve this (and thus her self-reliance). Her reality, however, was that of one goal: earning money to solve her problems back home, and all the government’s good intentions seemed to distract her from that. Julia was from Eastern Europe and had come with a friend to Amsterdam to do sex work. While working in the windows she was checked by police regulators. She said she was checked because of her worried face and she was not smiling. She explained that she had troubles and worries because of problems at home and that it was difficult to get rid of these thoughts. Because she was referred for a second intake, she felt that she was not believed and had been singled out and discriminated against.

Ignoring real problems

Several sex workers did not feel that the governments’ initiatives matched their problems. While they did experience a lot of attention from government agencies, they actually needed other things. Because of this some women assumed the government had another agenda vis-à-vis supporting them. As Jody said:

“There is enough attention, but wrong attention.”

Several sex workers mentioned that there should be more attention for the wellbeing of the women instead of the current focus on pimps. As Gail said:

"There is no attention to our wellbeing. They shouldn't be that focused on pimps, but on the problems of the women... They are so busy with girls giving money to pimps, and it's the government itself who takes half of your money."

Problems they faced were expensive workrooms, the closing of prostitution areas, and colleagues who worked below the going rate or who offered unsafe sex. Another thing that was mentioned was difficulty for migrants to get a place to live in the Netherlands in a regular, formal way. They also mentioned workrooms that can only be rented for a day and a night, and the lack of a labor union⁸⁰.

Fanny did not trust the government's intentions. She wondered if several measures were actually set up to improve the position of sex workers or to limit sex work and to improve "*the city's look*". To tackle human trafficking, according to the interviewees, the government could give more attention to housing, to checking addresses, and even house searches were mentioned.

Sex workers' (re)actions

Sex workers responded to government initiatives based on the meaning these initiatives had for them. We have seen that *initiatives* meant several things to sex workers, varying from support, misguided attention, false intentions, and control or discrimination. Meanings they ascribed to their own *situations* varied from chosen, entrepreneurial, freedom, an improvement over earlier situations, a step forward, something they do not want to change, and hard work. When we look at the way they acted we see several ways of responding: withholding information, declining assistance, mobility, and retaining anonymity.

Withholding information

Sex workers tend to withhold information from the government about their relationships or about people who helped them. The independence of sex workers is a central point in the Dutch prostitution policy; this is especially so in window prostitution, where women are supposed to work, at least fiscally, as independent entrepreneurs. This focus of the government on independence is closely tied to the government's goal to combat human trafficking. From this perspective partners of sex workers are often seen as pimps, who do not want to offer love, protection and safety, but who are seen more as a threat to that safety because they exploit their "girlfriends".

Several sex workers said that they never tell a government official that they are in a relationship, because they fear to be treated with suspicion. As a consequence, information that can be of use in the identification of possible exploitation and violence can, in

80 The Red Thread ("De Rode Draad" in Dutch) was an advocacy-support group for sex workers in the Netherlands, but it went bankrupt in 2012 after the government grant was stopped. A new Dutch union for sex workers, PROUD, was set up in 2015 (see also Heemskerk, 2016). Since the interviews took place in 2014, at that time there was no labor union for sex workers.

practice and purposely, be held outside the government's knowledge. This is shown by the conversation with Ilona, a sex worker who said she would never tell a government official that she has a boyfriend:

"They ask if you have a pimp, or a boyfriend. I never say that I have a boyfriend. A girl will always say that it is not the case."

Sex workers also noted that they would not talk to the government during an intake about such things as exploitation. Jessica, a Hungarian, commented about girls with "pimp-boyfriends":

"They don't want anything to change their situation, because they don't want to be alone. Some do know, but they just want to have someone. They just want that there is someone who is there for them."

Declining assistance and mobility

Sex workers who face a negative recommendation and therefore cannot work for a particular operator often react angrily and disappointed. *"Nine out of ten are very angry, they deny it, say it is absolutely not true, they are furious"*, said a police officer who carries out intakes in one of the cities. Another police officer explained that it is difficult to convince sex workers that they are facing exploitation:

"There was this woman, she has a university degree and earned 300 Euros a month in Eastern-Europe. Here she earns 500 to 600 Euros a day. She had to give half of it to a trafficker. She looked at me as if I was crazy. She told me that she earns 200 Euros a day, something where she has to work for a whole month back home, and that she can take care of her whole family now. It's difficult to have these discussions with her. But that guy, he took 400 Euros every day. I told her that we do not agree with that here. But she didn't understand that."

While the government labels sex workers' situations as human trafficking and uses the negative recommendation, sex workers themselves subsequently leave and disappear out of sight of the government. This is the case in both cities that implemented the "negative recommendation". One sex worker saw that others could not start doing sex work and said that the government is *"sending women away, that is not helping"*. Women are offered to file a report, and offered the assistance of care agencies, but according to the police and the municipality most decline assistance and go to other places or cities to work. Julia, who was offered an English course, went to the course because otherwise she was not allowed to work. She herself felt she could manage with her English.

Retaining anonymity

In one city the municipality put serious effort into including sex workers when developing their sex work policy. Several consultative meetings were held. Although sex workers want to be involved in shaping relevant policy, the interviews suggested that fear of losing anonymity prevents them from speaking up. When it comes to initiatives to improve sex work conditions or to tackle human trafficking, sex workers want to be involved in shaping these measures; but what discourages them from actually attending consultative meetings is, apart from fearing a loss of anonymity, they also doubt the government would really listen to them and doubt that the government's real intentions are to improve sex workers' situations. In other words, the meanings sex workers ascribe to government policy causes them to respond in a certain way, even though they may find it important to be involved in policy development.

CONCLUSION

In this chapter I have presented that meanings that sex workers ascribe to their own situation, which vary from chosen, entrepreneurial, freedom, an improvement of earlier situations, something they do not want to change, and as hard work. Regarding the governments' initiatives, they mean several things to sex workers, varying from support, misguided attention, false intentions, control or discrimination. These meanings do not always match the meanings officials ascribe to the women's situations and to the intentions *they* have with the policy instrument. For the government, sex workers who depend on others or who do not speak any English sound alarm bells. Sex workers, however, do not always recognize these worries; rather, they mention other problems. The help of others with arranging sex work for them can mean possibilities, action or change, getting away from an unwanted situation, and an investment with the hope for more independence and better times in the end. This mismatch is shown in practice by the way most women react to a negative recommendation of the government. They do not perceive it as helpful, but get angry and are disappointed. Sex workers perceive the government's focus on pimps or others exploiting sex workers, and the importance the government attaches to independence. As a consequence they withhold information about pimps and boyfriends from representatives of the government. Sex workers who are filtered out by the intakes mostly move to other cities to work. Most do not make use of the offered assistance by the authorities. This suggests that the governments' initiatives in fact can be counterproductive.

Regarding solutions, it is important that the initiatives to identify possible exploitation match sex workers' needs. Involving sex workers in the formulation and implementation of intakes could ensure a better match with their needs and ensure more appropriate treatment (Dottridge, 2007; Meyers, 2014). Meyers (2014) argues that "help organizations should be run by affected women and be open-minded about whether or not the trafficked individuals should remain in the sex industry". An interesting example of dealing with

this issue is in India, where sex workers themselves carry out intakes (Jana, Dey, Reza-Paul & Steen, 2013). What also should be looked at is ways of involving sex workers in order to explore their meanings, where the importance of anonymity is taken into account. Our interviews show anonymity is an important condition for sex workers to join consultations. When it comes to matching solutions and needs, our interviews indicate that situations are labelled differently. While giving other people money is seen as an opportunity or improvement by some sex workers, it can be labelled as trafficking by the government; thus it might make more sense to focus on providing information and help rather than to stop people who want or have to work under certain circumstances. The government could focus on the services or support that sex workers really need. Right now supportive activities in the sex industry are not part of the ideal image of an independent sex worker, while in other employment areas mediation is a normal practice. By offering the right support women might not need pimps to arrange travel or housing for them. Currently sex workers not only have to negotiate with difficult situations and hard work, they also have to negotiate with institutions and their labor restrictions, and with requirements of independence and self-reliance in order to survive as legal entrepreneurs (see also Anderson & Andrijasevicius, 2008: 144). Ironically, there is a chance that they might start using (and paying) other people to inform or prepare them for the intakes. This study makes clear that in order to make sure that the formulated solutions match with the needs and everyday realities of sex workers, we need their input.

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REFERENCES

- Agustín, L. (2003). Forget victimisation: Granting agency to migrants. *Development*, 46, 30-36. doi:10.1177/10116370030463005.
- Agustín, L. (2005). Migrants in the mistress's house: Other voices in the "trafficking" debate. *Social Politics*, 12, 96-117. doi: 10.1093/sp/jxi003.
- Amsterdam Sociaal (2010). *De Amsterdamse prostitutie monitor [The Amsterdam prostitution monitor]*.
- Anderson B. & Andrijasevic, R. (2008). Sex, slaves and citizens: The politics of anti-trafficking. *Soundings*, 40, 135-145.
- Andrijasevic, R. (2007). Beautiful dead bodies: Gender, migration and representation in anti-trafficking campaigns. *Feminist Review*, 86, 24-44. doi:10.1057/palgrave.fr:9400355.
- Blumer, H. (1962). Society as symbolic interaction. In A. Rose (ed.), *Human behavior and social process: An interactionist approach*, Boston: Houghton-Mifflin.
- Blumer, H. (1969). *Symbolic interactionism: Perspective and method*. Englewood Cliffs, NJ: Prentice-Hall.
- Bleeker, Y., Heuts, L., Timmermans, M., & Homburg, G. (2014). *Sekswerkers aan het woord. De sociale positie van sekswerkers in Nederland in 2014 [Sex workers speaking. The social position of sex workers in the Netherlands in 2014]*. Amsterdam: Regioplan Beleidsonderzoek.
- BNRM (2002). *Eerste rapportage van de Nationaal Rapporteur [First report of the National Rapporteur]*. Nijmegen: Wolf Legal Publishers.
- Boeije, H. (2010). *Analysis in qualitative research*. London: Sage.
- Brunovskis, A. & Surtees, R. (2007). *Leaving the past behind? When trafficking victims decline assistance*. Oslo: Fafo.
- Daalder, A.L. (2007). *Prostitutie in Nederland na opheffing van het bordeelverbod [Prostitution in the Netherlands since the lifting of the brothel ban]*. Reeks Onderzoek en beleid 249. Den Haag: WODC/Boom Juridische Uitgevers.
- Dottridge, M. (2007). *Collateral damage, The impact of anti-trafficking measures on human rights around the world*. Global Alliance Against Traffic in Women. Retrieved January 4, 2016, from https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/collateral_damage_gaatw_2007.pdf
- GAATW (2010). *Beyond borders: Exploring links between trafficking and migration*. GAATW Working Papers Series. Retrieved January 4, 2016, from http://www.gaatw.org/publications/WP_on_Migration.pdf
- Gemeente Utrecht (2012). *Evaluatie breed maatregelenpakket barrièrevorming mensenhandel [Evaluation of measures against human trafficking]*.
- Heemskerk, M. (2016). Wat Nederland kan leren van de vakbond voor sekswerkers in Nieuw-Zeeland [What the Netherlands can learn from the union for sex workers in New Zealand]. *De Correspondent*, 20 juli 2016.
- Hermanides, E. (2013, November 13). At least 400 people per night raped in Amsterdam. *Het Parool*. Retrieved January 4, 2016, from <http://www.parool.nl/parool/nl/7/MISDAAD/article/detail/3544051/2013/11/13/Zeker-400-mensen-per-nacht-verkracht-in-Amsterdam.dhtml>

- Heus, D. (2016). Protestant-christelijke media schilderen prostituees vooral af als slachtoffers [Protestant Christian media portraying prostitutes as victims], *De Nieuwe Reporter*, 24 augustus 2016. Retrieved August 25, 2016, from <http://www.denieuwewereporter.nl/2016/08/protestant-christelijke-media-schilderen-prostituees-vooral-af-als-slachtoffers/>
- Hoyle, C., Bosworth, M. & Dempsey, M. (2011). Labelling the victims of sex trafficking: Exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20, 313-329.
- Jacobsen, C. & Skilbrei, M. (2010). Reproachable victims? Representations and self-representations of Russian women involved in transnational prostitution. *Ethnos*, 75, 190-212.
- Jana, S., Dey, B., Reza-Paul, S., & Steen, R. (2013). Combating human trafficking in the sex trade: Can sex workers do it better? *Journal of Public Health*, 36, 622-628.
- Kempadoo, K. (2015). The modern-day white (wo)man's burden: Trends in anti-trafficking and anti-slavery campaigns. *Journal of Human Trafficking*, 1, 8-20.
- Mason, J. (2007). *Qualitative researching*. London: SAGE.
- Mead, G. (1970). *Mind, self and society*. Chicago: University of Chicago Press.
- Meyers, D. (2014). Feminism and sex trafficking: Rethinking some aspects of autonomy and paternalism. *Ethical Theory and Moral Practice*, 17, 427-441.
- Nijkamp, R., Sijstra, M., Snippe, J., & Bieleman, B. (2014). *Verboden rood in beeld. Onderzoek aard en omvang niet-legale prostitutie in 2014 [Forbiden red in picture. Research nature and extent of non-legal prostitution in 2014]*. Groningen: Intraval Onderzoek en Advies.
- NRMSGK (Nationaal rapporteur mensenhandel en seksueel geweld tegen kinderen) (2013). *Mensenhandel. Negende rapportage van de Nationaal rapporteur [Human trafficking. The ninth report of the National Rapporteur]*. The Hague.
- Outshoorn, J. (2012). Policy change in prostitution in the Netherlands: From legalization to strict control. *Sexuality Research and Social Policy*, 9, 233-243.
- Plambech, S. (2016). Sex, deportation and rescue: Economies of migration among Nigerian sex workers, *Feminist Economics*, DOI: 10.1080/13545701.2016.1181272.
- Rijkeboer, J. (1983). Kwalitatief onderzoek: Een inventarisatie [Qualitative research: An inventory]. In J. Rink & J. Rijkeboer (Ed.), *Bruikbaar onderzoek in de hulpverlening. De ontwikkeling van praktijktheorie* (pp. 32-49). Groningen: Wolters-Noordhoff.
- Saldana, J. (2009). *The coding manual for qualitative researchers*. Los Angeles: Sage.
- Sanders, T., O'Neill, M., & Pitcher, J. (2009). *Prostitution: Sex work, policy and politics*. Londen: Sage.
- Schilder, A. & Brouwer, J. (2014). Private verantwoordelijkheid bij bescherming van prostituees [Private responsibility in the protection of prostitutes]. In J. Brouwer & A. Schilder (Eds.), *Van een andere orde, over private ordehandhaving* (pp. 135-158). Den Haag: Boom Juridische uitgevers.
- Siegel, D. (2009). Human trafficking and legalized prostitution in the Netherlands, *Temida*, 5-16.
- Siegel, D. (2015). *Het Zandpad: Closing brothels or closing eyes? Utrechtse sekswerkers na de sluiting van het Zandpad*. Den Haag: Boom Lemma.
- Soest, A. van (2013, November 13). Four hundred rapes per night unacceptable. *Nederlands Dagblad*. Retrieved January 4, 2016, from <https://www.nd.nl/nieuws/binnenland/vierhonderd-verkrachtingen-per-nacht-onacceptabel.388675.lynkx>

- Vanwesenbeeck, I. (2011). Sex workers' rights and health. The case of The Netherlands. In: R. L. Dalla, L.M. Baker, J. DeFrain, & C. Williamson (Eds.) *Global perspectives on prostitution and sex trafficking (Europe, Latin America, North America, and Global)*. (pp. 3-25). Landham, MD: Lexington Books.
- Verhoeven, M. & E. van Straalen (2015). *Contactmomenten tussen de overheid en prostituees [Contact moments between the government and sex workers]*. Cahier 2015-2. Den Haag: WODC.
- Verhoeven, M. & Van Gestel, B. (2016). Between visibility and invisibility: Sex workers and informal services in Amsterdam, *Feminist Economics*, DOI: 10.1080/13545701.2016.1195002
- Vuolajärvi, N. (2015, October 31). Precarious intimacies: The European border regime and migrant sex work. Viewpoint Magazine. Retrieved January 4, 2016, from <https://viewpointmag.com/2015/10/31/precarious-intimacies-the-european-border-regime-and-migrant-sex-work/>
- Wagenaar, H., Altink, S., & Amesberger, H. (2013). *Final report of the international comparative study of prostitution policy: Austria and the Netherlands*. Den Haag: Platform 31.
- Weitzer, R. (2012). *Legalizing prostitution: From illicit vice to lawful business*. New York: New York University Press.
- Wigboldus, E. (2002). *Opvoedend handelen in een justitiële jeugdinstelling: Systematisering van het behandelaanbod binnen Rentry [Educative acting in a judicial institution]*, PhD-thesis, Rijksuniversiteit Groningen.
- Wijk, A. van, Nieuwenhuis, A., Tuyn, D. van, Ham, T. van, Kuppens, J. & Ferwerda, H. (2010). *Kwetsbaar beroep. Een onderzoek naar de prostitutiebranche in Amsterdam [Vulnerable profession. A study into the prostitution sector in Amsterdam]*. Bureau Beke.

Chapter 7

GENERAL DISCUSSION

INTRODUCTION

This dissertation examined the nature of human trafficking in the Dutch legalized and regulated sex work industry and the approaches by the authorities to address the problem of trafficking. As of now, much is unknown about what methods are most effective in preventing trafficking, prosecuting offenders and protecting victims of human trafficking in the sex industry, and to what extent they are consistent with the nature of the problem. Therefore, the goal of this dissertation was to provide insight into the connection between the nature of human trafficking and the way in which it is investigated and addressed, primarily in the Netherlands. By studying the nature of human trafficking in the sex industry and the ways in which it is addressed by policy makers, law enforcement agencies and municipalities, this dissertation examined (1) the characteristics of human trafficking in the sex industry, (2) relationships between suspects and victims of human trafficking, (3) the criminal investigation of human trafficking, and (4) the meanings sex workers ascribe to anti-trafficking measures. These four main issues were addressed in the five empirical chapters of this dissertation.

This final chapter reflects on the research methods, the main findings, and theoretical implications. The chapter closes with implications for policy and practice.

METHODOLOGICAL REFLECTIONS

In order to examine the exploitation of sex workers and the approaches of the authorities in the Dutch context of regulated sex work, two primary methods were used: the analysis of police files of human trafficking cases, and interviews with sex workers and government officials. Although there are advantages to these methods, there are also limitations.

First, several limitations come with the use of police data. One limitation is that police data by definition are incomplete and biased because they are collected for the purpose of criminal investigation and prosecution (cf. Soudijn, 2006). Also, situations of human trafficking that are not investigated by the police are not included in the data. For example, certain traffickers might stay out of sight because they outsmart the police, while others may come under scrutiny because of their clumsy or violent behaviour.

Nevertheless, data in police files from criminal investigations into human trafficking contain useful information about the hidden world of sex work and exploitation, as this dissertation demonstrates. The files consist of original (sometimes translated) wiretaps of both telephone and internet communication; transcripts of suspect interrogations; witness and victim statements; observation reports; reports of house searches; and financial information about suspects and victims of human trafficking. These data have the advantage that they reveal extensive information on the characteristics of sex workers, pimps and other people involved, on the way they operate, cooperate and interact with

each other, their backgrounds, their modus operandi, the world of sex work, interpersonal relationships, and flows of money. This information is gathered by the police without people involved knowing that they are followed or that their conversations are intercepted. This type of unobtrusive research material is difficult to obtain using other types of data or methods, or even from direct interviews with participants.

The data from police files were complemented with information collected by face-to-face interviews with sex workers and government officials. This made it possible to include the experiences and perspectives in the study, directly from the people involved. The selection of sex workers who were willing to cooperate in the study was possibly affected by a sample of interviewees who may have been opportunistic rather than representative (Sanders, O'Neill & Pitcher, 2009: 176). There is a possibility that, for example, by gaining access to sex workers via social workers, only sex workers who were in contact with aid agencies were included. In addition, there is a chance that only those who were willing or in a position to cooperate with the study were interviewed, and that the experiences of this group may be different from those not interviewed. By using different ways to contact and include a range of sex workers, this risk was limited as much as possible. We contacted sex workers both through aid agencies, and by approaching them ourselves at their workplace. Next to this, we approached sex workers in different cities, and both during daytime and at night.

Furthermore, sex workers who faced negative work advice or outcomes and subsequently disappeared or moved to other cities—the most severe consequence of anti-trafficking measures—were not included among the interviewed sex workers, despite attempts to find and include them. Interviewing this group may have yielded interesting insights. Future research could try to include this group of sex workers.

Another limitation is that the interviews with sex workers mainly centred around their experiences with the anti-trafficking measures. Given the main findings of this dissertation, it would also be interesting to speak with them about wider issues, such as their experiences with informal services and more thoroughly about relationships. Although some of the interviews touched on these issues, this was limited for reasons of demarcation of the study. Future research could use the findings of this dissertation to further explore these issues among sex workers.

Apart from further interviews with offenders and victims of human trafficking which could provide additional valuable information, participant-observation within informal networks or subcultures of people working and offering services in red-light districts would be a valuable contribution in future research.

Caution is warranted when generalizing the results from this dissertation to other groups or locations. This is because of the specific regulations in the Netherlands, the data that focused mainly on cases that had a link with Amsterdam, and the fact that the study covered the period 1998-2014 (with a focus on the period 2006-2010). Apart from this, the approach to use police files and interviews (including their limitations) may have influenced the results and conclusions of this dissertation. The main aim was to achieve

insight into the extent to which the ways human trafficking is tackled and how this fits the manifestation of the problem. However, data that could be collected in other ways may be missed or under-represented. It is methodologically important to reflect on what different outcomes could have come forward should other methods or data had been used. It could be possible, for example, that people not included in the data face a different kind of exploitation, face less or more autonomy, or have different views on or experiences with government actions. In addition, it is possible that using police files of cases linked to the city of Amsterdam under-exposes cases that have a more global reach and possibly show more aspects of organised crime. Also, the use of life histories, or participant observation (instead of single interviews) in which women are followed for a longer period of time and whereby a relation of trust could be developed, possibly could provide a more layered, multidimensional picture of the level of agency, or perhaps a more severe account of exploitation and of women's needs and attitudes towards government actions. Moreover, it is known that self-representations can differ depending on the context (McConnell, 2011). It is conceivable that victims when talking to the police are more positive about their level of agency and are more reluctant to talk about the nature and downsides of their relationships. This also applies to interviews with researchers. It is conceivable, for example, that women emphasize their independency when talking to the police or to a researcher. Within relations of trust, possibly more severe levels of exploitation, or more appreciation of government action could come forward.

However, by combining different types of information (namely, police interrogations, wiretaps and interviews), and by systematically coding and analysing the data, this study was able to examine existing approaches and their connection to the specific nature of human trafficking in the Dutch sex industry.

MAIN FINDINGS

Sex work and informal services

The first aim of this dissertation was to examine the nature and characteristics of human trafficking. Chapter 2 therefore explored the role of informal economic activities in the everyday work of women who sell sex and how these activities affect the exploitation and the autonomy of sex workers.

The findings from chapter 2 revealed a wide range of informal activities surrounding the regulated sex industry affecting its working conditions. Examples are pimps and bodyguards who provided informal protection services, errand boys who take care of all kinds of informal services, drivers who transport sex workers, brothels that operate under the license of someone else than the real owner, and accountants and consultants who advise on how to bypass regulations and taxes. These activities enabled sex work and were characterized by the fact that they were not regulated or did not fulfil existing regulations. Such activities were, for example, not registered, or were performed without

the required licenses or permits, or did not comply with tax regulations. All in all, these activities constituted a lively informal economy.

I explored to what extent these informal activities influenced the working conditions of sex workers and how the informal services were related to exploitation and to the autonomy of sex workers. On the one hand, some aspects of these informal activities were related to the nature of the work and the needs of sex workers; for example, getting access to work or housing, or the desire to remain anonymous. For some sex workers, access to employment and income would be difficult or impossible to achieve without the assistance of informal actors.

On the other hand, there was a wide variety of people who attempted to profit from sex workers' earnings, often by providing services in a coercive or exploitative manner. The empirical data showed that the involvement of sex workers with informal actors also entailed dependency and exploitation. On the basis of the 12 case studies it is evident that sex workers' line of work is intermeshed in a network of people who affect them and their work. These people can create an informal network of monitoring and control around the work and movements of sex workers, and profit from the sex workers' earnings in an exploitative way.

Relationships between suspects and victims of human trafficking

The findings from chapter 3 indicate that there often are intimate relationships between those who are seen as traffickers and victims in the police files. In all 12 cases there were examples of intimate relationships between suspects and victims, and in some cases suspects and victims lived together. These relationships display various characteristics of domestic violence such as intimidation, control and violence. Factors such as affection and attachment contribute to the persistence of these relationships.

Within the relationships, the men generally supervise women who sell sex. For example, they take them to and from work and arrange food and shopping for them. The men are often close by, which sometimes takes the form of controlling the woman's behaviour. Apart from love and attachment, these relationships also often know intimidation and violence. For several reasons (fear, love, attachment or dependency) these relationships undergo difficult detachment processes (see also Helfferich et al., 2011). The relationships do not simply end, but often persist despite the occurrence of violence, control or intimidation, also women commonly do not file a report to the police. This corresponds to patterns of domestic violence, in which similar mechanisms are at work and where partners also do not split up easily.

Several factors make women who are seen as victims of human trafficking decline any help or interference from outside agents. It was found, for example, that women consider the deceptions, intimidation or the forms of coercion to be relationship problems, something they have to solve themselves. Other issues that play a role are: the attachment to their partner; the benefits of the relationship; the shared life; the idea that the situation is not that serious; or a feeling of gratitude towards their partner (who has helped her).

Also, violence and control may be played down, considered as something temporary, or seen as their particular way of interacting with each other. For those reasons, women do not always perceive themselves as victims. Moreover, it was found that the women do not want to subject their partner to a prison term. These factors discourage women from seeking outside help or filing a police report (see also Hester et al., 2000). These attitudes and coping mechanisms are comparable to those of victims of domestic violence.

Criminal investigation of human trafficking

In chapters 4 and 5 the criminal investigation of human trafficking was explored. The findings indicate that police teams investigating human trafficking face several challenges that arise from the features of the crime and from police organizational issues.

Firstly, there are the complex and ambivalent relationships that can exist between victims and offenders. In those relationships love, loyalty, intimidation and threats are intertwined. It is not always a matter of brute physical force providing obvious criminal evidence. Sometimes manipulation, intimidation and psychological pressure are the main means of exploitation, which can make it difficult for law enforcement to collect evidence. Often, as we have seen in chapter 3, complex relationships between victims and suspects persist after arrests have been made (or even after the conviction). This can make the interrogation of victims and witnesses and their collaboration with criminal justice difficult.

To collect information on exploitative relationships, wiretapping generally provides relevant information for the investigation. Intercepted conversations provide information about the relationship between the victim and the suspect. In human trafficking, dependency and exploitative relationships, ascendancy, coercion and deception play a role, so information about the nature of the relationship between the suspect and the victim is important. Over the phone, caresses and threats are made and phone calls can show the control that suspects exercise or show the way in which victims talk to other people about their situation. Therefore, the use of wiretapping plays an important role in collecting evidence into human trafficking. It is therefore widely used and plays an important role in trafficking cases.

Secondly, human trafficking is, unlike other forms of crime, not a single, static 'event', but much more a gradual process (David 2007: 2; ICMPD 2003: 87). It is therefore not always possible to identify a certain moment of exploitation and it is therefore difficult to prove something that evolves gradually. This makes the presence of relevant knowledge and expertise of law enforcement personnel very important. Particular knowledge and expertise on signalling human trafficking, on approaching victims and of the complex and broad legislation are important.

Thirdly, apart from being an international offence, human trafficking is also very much a local problem and embedded in local situations (see Van de Bunt & Kleemans, 2007 for a discussion of the local embeddedness of crime). The activities of sex workers and human traffickers are often concentrated within certain districts, neighbourhoods

and streets. In the studied criminal cases, victims of human trafficking worked in window prostitution in streets forming part of neighbourhoods, often in small-scale sex work areas. The women were often visible in or close to the street, and had contact with people in the street. This local character of human trafficking provides possibilities for involving the community police in the investigation.

Acknowledging these three points, police teams use several approaches to investigate human trafficking. Four different approaches are distinguished within the criminal investigation of human trafficking, each with its specific focus:

- the “victim statement oriented” investigation
- the “public nuisance oriented” investigation
- the “organisation oriented” investigation
- the “offence oriented” investigation.

First, the *victim statement* oriented investigation is primarily focused on getting reports from victims. The investigation teams in this case worked hard to win the confidence of the victims and get them to cooperate actively. This was done inter alia by giving the community police an active role in the investigation, because they had regular contacts with the women working in the red-light district.

Second, the *public nuisance* oriented investigation aims to end public nuisance and investigate human trafficking at the same time. Therefore, the police cooperated with the municipality by sharing information on persons, centres of nightlife, permits and criminal activities. The municipality had the power to revoke the permit for the suspects’ bar, as a result of which the meeting point of the human traffickers was curtailed.

Third, an *organisation* oriented investigation focuses on mapping out the whole criminal organisation and on the relations of and division of tasks within the group of suspects.

Fourth, the *offence* oriented investigation is distinguished that focuses on the ‘elements’ of human trafficking, such as using violence, arranging accommodation, giving up earnings, deception, duress, etc. The investigation team ‘stacked up’ the information gathered about identified suspects and their victims systematically on the basis of the different ‘elements’ of human trafficking. This is also called the ‘0+0+0+0=1 principle’ by the police.

Meanings sex workers ascribe to anti-trafficking measures

The fourth aim of this dissertation was to examine the meanings of anti-trafficking measures for sex workers. In chapter 6 I therefore explored sex workers’ experiences with a specific anti-trafficking measure: obligatory intake interviews. These are mandatory talks, or “intakes”, that sex workers have to undergo to assist the authorities (municipalities and police) in identifying signs of human trafficking. To understand the effectiveness of this measure, I studied how sex workers experience the measure. The perspective of symbolic interactionism was used to explore meanings sex workers assigned to the government’s

anti-trafficking initiatives and to their own situations. Symbolic interactionism argues that the meaning that people assign to things, phenomena and events around them is essential to understanding the people and their social reality. A symbolic interactionist framework was used because it helps to clarify the relationship between the opinions, ideas, motivations and feelings of people and their actions; rather than look for causes of behaviour, it is useful in describing and clarifying how people act on the basis of the design of their world, their reality (Wigboldus, 2002; Rijkeboer, 1989).

The findings in chapter 6 were based on interviews with 21 sex workers, which indicated a variation of meanings that sex workers ascribed to their own situations. Several themes were found that describe the meanings that their work and current life have for them. These were: choice; a form of entrepreneurship; freedom; an improvement on earlier situations; something they do not want to change; and as hard work. Women presented themselves as entrepreneurs, and they emphasized their ability to make choices. They also indicated that the situation they were in meant an improvement on earlier situations. Some women reacted strongly against the involvement of pimps and boyfriends, while others explained the role of pimps and boyfriends in terms of support or people who “can be there for you.”

I also explored the meanings sex workers ascribe to initiatives by the authorities to counter or signal human trafficking. The interviews indicated that sex workers interpreted these anti-trafficking initiatives as support, but also as misguided attention; false intentions; control; discrimination and work restrictions. While receiving adequate support (mostly with every day problems) was experienced as a kind of respect, the ignoring of real problems of sex workers and the focus on exploitation were perceived with distrust regarding the actual intentions of the authorities. Within a symbolic interactionist perspective, these meanings can clarify how and why people acted towards these initiatives, or towards the authorities.

It is remarkable that several of the meanings sex workers ascribed to their work and to the anti-trafficking initiatives did not match the meanings government officials ascribed to sex workers' situations and to the intentions that the authorities had with the policy instrument. For the government, sex workers who depend on others or who do not speak any English sound alarm bells. For sex workers, however, the help of others means possibilities, action or change, getting away from an unwanted situation, and an investment in the hope for more independency and better times in the end.

The meanings they ascribed to their work and to the anti-trafficking measures can explain sex workers' actions towards the initiatives of the authorities. They know the focus of the authorities on pimps and boyfriends and know that the authorities can interpret the presence of a pimp or boyfriend as exploitation, or at least associate these men with dependency and possible exploitation. Furthermore, sex workers possibly know the importance the government attaches to the independence of sex workers. The findings in chapter 6 show that sex workers acted towards the anti-trafficking initiatives by withholding information about pimps and boyfriends from representatives of the

government. Moreover, sex workers who were filtered out by the intakes mostly moved to other cities to work, and most sex workers did not make use of the assistance offered by the authorities. The abovementioned meanings by sex workers offer valuable explanations for these actions and attitudes.

In general, there seems to be a gap between the meanings of sex workers and that of the authorities as expressed in policy documents and in the implemented initiatives. The effects of this gap on the actions of sex workers was shown in practice by the way most women reacted to a negative recommendation (in Dutch, '*een negatief werkadvies*') that may have been the result of identified signs of trafficking. As a result of this negative recommendation, they were restricted in their possibilities to work. The study found that most sex workers who encountered this negative vetting were angry and disappointed and mostly moved to other cities to work there.

MAIN CONCLUSIONS

The overall question of this dissertation was to explore the nature of human trafficking in the Dutch sex industry and how this connects to the way human trafficking is addressed. The findings in the five chapters of this dissertation lead to two main conclusions regarding this central question.

1. The nature of human trafficking: informal services and intimate relationships

This dissertation demonstrated that, to understand human trafficking's nature we must take informal service providers into account and the informal activities surrounding the sex industry affecting its working conditions. Sex workers use the informal services of others to help or support them. These include pimps and bodyguards providing work and protection, drivers, brothels operating with the use of straw men, and advisors on bypassing regulations and taxes. These informal services are related to the nature of the work and are useful for sex workers who want to get access to work or housing, and who attach great value to anonymity. The dissertation also demonstrated that the involvement of sex workers with informal players can entail dependency and exploitation. These people can create a network of monitoring and control around the work and the movements of sex workers, and profit from their earnings in an exploitative way.

A second aspect of the nature of human trafficking relates to intimate relationships that often exist between those who are viewed as traffickers and victims. The mechanisms within these relationships resemble those in relationships involving domestic violence. Trafficking suspects and victims often live together and in those relationships loyalty, dependency, and intimidation are intertwined. In these relationships partners do not split up easily and women may not want help or interference from outside. They consider deception, intimidation or forms of coercion to be relationship problems, something

they have to solve themselves. Moreover, attachment to their partner, the benefits of the relationship, or a feeling of gratitude towards the partner (who has helped her) play a role. Women do not necessarily perceive themselves as victims or do not want their partner to go to prison, which prevents them from calling in help from outside or from filing a report with the police.

The network of informal services as well as the intimate relationships can gradually lead to exploitation. This supports the image of human trafficking as a gradual process (David 2007: 2; ICMPD 2003: 87). As a consequence, it is not always possible to identify a situation of human trafficking at a certain moment in time because it is difficult to identify or label something that evolves gradually. Further, the informal and relational character of human trafficking demonstrates that human trafficking is also very much a local problem and embedded in local situations. Exploitation can take place in (informal) work relationships that are concentrated in small sex work areas. Exploitation also can take place within personal intimate relationships, such as in victims' and suspects' private homes. Contrary to the image of human trafficking as a purely transnational phenomenon, this dissertation demonstrated the importance of acknowledging the local embeddedness and the local aspects of the phenomenon.

2. Tackling human trafficking: policy versus reality

I also examined the way human trafficking in the sex industry is addressed by the authorities and how this connects to the nature of human trafficking. It was found that there are several differences in the way human trafficking is pictured in policy papers versus the way the phenomenon occurs in practice. In fact, we can speak of a gap between a so-called policy reality regarding human trafficking and that of a certain sex work reality. Sex workers attach different meanings to several features of human trafficking. Service providers who can be responsible for exploitation can also offer assistance. Coercive partners or relationships also entail belonging, while prosecution, prevention and protection via the authorities' initiatives can mean control and work restrictions for sex workers.

Regarding the connection between the nature of human trafficking and the criminal investigation by the police, the findings indicate that these are partly addressed or acknowledged in the (investigative) strategies of the police and the municipalities. The local embeddedness would suggest to involve local actors for prevention, identification and protection. Cases where the local community police is involved indeed seem to have a positive outcome for the investigative process and seem to better meet the needs of victims (as we have seen for example in the victim statement oriented investigation). The service providers that are often the central suspects in the human trafficking cases, form an example of how human trafficking is locally embedded in a subculture of informal services within the red-light district. Involving the local community police could also

contribute to gather knowledge about these players and about potential arrangements that could lead to exploitation.

Where travels or ‘entrance’ for EU citizens are not complicated barriers to take, the tight housing market and the specific rules and requirements and registrations for sex workers can be. Service providers offer assistance in overcoming these barriers. These players however do not seem to face much government attention before they appear as suspects in the criminal cases. Then, the gradual nature would suggest to arrange more long-term contacts with possible victims to be able to encounter, recognize or determine exploitation. Up to now this is not integrated in the current system. Where the relational nature of human trafficking is a challenge for law enforcement, wire taps offer law enforcement insights into exploitative relationships.

In sum, this dissertation indicates that in addressing and investigating human trafficking, acknowledging the meanings, needs and relationships of victims and sex workers it is not a matter of course yet. However, more than is reflected in the policy notes, individual police officers investigating human trafficking dive into the world of sex work. They interpret their phone conversations and talk to the women about their situation. These police officers therefor often *do* have an eye for the meanings and needs of sex workers, but their instruments and options (prosecution of traffickers) are not always in the interest of victims. The goal of criminal investigation being the prosecution of suspects, is not always what victims want. Like with domestic violence, victims often want to be involved in ending exploitation, but not in the prosecutions of their partners. This implicates that it might be a good idea to start looking at additional options that incorporate sex workers’ interests and that could increase their cooperation.

DISCUSSION OF FINDINGS AND THEORETICAL REFLECTIONS

These findings add to our understanding of human trafficking and its manifestations, to the search for effective solutions, and inform theoretical discussions, as follows.

SEX WORK REALITIES

Our findings indicate that the mediation by third parties, and in some cases exploitation by them, can be part of sex work. At the same time, the same aspects that are sometimes exploitative (ie. third party interference or relationships), can also enable sex workers and can be helpful, or offer a way to survive economically or emotionally. These insights into sex work realities offer several new leads about how to think of the nature of human trafficking, about sex workers’ needs, and the connection between trafficking and the way it and workers’ needs are addressed. Anthropological, sociological and philosophical concepts offer possibilities to further interpret the overall conclusions of this dissertation.

Agency

A first concept is that of agency. Agency refers to the capacity of individuals to act independently and to make their own choices, based on their own free will. In studies of sex work and human trafficking this concept is often used (Agustín, 2003; Weitzer, 2007; Brunovskis & Surtees, 2008; Skilbrei & Tveit, 2008; Oude Breuil et al., 2011; Vanwesenbeeck, 2011; Bottenberg & Janssen, 2012; Oude Breuil & Siegel, 2012; Marcus et al., 2014, 2016). While policy papers on the regulation of sex work and on addressing human trafficking centre around the idea that human trafficking is a phenomenon that limits free choices, several scholars nevertheless emphasize the agency of sex workers and of people experiencing exploitation (Agustín, 2003; Oude Breuil & Siegel, 2012). Our findings indicate how both agency and autonomy can go hand in hand with exploitation, that human trafficking can be embedded in the engagement of third parties for informal services and in intimate relationships between pimps and sex workers. In these intimate and work relationships, women are not so much passive victims without will, but rather active agents organising their work or migration, engaging and negotiating informal business relationships, as well as engaging and negotiating intimate relationships with people in their social circles. While we encountered ways in which this agency was affected, it also was recognized that there was a ‘continuum of agency’, as described by other scholars (Brents & Hausbeck, 2001; Sanders et al., 2009; Bettio & Nandi, 2010; Bungay, 2011; Weitzer, 2012, 2014; Bettio et al., 2013, Marcus et al., 2014). Sex workers in their work often face both freedom of choice as well as coercion and exploitation. Several ways by which they constantly negotiate their position on this continuum have been noted in this dissertation.

The negotiation of their working conditions within the circumstances and in the circle of people around them brings us to the influence of ‘structure’. Apart from their own will, certain structures or ‘social locations’ of the sex industry can influence sex workers’ actions; for example, not to engage in the prosecution of their exploiters, or not to use the assistance of the authorities. In sociological theories ‘structure’ often refers to factors that limit or influence the opportunities that individuals have. Recently, agency and structure have not been used as contrary notions, but rather have been combined in holistic approaches of reality. These approaches include both agency (action based on reason, emotions, beliefs and attitudes) as structures (ie. sets of social relationships, class, gender, subculture, etc). An example is the study of Bottenberg and Janssen (2012) who looked at both agency and power structures within the context of the Chinese beauty branch in the Netherlands. They conclude that it is essential to not *only* look at the lived experiences of (in their study) migrants, but also to the power structures within which they have to manoeuvre, such as family values, kinship networks and relationships (Bottenberg & Janssen, 2012: 58). A concept that integrates both agency and structure is that of ‘belonging’.

Belonging

The concept of belonging, or social identity, is ‘a central aspect of how we define who we are’ (Marsh, Bradley, Love, Alexander & Norham, 2007: 4). This concept can be used to

further interpret and explain the findings on the meanings sex workers ascribe to themselves and to the world around them. Belonging has to do with “self-image” and/or “common-image”, with what differentiates me vis-à-vis “others” (Golubović, 2011). The findings in chapter 6 illustrate the self-image of sex workers, who identify themselves as ‘choosing entrepreneurs’. The concept of belonging explains the importance of belonging for individuals and how this determines how we act (or not act). In a study by Marsh et al. (2007), several social identities are identified that are useful in interpreting the role of belonging for our understanding of sex work realities and of sex workers’ attitudes towards government policies. These social identities in which people most frequently anchor their sense of belonging are: family, friendships, lifestyle choices, nationality, and professional identity. These social identities shape the social capital – the social status, shared values, and cultural practices – that go with it (Marsh et al., 2007: 5).

For the sex workers and pimps (or traffickers) it can be expected that their partners are their “family”. Their co-workers tend to shape the social circle from which they choose their friends. Working in the sex industry with its night-time hours creates certain lifestyle choices that have to do with physical appearance and the nightlife scene. One’s nationality also shapes identity. Finally, their professional identity as sex worker is important, as it is for pimps. Our findings showed how sex workers emphasized their identities as entrepreneurs with certain qualities and skills, and in some cases as successful migrants or mothers. It is all these social identities that shape how people give meaning to their lives, to the choices they make and to their beliefs, values, or practices (Marsh et al., 2007: 7).

In order to understand sex workers’ perceptions and actions regarding work, exploitation and government initiatives, we have to take these social identities into account. These beliefs and values can be made explicit, but they can also be embedded in the activities and practices that characterise the group. It is these networks of which they are part, or belong to, that shape their ideas about what is right (such as paying for protection), what is beautiful (e.g. tattoos and enlarged breasts), what is customary (e.g. having a pimp), and what is status-enhancing (such as working for a certain pimp).

Moreover, making the decision to leave a group involves crossing the ‘gulf’ of belonging and not belonging, and such an act may involve social sanctions (Marsh et al., 2007: 11). This is significant because it enables us to consider the importance of belonging to a certain group by the severity of the social alienation involved in leaving, for example, a marriage/relationship/pimp, a group of friends or co-workers. This helps explain the findings on relationships and arrangements with pimps or other service providers which may be violent or exploitative but are nevertheless not ended. Ending them would cause women to sacrifice certain social identities, such as that of partner, friend, family member or business partner.

Reciprocity

To further understand values regarding exchange within this subculture of sex work, the concept of reciprocity provides possibilities for interpretation.

In the previous chapter of this dissertation I explored sex workers' meanings using the methodology of symbolic interactionism. To further interpret these meanings the concept of reciprocity offers a useful tool. Exploitation is in fact the core of human trafficking and is about seemingly uneven or disproportionate ways of profiting from other people's earnings. In cultural anthropology, reciprocity refers to norms about what to expect in return for certain gifts, help or services and when this is expected (in the short or long term). When the exchange is delayed, it creates both a relationship as well as an obligation for a return (i.e. debt). Anthropologist Lévi-Strauss (1947), argued that human relationships are in part based on the norm of reciprocity (see also Lindahl & Van Klink, 2014; Pessers, 2014). Sahlins (1972) suggested how the degree of social distance affects the kind of reciprocity. His classification suggests the principle that the closer the social relationship, the less is expected in return and the more something in return can be delayed. Here, the findings on the relationships between traffickers and sex workers are significant. While for the authorities living off or profiting from sex workers' earnings is human trafficking, sex workers can have different perspectives based on their norms of reciprocity.⁸¹

Staring (2012b) also uses the concept of reciprocity to clearly illustrate the considerations, choices and actions of illegal migrants regarding employers, smugglers and the authorities. His enlightening descriptions of the expectations of illegal aliens regarding reciprocity (what to expect in return for provided services) help understand seemingly unbalanced arrangements of exchange. He describes how ideas, or norms of reciprocity, are often dominated by risk aversion, by looking for ways to survive, and by norms that are present in one's social group (Staring, 2012; Scott, 1976). Staring documents how illegal immigrants, in the context of their aspirations, sometimes (temporarily) settle for substandard payments, poor working conditions or poor housing conditions. When exchanges or exchange relationships are for them perceived as somewhat balanced in regard to their present situation or their future, they will not take action to report employers to the police (Staring, 2012b). My findings support this idea that sometimes unbalanced arrangements of exchange are accepted by sex workers based on certain meanings these arrangements have for them. For example, it is seen as something normal, as an improvement of an earlier situation, as a possibility to work abroad, to support family, as a lack of perceived other options, as risk aversion, or in the light of an intimate relationship.

Several findings and examples from previous chapters of this dissertation illustrate how norms of reciprocity influence sex workers' expectations about acceptable arrangements. For example, Ruxandra in chapter 2 stayed with her pimp because she could easily

81 Pesser (2014: 154) documents how reciprocity as a way of human interaction within a homogeneous group (with moral rights and duties to give, receive and return), can become 'an oppressing system which leaves little room for freedom and for escaping from this – sometimes exhausting – chain of duties'.

withhold money from him and because she was better off with him than with a smarter, more violent pimp. Anoeska perceived paying a pimp as offering possibilities, while at the same time avoiding the risk of having to go back to Hungary if she did not agree with splitting her earnings. According to her statement to the police, working for herself would include the risk of getting on the wrong side of her pimp, which was a reason to leave things as they were.

Contrary to policy realities which attempt to eradicate exploitation, there are sex work realities where other things are more important and some degree of exploitation sometimes is accepted (to achieve other goals). Hiah & Staring (2016) address the consequences of this difference in meanings in their article about labour exploitation. They state that an overemphasis on the legal definitions of ‘exploitation’ distances the law from the people it addresses because it reduces certain groups to offenders and others to victims, ‘while in practice people operate in situations where not only formal rules, but also informal rules and culturally shared expectations about justice and reciprocity exist’ (Hiah & Staring, 2016: 98).

POLICY REALITIES

Normalizing versus restricting sex work

Apart from the issues of agency, belonging and reciprocity that are part of sex work realities, there is a certain policy reality in which other things are central. When it comes to addressing human trafficking in the sex industry, the policies on both sex work and on human trafficking are relevant. Within both policy agendas there are several assumptions about the nature of the problem and about appropriate solutions and approaches.

The first assumption in the government response to human trafficking is that, by legalizing and regulating sex work, its workers and their positions are protected and the sector will be freed from marginal elements because it can be more easily controlled. Moreover, human trafficking is characterized in policy notes as: *forced* and *involuntary* sex work; as a *brutal crime*; as a serious form of *organised crime*; as *modern slavery*; as a *serious violation of human dignity*; as a *serious violation of the physical and mental integrity of victims*; and as a *violation of fundamental human rights* (Aanwijzing Mensenhandel, 2013).⁸² This image of the nature of human trafficking shapes the formulated policies, solutions and regulations, as well as the way possible victims are treated. In the approaches to tackle human trafficking there is a strong focus on criminal prosecution, an increase of stricter penalties, on barriers to prevent human trafficking, and on the protection of victims. Recently, regarding the way human trafficking is addressed, the focus increased on filtering out vulnerable, non-independent and less self-reliant sex workers.

While the sex work policy aims to normalize sex work as work, the policy on human trafficking further regulates the scene by introducing special rules for sex workers and other people and companies involved in the industry (see also Outshoorn, 2012). While

82 Retrieved April 2016 from <https://www.om.nl/onderwerpen/mensenhandel/@86278/aanwijzing-1/>

the goal of the sex work policy is to treat sex work as another type of work, in which sex workers have to register their business and pay taxes as other entrepreneurs do, brothel owners and sex workers face increasingly stricter requirements regarding their person and business. As part of the agenda to prevent or prosecute human trafficking, it is proposed to raise the minimum age for sex work to 21 and enforcement teams check the women while at work. While sex workers greatly value anonymity for reasons of stigma and negative consequences that are involved with openness about working in the industry, in several cities registration and mandatory intakes were introduced.⁸³ These initiatives require openness about and sharing of personal information. Furthermore, these intakes are only introduced for sex workers, not for other (low skilled) jobs that are known for their risk of exploitation (for example, in the agricultural sector) and the involvement of migrants. In other words, only sex workers face the special requirements regarding language skills and self-reliance.

Although the goal of the sex work policy was to decriminalize sex work, recent bills are discussed in parliament in which clients who visit sex workers that turn out to be exploited are criminalized.⁸⁴ Further, several initiatives were introduced to improve the identification of human trafficking, which focused on the distinction between independent (acceptable) sex work and assisted, exploitative or forced (unacceptable) forms of sex work. While this distinction is centred around the independence of the sex worker, our findings indicate that sex workers also value the assistance of third parties, who facilitate their work, housing, or transport.

While part of the criminal investigation of human trafficking aims to gain the cooperation of victims, we have seen how victims can be engaged in difficult or ambiguous relationships or migration trajectories; these situations affect the willingness by sex workers to cooperate in the prosecution of those who enable their travel and work, or those who may also be their partners—or at least providers of intimacy, protection and belonging.

Chapter 6 showed how the introduction of ‘the negative work advice’, an instrument to restrict possible victims from doing sex work, is aimed at clearing the sex industry of vulnerable women. Reactions by sex workers, however, showed that this often does not match with their idea of a solution to their complex situations.

Different meanings

This dissertation has shown that human trafficking features as presented in policy notes, such as forced and involuntary sex work, as brutal and organised international crime, as slavery, a violation of human dignity and of fundamental human rights, can differ from

83 Recently it is also proposed to introduce intakes for sex workers in Groningen, see Gemeente Groningen (2016). Nota Prostitutie- en overige seksbedrijven. Gemeenteblad, 63810, 10 mei 2016. Retrieved October 2016 from <https://zoek.officielebekendmakingen.nl/gmb-2016-63810.html>.

84 EK 2015-2016, 34091, https://www.eerstekamer.nl/behandeling/20160531/gewijzigd_voorstel_van_wet_5

the more complex and ambiguous informal and intimate relationships that were found in practice. The empirical data showed how informal activities and intimate relationships can lead to situations of human trafficking. Although these services could be offered in an organised way, it is often interpersonal (work) relations, an absence of such organisation concerning informal services, and more local and gradual features that characterize human trafficking.

The dissertation also illustrated how the authorities have initiated more anti-trafficking regulations and measures to prevent human trafficking and to protect people from exploitation. Where pimps and boyfriends are seen as indicators for non-independent sex work, for sex workers these people also offer possibilities. The government's intentions to offer help and protection, however, can mean control, discrimination and work restrictions for sex workers. Understandably the anti-trafficking policy is focused on ending situations of exploitation, on the prosecution of traffickers and on protecting and assisting vulnerable sex workers. However, the findings indicate that these are not always the solutions that are sought by exploited sex workers, suggesting a disjuncture between policy on the one hand and sex work realities on the other. The explanation of the different meanings that are identified in this dissertation makes clear that the way human trafficking is addressed does not connect well to its nature, and it provides answers for the questions of why this crime is not always reported and why women do not use assistance.

Where (exploitative) informal economic activities provide services and anonymity to sex workers, and where relationships provide intimacy, belonging and support, the gradual emergence of exploitation is not so simple to address.

IMPLICATIONS FOR POLICY AND PRACTICE

This dissertation showed that the way human trafficking is addressed does not always match with the nature of the problem and with the perspective of the people who are seen as victims. Insights from this dissertation on the nature of human trafficking offer an empirical basis that can be used to better match policy and solutions to the problem and to the situations of sex workers.

The insights into the informal services that facilitate sex work can contribute to the search for improvements in the working conditions of women who sell sex. The services of pimps and other informal players are barely recognized within the current Dutch policy on the sex industry. The regulations are mainly focused on brothel owners and on sex workers themselves, and do not take account of the roles of pimps and other service providers. Only recently has there been a call in the Dutch parliament for more attention to those third parties.⁸⁵ Also, a formal alternative for the offered services concerning the sex industry is often not available. The agreements sex workers make with informal service

85 Kamerstukken II (Parliamentary Proceedings Second Chamber) 2015-2016, 33885, no. 9.

providers, and the working conditions that are a result of this, deserve more attention from the authorities, not by criminalizing them, but by acknowledging sex workers' needs for these services and for the importance of anonymity. It is conceivable, for example, to look for more formal alternatives for services that enable sex work. For example, support agencies for sex workers could provide reliable services. Like other labour migrants who use employment agencies, these services could also be welcomed, especially by migrant sex workers. When these kind of agencies are part of the formal economy, they can be inspected and controlled by the authorities. An example is at Spot 46 in The Hague, an information centre for sex workers that offers contact with reliable accountants and legal advisers for sex workers.

The findings in this dissertation on the relational nature of trafficking and the parallels with domestic violence provide knowledge to help understand the various manifestations of human trafficking and the positions and attitudes of victims. The insights on ambivalent relationships and the context of an intimate relationship and shared household provides a more nuanced picture than that of forced victims, on the one hand, and independent sex workers on the other. This knowledge can explain victims' attitudes towards cooperating with a criminal investigation and can therefore assist prosecutorial decision-making. The parallels with domestic violence and coercive control offer possibilities to look for the best practices in the way these issues could be addressed.

Although the Dutch policy does have an approach on so-called loverboys, where the relational aspect does play a role, this policy is focused on girls or minors, and in part on youth. The relationships that were found in the data occur in different age groups but were found mostly among adults. The image of the victim of a loverboy is that of a girl who started doing sex work after the relationship developed. This means that the image and the policy on loverboys does not cover the relational aspects of human trafficking. Therefore, I would argue that it is necessary to speak of the relational aspect of human trafficking. In the data we saw, for example, a woman (who was in her late twenties) encouraged by her husband (who was in his thirties) to work as a sex worker as much as possible, while he used violence against her and their child. This example does not fit into the image of the loverboy, but it does illustrate the core issues of the relational aspects of human trafficking, namely the attachment to the suspect through a relationship (and in this case also a child). It would be an improvement if, in practice, there were initiatives that could help people who face exploitation within relationships. Initiatives and mechanisms that are comparable to those of domestic violence might be adapted and applied to this target group.

While there are criticisms of policy, at the same time the Dutch policy on legalizing sex work offers the best options to improve the labour rights of sex workers. Given that there is a lot of attention on human trafficking, it is important to focus all efforts on the appropriate issues that take sex workers' meanings into account. Otherwise the risk of collateral damage of anti-trafficking policy does more harm than good for sex workers, whose work is already difficult.

REFERENCES

- Aanwijzing Mensenhandel [Instruction on Human Trafficking] (2013), Staatscourant 16816.
- Agustín, L. (2003) Forget Victimisation: Granting Agency to Migrants, *Development*, 46 (3), 30-36.
- Bettio, F. & Nandi, T. (2010). Evidence on Women Trafficked for Sexual Exploitation: A Rights Based Analysis. *European Journal of Law and Economics*, 29(1), 15-42.
- Bottenberg, M. & Janssen, M. (2012). *De positie van Chinese masseuses in de Chinese beautybranche in Nederland. Onderzoeksrapport Fenomeenonderzoek Mensenhandel en Mensensmokkel in de Chinese beautybranche*. Driebergen: KLPD.
- Bovenkerk, F., Van San, M., Boone, M., Boekhout van Solinge, T. & Korf, D. (2006). *Loverboys of Modern Pooierschap*. Amsterdam: Augustus.
- Brents, B. & Hausbeck, K. (2001). State-Sanctioned Sex: Negotiating Formal and Informal Regulatory Practices in Nevada Brothels. *Sociological Perspectives*, 44(3), 307-32.
- Brunovskis, A. & Surtees, R. (2008). Agency or Illness—The Conceptualization of Trafficking: Victims' Choices and Behaviors in the Assistance System. *Gender, Technology and Development*, 12 (1), 53-76. DOI: 10.1177/097185240701200105
- Bungay, V., Halpin, M., Atchison, C. & Johnston, C. (2011). Structure and Agency: Reflections from an Exploratory Study of Vancouver Indoor Sex Workers. Culture, Health and Sexuality: An International Journal for Research. *Intervention and Care*, 13(1), 15-29.
- Cloward, R.A. & Ohlin, L. (1960) *Delinquency and opportunity: a theory of delinquent gangs*. New York: Free Press.
- David, F. (2007). *Law enforcement responses to trafficking in persons: Challenges and emerging good practice*. Trends & Issues in crime and criminal justice, Australian Institute of Criminology, 347.
- Golubović, Z. (2011). An Anthropological Conceptualisation of Identity. *Synthesis Philosophica*, 51 (1), 25-43.
- Helfferich, C., Kavemann, B. & Rabe, H. (2011). Determinants of the willingness to make a statement by victims of human trafficking for the purpose of sexual exploitation in the triangle offender–police–victim. *Trends in Organized Crime*, 14(2&3), 125-147.
- Hester, M., Pearson, C. & Harwin, N. (2000). *Making an impact: children and domestic violence*. London: Jessica Kingsley.
- Hiah, J. & Staring, R. (2016). 'But the Dutch would call it exploitation'. Crimmigration and the moral economy of the Chinese catering industry in the Netherlands. *Crime Law and Social Change*, 66, 83-100. DOI 10.1007/s10611-016-9625-7
- ICMPD (2003). *Regional standard for anti-trafficking police training in South Eastern Europe*. Wenen: ICMD.
- Lévi-Strauss, C. (1967). *Les structures élémentaires de la parenté*. Paris: Presses Universitaires de France.
- Lindahl, H. & Klink, B. van (2014), Reciprocity and the Normativity of Legal Orders. *Netherlands Journal of Legal Philosophy*, (43) 2, 108-114.
- Marsh, P. Bradley, S., Love, C. Alexander, P. & Norham, R. (2007). *Belonging*. Oxford: Social Issues Research Centre.

- Marcus, A., Horning, A., Curtis, R., Sanson, J. & Thompson, E. (2014). Conflict and Agency among Sex Workers and Pimps: A Closer Look at Domestic Minor Sex Trafficking. *Annals of the American Academy, AAPSS*, 653, 225-246. DOI: 10.1177/0002716214521993.
- Marcus, A., Sanson, J., Horning, A., Thompson, E. & Curtis, R. (2016). Pimping and Profitability: Testing the Economics of Trafficking in Street Sex Markets in Atlantic City, New Jersey. *Sociological Perspectives*, 59(1), 46-65. DOI: 10.1177/0731121416628552
- McCConnell, A. (2011). The Multiple Self-Aspects Framework: Self-Concept Representation and Its Implications. *Personality and Social Psychology Review*, 15(1), 3-27
DOI:10.1177/1088868310371101
- Oude Breuil, B.C. & Siegel, D. (2012). De autonome sekswerker: mythe of blinde vlek? Stereotypering en ‘de-responsibilisering’ in het Nederlandse prostitutiebeleid. In De Jong, F., & R.S.B. Kool (Eds.), *Relaties van gezag en verantwoordelijkheid: strafrechtelijke ontwikkelingen* (pp. 139-157). Den Haag: Boom.
- Outshoorn, J. (2012). Policy Change in Prostitution in the Netherlands: from Legalization to Strict Control. *Sexuality Research and Social Policy*, 9, 233-243.
- Pessers, D. (2014). The Normative Foundation of Legal Orders: A Balance Between Reciprocity and Mutuality. *Netherlands Journal of Legal Philosophy*. (43) 2, 150-157.
- Rijkeboer, J. (1983). Kwalitatief onderzoek: Een inventarisatie [Qualitative research: An inventory]. In J. Rink & J. Rijkeboer (Ed.), *Bruikbaar onderzoek in de hulpverlening. De ontwikkeling van praktijktheorie* (pp. 32-49). Groningen: Wolters-Noordhoff.
- Sahlins, M. (1972). *Stone Age Economics*. New York: Aldine de Gruyter.
- Sanders, T., O’Neill, M. & Pitcher, J. (2009). *Prostitution. Sex Work, Policy and Politics*. London: SAGE.
- Sansone, L. (1992). *Schitteren in de schaduw: Overlevingsstrategieën, subcultuur en etniciteit van Creoolse jongeren uit de lagere klasse in Amsterdam 1981-1990 [Shining in the shadow: Survival strategies, subculture and Creole youth from the lower class in Amsterdam 1981-1990]*. Amsterdam: Het Spinhuis.
- Scott, J. (1976). *The Moral Economy of the Peasant*. Harvard: Harvard University Press.
- Skilbrei, M. & Tveit, M. (2008). Defining Trafficking through Empirical Work: Blurred Boundaries and their Consequences. *Gender, Technology and Development*, 12 (1), 9-30. DOI: 10.1177/097185240701200103
- Soudijn, M. (2006). *Chinese Human Smuggling in Transit*. Den Haag: Boom Juridische Uitgevers.
- Staring, R. (2012). *Moderne slavernij, of gewoon werk?* Den Haag: Boom Juridische Uitgevers.
- Staring, R. (2012b). Crimmigratie en de morele economie van illegale vreemdelingen. *Proces*, 91 (6), 396-407.
- Van de Bunt, H. & Kleemans, E. (with the assistance of Poot, C. de, Bokhorst, R., Huikeshoven, M., Kouwenberg, R., Nassou, M. van & Staring, R.) (2007). *Georganiseerde criminaliteit in Nederland. Derde rapportage op basis van de Monitor Georganiseerde Criminaliteit [Organised Crime in the Netherlands. Third report of the Organised Crime Monitor]*. Onderzoek en beleid 252. Den Haag: WODC.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics and Society*, 35, 447-75.

Weitzer, R. (2012). *Legalizing Prostitution: From Illicit Vice to Lawful Business*. New York: New York University Press.

Wigboldus, E. (2002). *Opvoedend handelen in een justitiële jeugdinstelling: Systematisering van het behandel aanbod binnen Rentry* [Educative acting in a judicial institution], PhD-thesis, Rijksuniversiteit Groningen.

GOVERNMENT POLICIES AND SEX WORK REALITIES: HUMAN TRAFFICKING IN THE REGULATED SEX INDUSTRY

AIMS OF THE STUDY

In the Netherlands selling sexual services for money is accepted by law under certain conditions. Some sex workers, however, are tricked out of their money by people using manipulation, fraud or coercion. This phenomenon, the exploitation of sex workers, constitutes human trafficking. Addressing this crime of human trafficking is a priority of many government institutions at all levels. Several organisations deal with human trafficking, focusing on prevention, prosecution and the protection of victims. However, people who are identified as victims of human trafficking in the sex industry often decline the assistance that is offered to them, and many victims are reluctant to report this crime or to seek help. How can this gap between the needs of victims and the way in which human trafficking in the sex industry is addressed by the government, be explained? To gain more insight, I explored to what extent the way in which human trafficking is addressed connects to the nature of human trafficking in the Dutch sex industry. The dissertation focuses on: (1) the characteristics of sex work and exploitation, (2) relationships between those who exploit and those who are exploited, (3) the criminal investigation of human trafficking, and (4) meanings of anti-trafficking measures for sex workers.

METHODS

Police files of criminal investigations into human trafficking, and interviews

The dissertation uses a qualitative research design. The two main methods used are analysis of police files of criminal investigations into human trafficking in the Netherlands, and interviews with sex workers and government officials. After an initial study of four comparable criminal cases on human trafficking (chapter 4), further criminal investigations were subsequently studied. Chapters 2, 3 and 5 are based on twelve criminal cases. These cases were conducted by the police in the period 2006-2010 and took place in the Amsterdam red-light district. The twelve cases contain information about 70 suspects and 76 victims. The police files contain the results of each investigation and consist, among other things, of transcribed telecom interceptions, reports on police observations, interrogations, and statements made by victims and suspects. Apart from the study of police files, interviews were conducted with the police officers and Public Prosecutors dealing with each of the criminal investigations. For the study on anti-trafficking measures (chapter 6), interviews were held with sex workers (window and street-prostitution), brothel managers (window, club, and escort), government officials, police officers, and social workers.

RESULTS

Sex work and informal services

Chapter 2 demonstrates that, to understand the nature of human trafficking, we must take the role of informal service providers into account. Informal services refer to the grey economy, to unregistered services that are not formal, but not necessarily illegal. Informal activities take place outside the field of view of the government because no tax is paid, or because the necessary license or registration is missing. The women in the police files interact with various informal players who provide a wide range of services. They use particularly informal services because they attach great value to anonymity (inter alia as a consequence of the stigma of sex work), and because they are useful to get access to for example work and housing. The informal activities include pimps and bodyguards providing work and protection, errand boys who offer all kinds of informal services, drivers offering transportation, brothels using straw men, and accountants and consultants who advise on (bypassing) regulations and taxes. While these services can be harmless, helpful, and supporting, the data also demonstrate that involvement with informal players can entail dependency and exploitation. These people can create a network of monitoring and control around the work and the movements of sex workers, and profit from their earnings in an exploitative way.

Relationships between suspects and victims of human trafficking

A second aspect of the nature of human trafficking relates to intimate relationships that often exist between suspects and victims of human trafficking. Chapter 3 shows that the mechanisms within these relationships resemble those in relationships involving domestic violence or so-called ‘coercive control’. Trafficking suspects and victims often live together and in those relationships loyalty, dependency and intimidation are intertwined and emerge gradually. In these relationships partners do not split up easily and women may not want help or interference from outside. They consider deception, intimidation or forms of coercion to be relationship problems, something they have to solve themselves. Moreover, attachment to their partner, the benefits of the relationship, or a feeling of gratitude towards the partner (who has helped her) play a role. Therefore, women do not necessarily perceive themselves as victims or do not want their partner to go to prison, which prevents them from calling in help from outside or their reporting it to the police. With this knowledge about parallels with domestic violence it can be better understood how sex workers relate to criminal prosecution of their “boyfriend” and why they often do not accept help or protection from the government. The parallels with domestic violence may also provide clues in the search for effective approaches when it comes to prevention, prosecution and protection.

Criminal investigation of human trafficking

The complex informal and intimate relationships between victims and suspects of human trafficking and the gradual process of the formation of these relationships are difficult issues for law enforcement, as is illustrated in chapters 4 and 5. Often there is no obvious criminal evidence and the persistence of relationships (even after arrests or convictions of suspects) complicates the cooperation of victims and witnesses with the police. To collect information on exploitative relationships, wiretapped conversations between suspects and victims generally provide relevant information for the investigation. Other findings show that particular knowledge and expertise on signalling human trafficking, on approaching victims, and of the complex and broad legislation are important conditions for a successful criminal investigation. Apart from being an international offence, human trafficking is also often a local issue. This provides opportunities for involving the community police in the investigation.

Meanings of anti-trafficking measures for sex workers

Chapter 6 looks at the meanings of policy measures against human trafficking for sex workers. To understand these meanings, the perspectives of sex workers are explored. The chapter addresses an example of a recently introduced anti-trafficking measure: the mandatory intake of people who want to work in the sex industry, meaning a face-to-face conversation with the authorities. This intake should inform sex workers and provide the local authorities with the possibility of identifying signs of trafficking, which can lead to work restrictions. Interviews with sex workers show that the government's intentions to offer help and protection for sex workers can mean control, discrimination, and work restrictions. Whereas the government wants to preclude possible victims of human trafficking from working in the sex industry, sex workers perceive their situation as a possibility to improve their lives. As a consequence, they withhold information about pimps and boyfriends from the authorities, or move to work in other cities, and sparingly use the assistance offered by the authorities.

CONCLUSION

The results of the different studies in this dissertation show that the way human trafficking is addressed does not always match with the nature of the problem and with the perspectives of sex workers. In policy notes, human trafficking is usually presented as involuntary sex work, as an organised and international crime, and as slavery. The empirical data, however, show how informal activities and intimate relationships can (gradually) lead to situations of human trafficking. Although informal services can have an organised character, human trafficking is rather characterised by the absence of such organisation and by local embedding. In addition, various aspects of trafficking for sex workers are ambiguous. People who can be responsible for exploitation can also offer

assistance and access to work (and hence income), housing, and transportation. Coercive partners or relationships also entail security and belonging, while prosecution, prevention and protection by the authorities can mean for sex workers control and work restrictions. In fact, on a number of studied aspects the ‘policy reality’ does not match the so-called ‘sex work reality’. To effectively combat human trafficking, it is important to take into account the meanings, attributed by sex workers, of their situation, their work and of policy measures of the government.

NEDERLANDSE SAMENVATTING

GOVERNMENT POLICIES AND SEX WORK REALITIES: MENSENHANDEL IN DE GEREGLIEERDE SEKSINDUSTRIE

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In Nederland is het verrichten van sekswerk een legale en geregleerde manier om geld te verdienen. Sommige sekswerkers worden echter gemanipuleerd, misleid of gedwongen om dit werk te doen of om hun geld af te geven. Dit misdrijf, de uitbuiting van sekswerkers, heet mensenhandel. De aanpak van mensenhandel in de seksindustrie is een prioriteit van zowel de nationale als van lokale overheden. Verschillende organisaties richten zich op het voorkomen en bestrijden van mensenhandel en op de bescherming van slachtoffers. Echter, mensen die worden geïdentificeerd als slachtoffers van mensenhandel weigeren vaak de hulp die hen wordt geboden en veel slachtoffers zijn terughoudend om uitbuiting te melden bij de politie of om hulp te zoeken. Hoe kan deze kloof tussen de behoeften van slachtoffers en de wijze waarop mensenhandel in de seksindustrie door de overheid wordt aangepakt, worden verklaard? Om hier meer inzicht in te krijgen, heb ik onderzocht in hoeverre de aanpak van mensenhandel in de seksindustrie aansluit bij de aard van het fenomeen. Het onderzoek gaat daarbij in op: (1) de kenmerken van mensenhandel, (2) de relaties tussen verdachten en slachtoffers van mensenhandel, (3) de opsporing van mensenhandel en (4) de betekenis die sekswerkers toekennen aan beleidsmaatregelen om mensenhandel te bestrijden.

METHODE

Politiedossiers van opsporingsonderzoeken naar mensenhandel en interviews

Dit proefschrift is gebaseerd op kwalitatief onderzoek. De twee belangrijkste gebruikte methoden zijn een analyse van politiedossiers van opsporingsonderzoeken naar mensenhandel en semigestructureerde interviews met sekswerkers en overheidsfunctionarissen. In een eerste studie zijn vier vergelijkbare opsporingsonderzoeken naar mensenhandel bestudeerd (hoofdstuk 4). Later is dit uitgebreid naar meer opsporingsonderzoeken. Hoofdstuk 2, 3 en 5 zijn gebaseerd op een analyse van politiedossiers van twaalf zaken. De opsporingsonderzoeken werden uitgevoerd door de politie in de periode 2006-2010 en speelden zich af in de raamprostitutie op de Amsterdamse Wallen. De twaalf zaken bevatten informatie over 70 verdachten en 76 slachtoffers. De politiedossiers bestaan uit de resultaten van opsporingsonderzoek en bevatten onder andere afgeluisterde telefoongesprekken, verslagen van politie observaties, en verhoren en verklaringen van slachtoffers en verdachten. Naast het bestuderen van politiedossiers, zijn interviews gehouden met de politieagenten en officieren van justitie die betrokken waren bij de opsporingsonderzoeken. Voor het onderzoek naar beleidsmaatregelen om mensenhandel

te bestrijden (hoofdstuk 6) zijn interviews gehouden met sekswerkers (raam- en straatprostitutie), bordeel managers (raam, club en escort), gemeenteambtenaren, politieagenten en hulpverleners.

RESULTATEN

Informele activiteiten in de seksindustrie

Een eerste aspect dat van belang is bij het krijgen van inzicht in de aard van mensenhandel, is de rol van informele dienstverleners in de seksindustrie. Dit wordt belicht in hoofdstuk 2. Bij informele diensten gaat het om het grijze circuit, ongeregistreerde diensten die niet formeel, maar die ook niet per definitie illegaal zijn. Informele activiteiten spelen zich af buiten het gezichtsveld van de overheid, omdat er geen belasting over wordt betaald, of omdat er geen vereiste vergunning of registratie voor is. In de politiedossiers komen interacties naar voren tussen de vrouwen (sekswerkers) en verscheidene informele spelers die diensten aanbieden aan deze vrouwen. De vrouwen maken gebruik van deze informele spelers, omdat ze veel waarde hechten aan anonimiteit (onder meer als gevolg van het stigma op sekswerk) en omdat deze diensten nuttig zijn om toegang te krijgen tot bijvoorbeeld werk en huisvesting. De informele activiteiten worden aangeboden door pooiers en bodyguards die zorgen voor werk en bescherming, loopjongens die allerlei hand- en spandiensten aanbieden, snorders die zorgen voor vervoer, bordelen die gebruik maken van katvangers en accountants en consultants die adviseren over (het omzeilen van) regels en belastingen. Hoewel informele spelers hiermee ondersteuning bieden bij het werk, maken ze sekswerkers tegelijkertijd afhankelijk en kwetsbaar voor uitbuiting. Ze creëren als het ware een netwerk van controle rondom het werk en de bewegingen van sekswerkers, en profiteren zodoende op een uitbuitende manier van de inkomsten uit sekswerk.

Relaties tussen verdachten en slachtoffers van mensenhandel

Een tweede aspect dat van belang is bij het krijgen van inzicht in de aard van mensenhandel, betreft de relaties die bestaan tussen verdachten en slachtoffers van mensenhandel. Hoofdstuk 3 laat zien dat de mechanismen binnen deze relaties lijken op mechanismen binnen relaties met huiselijk geweld. Verdachten en slachtoffers van mensenhandel wonen vaak samen en in de intieme relaties tussen hen zijn loyaliteit, afhankelijkheid, en intimidatie met elkaar verweven en geleidelijk ontstaan. Binnen deze relaties gaan partners niet gemakkelijk uit elkaar en willen vrouwen vaak geen hulp of bemoeienis van buitenaf. Zij beschouwen misleiding, intimidatie of vormen van dwang als relationele problemen, en dus als iets wat ze zelf moeten oplossen. Daarnaast spelen de voordelen van de relatie een rol en gevoelens van dankbaarheid ten opzichte van de partner die behulpzaam is geweest. Daarom beschouwen vrouwen zichzelf niet per se als slachtoffer, of ze willen niet dat hun partner naar de gevangenis gaat, wat hen ervan weerhoudt om hulp van

buiten in te schakelen of het te melden bij de politie. Met deze kennis over parallellen met huiselijk geweld kan beter worden begrepen hoe sekswerkers zich verhouden tot strafrechtelijke vervolging van ‘hun vriend’ en waarom zij hulp of bescherming van de overheid dikwijls niet accepteren. De overeenkomsten met huiselijk geweld kunnen dan ook aanknopingspunten bieden bij het zoeken naar effectieve benaderingen als het gaat om preventie, aanpak en bescherming.

De opsporing van mensenhandel

De complexe informele en intieme relaties tussen slachtoffers en verdachten van mensenhandel en het geleidelijke ontstaan van uitbuitingsrelaties zijn lastig voor de opsporing van mensenhandel, zoals wordt geïllustreerd in hoofdstuk 4 en 5. Vaak is er geen duidelijk strafrechtelijk bewijs en daarnaast bemoeilijkt het voortbestaan van relaties (zelfs na de arrestatie of veroordeling van een verdachte) de medewerking van slachtoffers en getuigen met de politie. Afgeluisterde telefoongesprekken tussen verdachten en slachtoffers leveren doorgaans wel relevante informatie op over uitbuiting binnen deze relaties. Voor de succesvolle opsporing van mensenhandel wijzen andere bevindingen op het belang van specifieke kennis en expertise binnen het opsporingsteam over het signaleren van mensenhandel, het omgaan met slachtoffers en over de complexe wetgeving. Ook laat het onderzoek zien dat mensenhandel naast een internationaal fenomeen vaak ook een lokaal issue is. Deze lokale aspecten bieden mogelijkheden voor het betrekken van de wijkpolitie bij de opsporing van mensenhandel.

Betekenenissen die sekswerkers toekennen aan maatregelen om mensenhandel te bestrijden

In hoofdstuk 6 is gekeken naar de betekenis van beleidsmaatregelen tegen mensenhandel voor sekswerkers. Om inzicht te krijgen in deze betekenissen, is het perspectief van sekswerkers belicht. Het hoofdstuk behandelt een voorbeeld van een onlangs geïntroduceerde beleidsmaatregel tegen mensenhandel in verschillende Nederlandse steden: een verplicht face-to-face intakegesprek met de overheid voor mensen die in de seksindustrie willen werken. Deze intake is bedoeld om sekswerkers te informeren en de overheid de mogelijkheid te geven om signalen van mensenhandel te identificeren en kan leiden tot restricties om daadwerkelijk aan het werk te gaan. Interviews met sekswerkers laten zien dat de intenties van de overheid om hulp en bescherming te bieden, door sekswerkers worden gezien als controle, discriminatie en uitsluiting van werk. Terwijl de overheid wil voorkomen dat mogelijke slachtoffers van mensenhandel aan het werk gaan in de seksindustrie, zien sekswerkers hun situatie als een mogelijkheid om hun leven te verbeteren. Als gevolg hiervan houden ze informatie achter over pooiers en vriendjes, of ze verplaatsen zich om te gaan werken in andere steden en ze maken zelden gebruik van de hulp die wordt geboden door de overheid.

CONCLUSIE

De resultaten van de verschillende studies in dit proefschrift laten zien dat de aanpak van mensenhandel niet altijd goed aansluit bij de aard van het probleem en bij het perspectief van sekswerkers. In beleidsnota's wordt mensenhandel meestal beschreven als onvrijwillige prostitutie, als georganiseerde en internationale criminaliteit en als vorm van slavernij. De empirische data laten echter zien hoe informele activiteiten en intieme relaties (geleidelijk) kunnen leiden tot mensenhandel. Hoewel informele diensten een georganiseerd karakter kunnen hebben, wordt mensenhandel veeleer gekarakteriseerd door de afwezigheid van een dergelijke organisatie en door lokale inbedding. Daarnaast zijn verschillende aspecten van mensenhandel voor sekswerkers niet eenduidig. Mensen die verantwoordelijk zijn voor de uitbuiting, bieden immers tegelijkertijd hulp en toegang tot werk (inkomen), huisvesting en vervoer. Een dwingende partner of relatie kan tevens zorgen voor geborgenheid, voor een gevoel ergens bij of thuis te horen. Daarnaast kan het beleid van de overheid om sekswerkers te beschermen (door preventie en strafrechtelijke vervolging van uitbuiting), voor sekswerkers een heel andere betekenis hebben, namelijk controle en uitsluiting van werk. Op een aantal onderzochte aspecten komt de beleidswerkelijkheid, ofwel de *policy reality*, niet overeen met de zogenaamde '*sex work reality*'. Voor een effectieve aanpak van mensenhandel is het van belang om rekening te houden met de betekenissen die sekswerkers toekennen aan hun situatie, hun werk en aan beleidsmaatregelen van de overheid.