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## **Deliverable D1.3: A report concerning the macro and micro analyses of human trafficking**

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## **EXECUTIVE SUMMARY**

This report represents Deliverable 1.3 of the TRACE (Trafficking as A Criminal Enterprise) project: a two-year EU funded research project on human trafficking.<sup>1</sup>

The deliverable offers both a micro and macro analysis of the processes associated with three types of trafficking in human beings (THB). These types include: trafficking for the purpose of sexual exploitation; labour exploitation, forced begging and trafficking in the context of other types of crime. The micro analysis focuses on the different phases in the trafficking process: the recruitment of victims; the transport of victims; housing and other aspects facilitating the act of human trafficking. The report addresses how these activities are organised, carried out and coordinated, how traffickers control and organize the entire trafficking ring, which actors execute separate activities, in which roles and what kind of relationships exist between traffickers and their victims. The macro analysis concerns the position of human trafficking in the wider criminal industry. Here we address the questions of: how THB overlaps with other types of organised crime and which parts of the ‘business process’ of THB are comparable to those of other types of organised crime in terms of required knowledge and resources. This study is predominantly based on literature research and case studies from Romania, Sweden, Latvia, Cyprus and the Netherlands.

The micro analysis reveals that perpetrators may use a wide range of methods to execute the different steps of the trafficking process. The first phase is recruitment. Victims may for example be recruited through the ‘lover boy’ method, via face-to-face network contacts and through advertisements. Recruiters deceive rather than coerce the prospective victims into situations of dependency. In cases of forced begging the ‘recruiters’ are usually also involved in the other phases of the exploitation process. In cases of sexual and labour exploitation recruitment may also be the work of a specialist.

The second phase in the trafficking process concerns the facilitating activities such as transport to the place where the victim will be exploited, (temporary) housing and travel documents. Depending on the distance to be travelled, traffickers may transport the (prospective) victims of sexual exploitation to their destination by car or by air. Victims of labour exploitation usually travel by road, for example in mini buses or on international bus lines. The victims are (at times) accompanied by a friend or an acquaintance, or by the trafficker or someone who works for him, they also travel on their own with their own documents.

In cases of sexual exploitation, the victims are usually housed in hotels and rented apartments, or at their workplace. The latter often also applies to victims of labour exploitation. They stay at or near the places where they work, often in appalling conditions. The employer often owns the accommodations. When the trafficking victim is a citizen of an EU Member State, specific documents for travel or work are not required. However, in cases of sexual exploitation the

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<sup>1</sup> TRACE, <http://trace-project.eu/>. Accessed 18<sup>th</sup> September 2014

victim is underage, the traffickers must acquire counterfeit identity papers to be able have her/him work in red light windows or brothels (where such exist). The traffickers themselves may also want to hide their identity and use counterfeit passports or documents of 'lookalikes.' If the trafficker and victim are allowed to enter and work in another country, recruitment agencies or individual recruiters usually take care of the paperwork. In the destination countries, middlemen ('facilitators') may be hired to handle administrative requirements and act as intermediaries between the traffickers and employers.

The exploitation phase usually starts with creating a situation of financial debt. The trafficker may for instance pay travel costs for the prospective victim. Later on, other costs may be added, such as for housing, food and clothing. Particularly victims who's living and financial conditions were especially poor in their country of origin tend to accept their fate and do not see themselves as victims. Traffickers use a wide range of methods to control victims who refuse to comply with the situation. Examples are physical force, threat, blackmail, continuous monitoring and disinformation, such as convincing the victims that the police are corrupt and they will end up in a situation far worse if they turn to the authorities. In cases of labour exploitation, workers from abroad often take for granted the conditions, such as having to work excessive hours, because they know this is only for a short period and they want to make as much money as possible to take home.

The macro analysis shows that trafficking in human beings is in the context of the EU mainly the work of specialists. Both individual perpetrators and criminal groups mostly focus on trafficking and do not at the same time operate on other illegal markets. Although information is scarce, exceptions to the rule are sometimes 'lover boys' who are also involved in other street crimes and drug dealing, as well as larger (cross-border) crime syndicates such as outlaw motorcycle gangs, itinerant crime groups originating from South-Eastern Europe and the Albanian and Italian mafia, particularly the Sacra Corona Unita. Traffickers do commit other crimes in function of the trafficking process, such as violent crimes, human smuggling, money laundering and child pornography. The latter refers to taking nude pictures of underage victims and advertising these to attract customers. In addition, the above conclusions do not apply to trafficking in the context of other criminal activities, which refers to victims who are forced to contribute to for example drug trafficking and production or to commit burglaries. In those cases human trafficking and other crimes overlap by definition.

## PART 1. GENERAL INTRODUCTION

### 1.1 RESEARCH QUESTIONS

Trafficking in humans (THB) has “become one of the fastest growing illegal activities and is said to be producing between \$7-\$10 billion dollars a year.”<sup>2</sup> It has become a global business, reaping huge profits for traffickers and organised crime syndicates, generating massive human rights violations and causing serious problems for national and international governments, including the European Union; indeed all European Countries are affected, and depending on their wealth, some countries are states of origin, transit or destination country.<sup>3</sup> As a criminal act, human trafficking violates the rule of law, threatening EU and national jurisdictions and international law. Furthermore, trafficking in persons redirects the benefits of migration from migrants, their families, community and government or other potential legitimate employers to the traffickers and their associate.<sup>4</sup>

In order to assist in disrupting this modern day slavery we need to initially understand why the international community has not been able to diminish the act; it would appear that the answer is composed of a number of interrelated factors. Of interest for this report is that it has been difficult to estimate the ‘character’ of the industry.<sup>5</sup> As such this report first provides an analysis of the activities that comprise the “criminal business process” of three types of THB (micro analysis). This process roughly divides into three phases: recruitment, facilitating activities and exploitation. In part 2 of the report, we address these phases as well as the actors involved and their specific roles. Second, the report analyses the overlap between THB and other types of organised crime. On the one hand we take a theoretical perspective and compare the business processes of other types of organised crime with the logistics of THB to explore similarities. On the other, we will study whether and where members of criminal networks have a parallel involvement in THB and other types of organised crime. The following main research questions will be addressed in this report:

- How does THB break down in different activities?
- How are these activities organised, carried out and coordinated?
- What are the main modalities with which traffickers control and organize the entire trafficking ring?
- Which actors execute separate activities and in which roles?
- What kind of relationships exists between traffickers and their victims?
- How does THB overlap with other types of organised crime in practice?

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<sup>2</sup> Fowler Jeana, Nicolette Che and Lindsay Fowler, “Innocence lost: The rights of human trafficking victims”, *Procedia and Social Behavioral Science*, Vol. 2, Issue 2, 2010, pp. 1345–1349, p.1346.

<sup>3</sup> Masika, R., *Gender, trafficking and slavery*, Oxfam, Oxford, 2007, p. 11.

<sup>4</sup> United Nations Office on Drugs and Crime, “An Introduction to Human Trafficking -Background Paper”, Vienna, 2008, available at: [http://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](http://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf). Accessed 18<sup>th</sup> September 2014

<sup>5</sup> Kelly, Liz, and Linda, Regan, “Stopping traffic: exploring the extent of, and response to, trafficking in women for sexual exploitation in the UK”, *Policy Research Series*, Paper 125, 2000, p.2.

- Which parts of the process of THB are comparable to parts of the business processes of other types of organised crime and require similar knowledge and resources?

## **1.2 DEFINITIONS**

The TRACE project adopts the European Union definition of human trafficking as found in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council:<sup>6</sup>

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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.

As explained above, this TRACE project addresses three types of trafficking in persons: trafficking for the purpose of sexual exploitation relates to prostitution or the provision of other sex-related services such as massage with a ‘happy ending.’ Trafficking for the purpose of labour exploitation relates to all other types of legitimate jobs, for instance in construction, agriculture, the food and catering service and transport. Trafficking for the purpose of forced begging and other criminal activities relates to begging activities. Although begging itself may not be a criminal offence, in the context of this study it is not regarded as a regular job. Exploitation for the purpose of “other criminal activities” refers to persons who are forced into committing crimes, such as property crimes and the trafficking or manufacture of narcotic drugs and other illegal goods.

Internal trafficking or domestic trafficking is used alternatively to differentiate between victims that were exploited in their country of origin as opposed to others that were exploited in foreign countries.

## **1.3 INFORMATION SOURCES**

This report is mainly based on secondary information sources. There exists scarce academic literature on the rolls and methods used in managing the criminal groups and on the relationships between actors in the trafficking process, as well as on the overlap of criminal markets. To overcome this gap in the available academic literature, other sources of information were taken into account, such as media articles, European (e.g., Eurojust, Europol, Frontex) and international (e.g., Interpol and UNODC) official documents and reports as well as national reports, statistics regarding the victim’s interaction with the trafficker/recruiter, statistics regarding the extent of involvement of criminal groups in THB.

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<sup>6</sup> European Parliament and the Council, Directive 2011/36/EU of 15.04.2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA,

In addition, we have collected some material from primary sources. First, we have analysed court decisions from Dutch courts. In total we studied 254 Dutch court decisions in the context of the macro analysis of THB and a number 14 indictments of THB crime from Romania. Second, we have used a small number of case examples of criminal investigations conducted by the Cyprus, Latvian and Swedish police. Finally, information collected in interviews held in the context of other work packages in the TRACE project was also used in this report.

## 2 THEORETICAL FRAMEWORK

### 2.1 INTRODUCTION

THB is usually referred to as a type of serious and organised crime, although the actors involved may range from individuals to members of large-scale crime syndicates. In this chapter we will define the theoretical framework used to study and answer the research questions this report addresses. First, section 2.2 describes the different perceptions of serious and organised crime that countries may have, depending on historic (criminal) developments. Then sections 2.3 and 2.4 address the theoretical perspectives on serious and organised crime used in this study: the economic and the network perspectives, respectively. Section 2.5 brings together these perspectives into the general framework of analysis for this report.

### 2.2 WHAT IS SERIOUS AND ORGANISED CRIME?

Organised crime is not a clearly defined concept in the European Union. Overall 150+ different definitions of organised crime exist.<sup>7</sup> One example is the definition adopted by the Council of Europe in 2002.<sup>8</sup> This definition states that it concerns illegal activities carried out by structured groups of three or more persons existing for a prolonged period of time and having the aim of committing serious crimes through concerted action by using intimidation, violence, corruption or other means in order to obtain, directly or indirectly, a financial or other material benefit. Although this definition encompasses several widely accepted elements of organised crime (groups with some structure and stability, the use of violence and intimidation, aim for financial benefit) it does not mention the exact illegal activities.

The definition adopted by the United Nations tries to overcome this problem by stating that it should concern crimes penalised with a minimum of four years of imprisonment. This, however, does not seem to be a solution. On the one hand, it seems to widen the range of organised crimes too much. For example, in the Netherlands the maximum penalty for stealing a bicycle is indeed four years of imprisonment, so theoretically two persons working together in committing such an offence could qualify as an organised crime group. On the other, this limitation may narrow down the scope of organised crime too much. For example, environmental crimes such as the dumping of toxic waste are often highly serious in their effects flora and fauna, but in many countries, the maximum prison penalties for such offences lie well below the required four years.

The main explanation for the difficulty of finding a widely accepted definition is the fact that states perceive organised crime very differently because of different historical criminal

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<sup>7</sup> See for example: Klaus von Lampe, *Definitions of organised crime*, available at <http://www.organized-crime.de/OCDEF1.htm>, Accessed 14 November 2014

<sup>8</sup> Council of Europe, *Crime Analysis: Organised crime - Best practice survey no. 4*, Strasbourg, France, 2002.

developments. Starting from this perspective, we can distinguish four types of organised crime.

The first is organised predatory crime. As far as as the 17<sup>th</sup> Century itinerant bands of brigands roamed Europe, the emergence of the unified nation states in the 19<sup>th</sup> Century largely curbed this problem. However, organised groups of thieves are still active and often (also) operate across national borders. An example is the ‘*milieu*’ of ‘*grand banditisme*’ in Belgium and France that specialises in violent robberies of banks and money transports.<sup>9</sup> Mobile banditism also reappeared on the agenda after the fall of the Iron Curtain, when itinerant gangs from South Eastern and Eastern Europe started to operate across the European continent. Some, such as the notorious Pink Panther gang originating from Serbia committed robberies in other parts of the world as well, for example in Dubai and Japan. Of course, modern varieties of predatory crime involve the use of information and communication technology to commit cybercrimes.<sup>10</sup>

The second type of organised crime is the ‘mafia-style.’ The distinctive characteristics of this type is that it represents an ‘alternative government’ by offering ‘protection’ in situations where the government is weak and unable to perform this task.<sup>11</sup> There are few boundaries between politics, legal business and organised crime. Mafia-type organised crime groups are therefore not only involved in purely illegal markets, but derive a substantial part of their income from legal business activities and from their ability to procure government contracts and subsidies through corrupt politicians. Of course, ‘protection’ in the form of extortion and coercing of businesses to purchase goods and raw materials from mafia-affiliated companies – at higher prices and poorer quality – are also important sources of income. Mafia type organised crime in the European Union is usually associated with Southern Italy and with groups such as the Ndrangheta, the Cosa Nostra and the Camorra. In the early 1990s, mafia-type organised crime also developed in states of the former Soviet Union during the turbulent transition to independence and market economies.<sup>12</sup>

‘Urban underworlds’ can be considered a third type of organised crime. They go back to the rapid growth of European cities during the industrial revolution in the 18<sup>th</sup> and 19<sup>th</sup> centuries. The movement of large numbers of people to the cities led to the development of a proletariat and all the social problems associated with it, such as alcoholism, prostitution and gambling and later also the use of narcotic drugs. This in turn provoked a moral reaction starting in the United Kingdom (known as Victorianism) and spreading to the United States – where large-scale immigration to cities such as New York and Chicago had had the same adverse effects –

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<sup>9</sup> Spapens, T. and Fijnaut C., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn, Deel I*, Antwerp/Oxford, Intersentia, 2005.

<sup>10</sup> Van Dijk, J. and Spapens, T., *Transnational Organized Crime Networks*, in P. Reichel and J. Albanese (eds.), *Handbook of Transnational Crime and Justice*, Thousand Oaks, Sage, 2014, pp. 213-226.

<sup>11</sup> Gambetta, Diego, *The Sicilian Mafia*, Harvard University Press, London, 1993.

<sup>12</sup> Paoli, L., *The Implementation of the UN Convention against Transnational Organized Crime: Concepts and Actors*, in H.-J. Albrecht and C. Fijnaut (eds.), *The Containment of Transnational Organized Crime. Comments on the UN Convention of December 2000*. Edition iuscrim, Freiburg, 2002, pp. 207-233.

and to other European countries as well with bans on ‘vices’ as a consequence.<sup>13</sup> As demand for ‘sinful’ products and services did not decline, it presented criminals with the opportunity to expand their operations to a much larger scale. These activities came or still come together in areas such as Soho in London, the Red Light District of Amsterdam and the Reeperbahn in Hamburg. In these places, regulated activities such as bars, restaurants and gambling on the one hand and illegal businesses such as prostitution and drug dealing on the other, are often intertwined.<sup>14</sup>

Finally, organised crime is associated with the large-scale trade in and manufacture of illegal or regulated goods, as well as providing illicit services. The main example is different types of narcotic drugs. Spain, Belgium and the Netherlands are for example major importers of cocaine originating from South America. Afghanistan is a key producer of poppies and the resulting heroin is smuggled to Europe via Turkey and the Balkan Route. Hashish is for example grown in Morocco and then trafficked to Europe. The Netherlands is a major producer of cannabis and synthetic drugs.<sup>15</sup> Other types of ‘trade crime’ are for instance human smuggling, firearms trafficking, and the smuggling of cigarettes, protected wildlife and counterfeit goods. The product does not have to be illegal per se to be attractive for criminals, for example because of national differences in taxation.

Although trafficking in human beings is foremost seen as a type of organised crime, it may also be associated with white-collar crime, in other words: with legitimate businesses that exploit persons in the context of their regular business activities. Think for instance of an incident in the Netherlands in which a company hired a group of Mexican workers to clean a decommissioned ship of asbestos, under appalling conditions and without proper protective gear.<sup>16</sup> In practice there is often a thin line between organised crime and white-collar crime, except for the fact that the latter type of criminals will be less inclined to use actual violence.

Of course, organised crime may have many faces, but the typology presented here will help us to better understand how trafficking in human beings ‘works’ and what its position is within the wider criminal industry. In the next sections we will outline more exactly the framework for analysis used in this report. It is based on two main criminological approaches to organised crime: the economic and the network approach.

### 2.3 ECONOMIC PERSPECTIVE ON ORGANISED CRIME

The first important school of thought with regard to organised crime described here is the economic approach. Scholars in this domain pointed out the importance of the dynamics of

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<sup>13</sup> Spapens, T. “Illegal Gambling”, in L. Paoli (ed.) *The Oxford Handbook of Organised Crime*, Oxford University Press, 2014, pp. 402-418.

<sup>14</sup> Prostitution is legal in the Netherlands.

<sup>15</sup> Paoli, Letizia, Spapens, Toine and Fijnaut, Cyrille, *Drug trafficking*, in Fiona Brookman, Mike Maguire, Harriet Pierpoint and Trevor Bennett (eds.), *Handbook on Crime*, Cullompton, Willan Publishing, 2010, pp. 626-650.

<sup>16</sup> Commission Otapan, *De casus Otapan*, The Hague, 2012. Available at: <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2012/12/03/de-casus-otapan.html> [Accessed 14 November 2014].

supply and demand in illegal markets.<sup>17</sup> They also looked at the micro level and compared criminal organisations to enterprises, their leaders to criminal entrepreneurs, and illegal activities to business processes. For the purpose of this report, the latter is of particular importance.

Markets for illegal goods and services thrive whenever government intervention prevents the supply and demand as well as prices from reaching a natural equilibrium.<sup>18</sup> Although from an economic perspective on organised crime, trafficking in human beings is usually considered as a question of supply and demand, we may also question whether this is correct. On the one hand, traffickers do meet with customer demand for instance for prostitutes and cheap labour, but on the other hand from a victim's point of view there is often little free choice. Furthermore, even if governments do not interfere in price setting and thus create an imperfect market, there may still be room for traffickers to operate. For instance, there may not be many women volunteering to work as prostitutes, even if the activity in itself is legal. For the purpose of this report however, it is not necessary to discuss this point further.

The second important contribution of economists to the criminological theory of organised crime is their comparison of organised crime groups to licit enterprises. As in normal business, key figures within criminal groups were to be viewed as entrepreneurs aiming at maximizing their financial profit but not primarily seeking political influence.<sup>19</sup> In addition, criminal organizations may well be involved in legal economic activities too, whereas “respectable” companies and their managers may also readily engage in acts prohibited by law.

The enterprise model also allows for the study of specific illegal activities as business processes and logistical chains. It is widely accepted that any type of organised criminal activity requires a coordinated effort over a certain period of time as well as specific resources and persons who possess specific skills.<sup>20</sup> The effective organisation and efficient management of the business process is as important for criminal entrepreneurs as it is for legitimate companies.<sup>21</sup> In Europe, Ulrich Sieber and Renate Bögel were the first to analyse different types of organised crime, including human trafficking for the purpose of prostitution from a logistical perspective.<sup>22</sup> Nowadays investigative authorities widely apply this type of analysis of criminal activities. Business-process analysis, however, has its limitations in terms

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<sup>17</sup> Williams, P. and Godson, R., “Anticipating Organised and Transnational Crime”, *Crime, Law & Social Change* 37, 2002, p. 311-355.

<sup>18</sup> Naylor, Ralph, “Mafias, Myths, and Markets: On the Theory and Practice of Enterprise Crime”, *Transnational Organised Crime*, Vol. 3, No 3, 1997, p. 1-45.

<sup>19</sup> Cressey, Donald, *Theft of the Nation. The Structure and Operations of Organized Crime in America*. New York, Harper and Row, 1969; Fijnaut, C., Bovenkerk, F., Bruinsma, G. and Van de Bunt, H., *Inzake Opsporing. Enquêtecommissie opsporingsmethoden, Eindrapport georganiseerde criminaliteit in Nederland*, The Hague Sdu Publishers, 1996.; Abadinsky, Howard, *Organised Crime 3<sup>rd</sup> Edition*. Chicago, Nelson Hall, 1994.

<sup>20</sup> Spapens, T. and Fijnaut, C. *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn Deel 1* Antwerp/Oxford, Intersentia, 2005; Spapens, T. *Interactie tussen criminaliteit en opsporing*. Antwerp/Oxford, Intersentia, 2006; Spapens, T., Van de Bunt, H. and Rastovac, L., *De wereld achter de wietteelt*. The Hague, Boom Juridische Uitgevers, 2007.

<sup>21</sup> Van Duyne, P. and Levi, M. *Drugs and Money, Managing the Drug Trade and Crime-money in Europe*. London/New York, Routledge, 2005, p. 57.

<sup>22</sup> Sieber, Ulrich and Bögel, Renate, *Logistik der Organisierte Kriminalität*. Wiesbaden, Bundeskriminalamt, 1993.

of levels of detail and from a theoretical viewpoint prospective quality. Although it is easy to identify the necessary steps required by an illegal activity, crime groups have many options to choose from when it comes to their actual execution. It may be clear that a business process requires the trafficking of goods or persons from one country to another, but predicting which route or method a particular crime group will choose is virtually impossible, for example.

Clearly, this project approaches trafficking in human beings from the enterprise perspective and therefore the business process presents an important framework for analysis. It allows partners to identify the different stages of the three types of trafficking considered in this study (sexual exploitation, labour exploitation, forced begging/crimes) and analyse these from both the micro and macro perspectives. Generally, trafficking in human beings involves four material steps (see Figure 1).

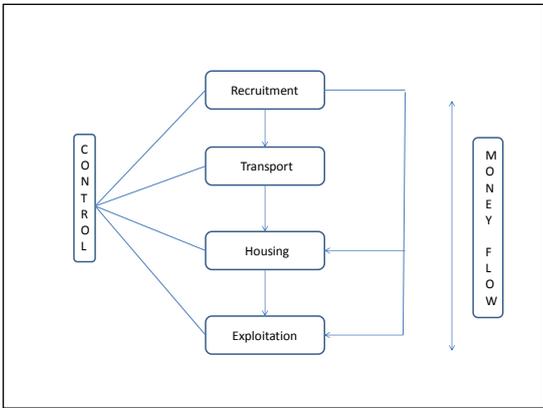


Figure 1 Process of Human Trafficking

Here we will address the different steps of the business process very briefly as they will be discussed in more detail and more specifically for the different types of trafficking in the next chapters.

The first basic step is the recruitment of the victims. The traffickers need to ‘find’ the persons he wants to exploit. Usually this involves gaining the trust of the later victim and drawing an attractive picture of the type of work on offer, the working conditions and the salary, which will later turn out to be (partly) false.

Somewhere along the line, the trafficker must create a situation in which the victim will perform the tasks the exploiter seems fit. This may imply the use of violence, but creating a situation of dependence may also produce the intended results. The latter is also less risky than the use of force and violence, because the victim will thus be less inclined to go to the police or to seek help from others. One option is to finance travel, housing and food in advance, and then use this to coerce the victim into cooperation until the debt is settled. Of course, the trafficker will find ever new ‘expenses’ along the way and thus keep the victim in his or her power for as long as possible. This is but one example of the methods traffickers may use to create situations of dependency.

The steps following recruitment are transport to the destination where the actual exploitation is to take place, and taking care of a place to stay for the victims. Both steps may include additional activities, such as taking care of travel documents (for instance to be able to travel to the European Union), finding persons who will accompany and control the victims on their journey, and accomplices who control the victims at their places of stay, to prevent them from seeking help. Once again, there are many varieties. If exploitation is to take place in the home country of the victims, there may be little necessity for making travel arrangements. If the traffickers house the victims at the location of exploitation, there is no need for arranging separate lodging.

The step of exploitation also involves a number of activities. To begin with, the trafficker must find customers. In cases of sexual exploitation, the trafficker may need to advertise to find individual clients or establish a business relation with a brothel operator. In the Netherlands, where prostitution is legal, he/she needs to register the victim with the tax authorities and the Chamber of Commerce. In cases of labour exploitation, the trafficker must arrange a 'job' for the victim. The trafficker may be the person who organizes the work, but he may also be an intermediary. The trafficker can take care of such arrangements even before recruitment of the victim, but he or she may also improvise on the spot.

Finally, criminals can simply spend the proceeds of the crime on the good life, but they can also invest it in properties and businesses. In the latter cases, and in other situations in which the authorities screen for suspicious transactions, the crime money must be 'laundered' first, in other words: provided with a credible or non-traceable history of how it is earned.

In this study, the logistical chain of trafficking in human beings is studied in more detail as part of the microanalysis. Second, we will also use this framework to analyse trafficking from a macro perspective. Here, we will for instance examine to what extent the logistical process overlaps partly with the business processes of other types of crimes. There is for example a link between human smuggling (illegal immigration) and trafficking in human beings because except for the exploitation phase, both processes are largely comparable. People who are able to launder money for human traffickers are of course able to do so for other criminals too. The exploitation of workers may take place in the context of white-collar crimes. These are just a few examples of possible links that must be explored further.

## **2.4 NETWORK PERSPECTIVE ON ORGANISED CRIME**

Evidently, trafficking in human beings does not only involve a material business process but also people who are willing and able to execute one or more parts of it. In order to be able to participate in organised crime, it is important to know people. This is the key point in the social network approach. The idea of social networks began to attract the attention of criminologists in the early 1990s, particularly when consensus grew that organised crime

groups were to be seen predominantly as flexible and loosely knit collectives.<sup>23</sup> Malcolm Sparrow was one of the first to point out the relevance of social network analysis for mapping criminal organizations varying from narcotics supply networks to terrorist groups.<sup>24</sup>

Criminologists most often use network analysis to map criminal groups and their internal relations, combined with the different roles of the members.<sup>25</sup> Spapens, however, proposed a broader perspective that places the members or crime groups within a larger network of (potential) criminals.<sup>26</sup> This larger network provides the ‘milieu’ from which the active crime groups are recruited. There exist passive criminal relations between the members of this milieu that enable them to exchange information about potential illegal activities or ‘projects’. When these persons engage in actual criminal activities, the passive criminal relations become active. After the crime has been committed, the relation returns back to passive but remains intact if the partners do not rule out the option of doing business again in the future. Members of the broader network who are imprisoned remain part of the network, because they can still exchange information and even establish new criminal relations. Crime groups may be relatively stable entities within the broader network, but more usually active criminal relations tend to change relatively quickly.<sup>27</sup>

The broader criminal network or ‘macro network’ is in principle a worldwide network because there are no formal restrictions to the establishment of criminal relations. In practice, however, it is clustered regionally and locally. This is explained on the one hand by the fact that it is more difficult and risky to maintain criminal relations when geographical and cultural distances increase. On the other, many tasks in a criminal business process do not require specialized knowledge and people who can execute these tasks can be found everywhere.

The network perspective on organised crime provides a useful framework for this study. At the micro level we can distinguish members of criminal groups with different roles, knowledge and skills, which in turn apply to one or more of the stages in the business process. Generally, criminal networks comprise organizers, unskilled workers, specialists and facilitators, and financiers.<sup>28</sup>

- Organizers are the individuals who have organizing skills, the necessary contacts within the broader criminal network, and a (violent) reputation that prevents them from being ‘ripped off’ by other criminals. Organizers can therefore be considered to be the key persons within a criminal group.

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<sup>23</sup> Spapens, T., “Macro networks, collectives and business processes”, *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 18, No. 2, 2010, p. 185 – 215.

<sup>24</sup> Sparrow, M. “The Application of Network Analysis to Criminal Intelligence: An Assessment of the Prospects”, *Social Networks* 13, 1991, p. 251-274.

<sup>25</sup> Morselli, C., *Inside Criminal Networks*, New York, Springer, 2009.

<sup>26</sup> Spapens T., *Netwerken op niveau*. Tilburg, Prisma Print, 2012.

<sup>27</sup> Spapens, T., 2012, *op. cit.*

<sup>28</sup> Spapens T., 2006, *op. cit.*

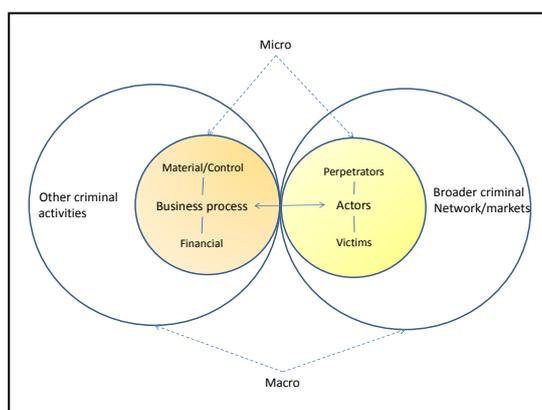
- Unskilled workers are the most common within a criminal group. Their role is to execute the simple handwork, such as transporting goods or persons, applying violence and to do installation work, depending on what the illegal activity requires.
- Specialists and facilitators are the skilled workers, who may also be subcontracted instead of ‘employed.’ Facilitators may be responsible for carrying out complex parts of the illegal activities, such as the forging of documents or passports. Trained chemists may for instance be necessary to manufacture synthetic drugs. They may also be tasked with legal activities, such as the manager of a transport company who organizes a licit shipment in which illegal goods can be hidden. They may also be legal advisors or ‘*consiglieri*’.
- If the organizers do not have money to invest, they may use financers. In some cases this concerns reputed criminals who have themselves retired from active criminal activity.

This is a more general list. When a criminal business process is analysed in more detail, this will enable to identify specific roles and to assess which skills these require, as well as how, where and when the different actors obtained the necessary knowledge and experience.

The network perspective is also important for the macro level of this report. In many instances serious and organised criminals will engage in any type of illegal activity that earns them money. Whether they are also able to operate on different crime markets pretty much depends on who they know and less on what they know. In other words, we may assume that from the perspective of the broader criminal network outlined above, network members who are involved in one type of crime but also have contacts which enable them to commit other crimes as well will be able to, if they want to of course, switch from one type to another or be involved in different types at the same time.

## 2.5 FRAMEWORK FOR ANALYSIS

The framework of analysis for this part of the TRACE-project, as described above, can be summarized as follows:



**Figure 2 Framework for analysis**

The micro analysis of the three types of trafficking in human beings which this report focuses on, starts with a study of the business process in terms of the material aspects (recruitment, transport, housing and exploitation) as well as how the victims are controlled, and the financial aspects (money flow, money laundering). Next, the micro study will identify the different actors in this process, their respective roles and skills. This includes the perpetrators (organizers, unskilled workers, facilitators/specialists, financiers, et cetera) as well as the victims (their backgrounds, social and economic situations, et cetera).

The macro analysis looks at the position of trafficking in human beings within the wider criminal industry. From the perspective of the business process we will study how the process of human trafficking intertwines with other types of organised crime and white-collar crime. From a social network perspective we will analyse how and to which extent actors involved in the trafficking in human beings have passive and active criminal relations with other members of the broader criminal network.

## PART 2 MICRO ANALYSIS

### 3.1 INTRODUCTION

The micro analysis of the three types of trafficking in human beings which this part of the report focuses on starts with the exploration of the three stages of trafficking in human beings in terms of the players involved in and their relationships (actions: recruitment, transport, housing and exploitation) as well as the strategies applied in controlling the victims in their business (means) but also looking into the financial aspects (outcomes: money flow, money laundering) of trafficking. Within our analysis, different actors involved in these processes, their respective roles, and skills will be identified. This includes a description of both the perpetrators (organizers, unskilled players/pawns, facilitators/specialists, financiers, et cetera) and the victims (their backgrounds, social and economic situations, et cetera) and their relationships.

Trafficking in persons is increasingly seen as an economic process, characterised by supply and demand, an illicit market, where destination countries are characterizing the demand for cheap labour and sex and where origin countries are completing the economic picture of the process with the people's desire of a better life, or of supporting the family's income or other accomplished of personal desires. Victims are seen as goods, which could be sold or used again and again, and are seen as a continuous source of profit for the criminal groups, as Väyrynen (2005) describes best this economical equation "people are a good commodity as they do not easily perish, but they can be transported over long distances and can be re-used and re-sold."<sup>29</sup>

When considering trafficking as a business, with a relation between the employer and the employee, is normally to try to analyse it as a normal economical process, happening within the context of legitimate economic activity, exploitation often occurring in legitimate markets- agriculture, construction, domestic service<sup>30</sup> and other fields of the economy or for services, working fields known for the black or underground labour. Being an enterprise is normally to be generated by profit with a level of investments as low as possible, characterized by "low risk-high profit" equation.

At the same time, a study of forced begging and exploitation for begging in Romania, France, Belgium and Austria, mentioned the versatility of the traffickers and criminal networks "who

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<sup>29</sup> Mahmoud, Toman Omar and Christoph Trebesch, *The Economics of Human Trafficking and Labour Migration: Micro-Evidence from Eastern Europe*, Free University of Berlin, Hertie School of Governance Berlin, June 2010, p. 5 apud Väyrynen, R. *Illegal Immigration, Human Trafficking and Organised Crime*. In: G. Borjas and J. Crisp (eds.), *Poverty, International Migration and Asylum*, Palgrave Macmillan, New York, 2005, pp 143-170

<sup>30</sup> Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, UNGIFT-Global Initiative to Fight Human Trafficking, "Analysing the Business Model of Trafficking in Human Beings to better Prevent the Crime", written by Alexis Aronowitz, Gerda Theuermann and Elena Tyurykanova, p.25

do not necessarily make any distinction between forms of exploitation and that they will carry out any form that is possible and profitable.”<sup>31</sup>

Information regarding trafficking process is very scarce and limited due to the impossibility to collect the sensitive data. The majority of the states are collecting data regarding type of exploitation, countries of exploitation, use of false documents or ways of crossing the border. In some states, in-depth data regarding the trafficking process and the relationships between players involved in trafficking are collected but are not made public, being used only for internal evaluation on THB. National Reports regarding Trafficking in persons performed by National Rapporteurs or Equivalent Mechanisms or even by Police Units or other institutions are not compiling or presenting information of this nature, regarding attitudes, behaviours or other psychological particularities of the THB players or social relations between members of trafficking criminal groups.

Little is known about the organizational structure and relationships between members of criminal networks or groups operating criminal activities in the field of trafficking in persons worldwide. Authors, publications, or articles trying to describe these topics are making analogies with smuggling organizations, considering to some extent as existing similarities between those two types of criminal organizations. In the same reasoning, authors considers that the causes in which victims became prone to be smuggled or trafficked, to leave their country legitimate or illicit are the same.<sup>32</sup> At the same time, using similarities from smuggling crime have to be made with cautious since some authors argue that there is still a conflation between these two types of crimes resulting in misinterpretation of trafficking in persons.<sup>33</sup>

Data regarding social interactions between perpetrators and vulnerable victims or methods used in controlling victims or relations between members of organised trafficking groups are not collected on a regular basis. These type of data or at least some interpretative analysis are made publicly in scientific studies or intelligence papers, but only ad-hoc, where interest exists or when an increase in some particular form of criminality is observed (the increase for example in using new technologies and internet in facilitating operations within criminal groups or in controlling victims and business of trafficking). For example, as one study recent shows data collection systems in place are inadequate both nationally and internationally to provide a complete and accurate picture of the true nature of this begging in trafficking across Europe.<sup>34</sup>

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<sup>31</sup> Healy, Claire and Piotrowicz, Ryzsard, *Manual for Law Enforcement Authorities on Trafficking for forced Begging*, prepared within the Strengthening the fight against Forced Begging: A multidisciplinary Approach project, HOME/2011/ISEC/AG/THB/40000002192, 2013, p.98

<sup>32</sup> Aronowitz Alexis A., "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organisations that promote it," *European Journal on Criminal Policy and Research* 9, 2001, pp. 163–195, p. 170.

<sup>33</sup> The Centre for Social Justice, *It happens here. Equipping the United Kingdom to fight Modern Slavery*, A policy report by the Slavery Working Group, Breakthrough Britain, March 2013, pp: 83-85

<sup>34</sup> Anti-Slavery International, *Trafficking for Forced Criminal Activities and Begging in Europe. Exploratory Study and Good Practice Examples*, "With the financial support of the Prevention of and Fight against Crime European Commission Programme- Directorate-General Home Affairs", September 2014, p. 8

The degree of organization within the smuggling/trafficking chain can vary dramatically. It can be as simplistic as a single individual providing a single service, it can be as organised in trafficking networks, involving numerous people providing the entire range of services, or it can be a segmented business involving an interaction between a criminal network and a legitimate transportation company.<sup>35</sup>

Some authors considered that organised criminal groups are becoming more and more flexible, decentralized, and are increasing cooperation with other criminal groups, which allows the re-organization according to threats from law enforcement, demand for services and the number of competitors.<sup>36</sup> As argued by Schloenhardt, investors, recruiters, transporters, corrupt public officials or protectors, informers, guides and crewmembers, debt-collectors, money launderers and supporting personnel are roles taken by individuals responsible for money laundering.<sup>37</sup>

It becomes increasingly evident, that nationals are exploiting victims with the same nationality. Other nationalities between traffickers and victims has also been found in larger organised criminal groups, where traffickers are organizing themselves, with different nationalities in order to have more power and more influence in a particular region or to move quickly from a region to another (more people into the organizations more contacts you have and is more ease to move the criminal activity from a part to another, even from a state to another one).

As has been found in recent research<sup>38</sup>, multiple subjects and networks are involved in THB, at times involving a host of subcontractors and intermediaries. In trafficking in human beings there is no longer a typical triangular relation between an employer, an employee and facilitator/recruitment agency. Social media and the Internet have gained a prominent role in THB, and there are new sectorial specificities and practices with regard to the three phases. In the broader context, today the three phases of THB, recruitment, facilitation and exploitation, have become increasingly multifaceted and complex. While different phases of THB often share many characteristics, such as, a focus on profits, they do not follow a single model. Particularly between geographic regions, there are significant variations in trafficking business models, patterns and practices. These variations depend not only on the market forces of supply and demand, but also on historical and cultural influences that shape local practices.<sup>39</sup> In the following chapters we review three phases of the trafficking in human beings (THB): recruitment, facility and exploitation in 3 different countries, Romania, Sweden and Latvia affected distinctly by trafficking in human beings crime, Romanian being

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<sup>35</sup> Aronowitz Alexis A., 2001, *op. cit.*, p. 174.

<sup>36</sup> Aronowitz Alexis A., 2001, *op. cit.*, p.178; Adamoli, S., A. Di Nicoli, E. Savona and P. Zoffi, *Organized Crime around the World*. European Institute for Crime Prevention and Control, Helsinki, HEUNI, 1998. p.11.

<sup>37</sup> Ibidem, p.174 apud Schloenhardt, A., "Organized crime and the business of migrant trafficking: An economic analysis." *Crime, Law and Social Change*, 32(3), pp. 203–233, 1999.

<sup>38</sup> Sorrentino, L. and Jokinen, A. *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea Region*. HEUNI, Helsinki, 2014.

<sup>39</sup> Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*, Vienna, 2014. Available at: <http://www.osce.org/secretariat/121125?download=true>, accessed 20 September 2014

mainly a country of origin and destination for romanian citizens, Sweden as a destination country while Latvia being a destination and an origin country at the same time.

### **3.2 OVERVIEW REGARDING THE DYNAMICS OF TRAFFICKING IN PERSONS IN ROMANIA, SWEDEN AND LATVIA**

#### **3.2.1 Romania**

The perpetrators of human trafficking crime (hereafter ‘traffickers’) have a business strategy from the moment in which they choose the victims till the moment of exploitation. One police officer assimilated the organisation of this crime with traffickers having a “marketing plan,”<sup>40</sup> tailoring each step of the crime to their abilities, skills and group’s expertise in the field of criminality in general or into a specific form of exploitation for THB. Traffickers have learned to make a profit from people’s desire to work.<sup>41</sup> They are working at multiple levels, placing members in the countries of origin responsible with recruitment and transportation and in the countries of destination for organizing the victim’s services disposal for the clients or employers while permanent controlling the victim’s attitudes and money gained.

According to the Romanian Police Unit specialized in combating organised crime, cooperation between criminal groups operating in trafficking is limited. Nevertheless it was observed connections between criminal groups in THB with criminal groups operating in drug trafficking, money laundering or other criminal activities. In the same time, THB criminal groups are found also as a part of an organised bigger criminal group, using the network and the big criminal group’s image to enter into this business and to maintain it. Creating a reputation as a violent, coordinated, and influenced group or leader of the group is seen as a quality among the criminal groups and their members, assuring an income for the leader from each of the specialized criminal sub-groups using his reputation for committing the crimes. In addition, based on information from the organised crime unit of the Romanian police, criminal groups acting in the field of trafficking in persons are more and more adapting to situations in countries of destination, are well informed about the legal systems of these countries. When a threat appears they move their criminal activities from one country to another. There is also a trend for the organizations to be composed by the members of the same ethnicity or even relatives, thus making the profit to remain under the control of a small group.<sup>42</sup> At the same time, traffickers also adapt their activities in response to counter-trafficking initiatives and thus trafficking trends are seen to vary over time.<sup>43</sup>

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<sup>40</sup> Gavril, Ioana. Gențiana and Ana-Maria, Tamaș, *Trafficking in children in Romania. Study on the recruiting process*, Alpha Media Print Press, Buzau, Romania, 2009, p 64.

<sup>41</sup> Mahmoud, Toman. Omar and Christoph Trebesch *The Economics of Human Trafficking and Labour Migration: Micro-Evidence from Eastern Europe*, Free University of Berlin, Hertie School of Governance Berlin, June, 2010, p.2. National Agency against Trafficking in Persons, *National Report on Trafficking in Persons in 2012*, Ministry of Internal Affairs Press, Bucharest, Romania, 2013, p. 38.

<sup>43</sup> Anti-Slavery International, *Trafficking for Forced Criminal Activities and Begging in Europe. Exploratory Study and Good Practice Examples*, “With the financial support of the Prevention of and Fight against Crime Programmed European Commission- Directorate-General Home Affairs”, September 2014, p.7.

At the same time, cases were encountered<sup>44</sup> in which small groups dropped the hierarchical division of a bigger criminal group and acted as controlling and coordinating a business in order to share equally the profit.

The networks/groups involved in THB tend not to launder the proceeds of crime and instead spend money on a luxury lifestyle, buying cars, houses, lands and other electronic equipment or even jewels and in the attempt to dissimulate, they formally make such investments on other people name, persons outside the criminal activity.

A discussion should be made regarding the ways in which organizations are acting in sex trafficking or labour trafficking and the different relationships between members involved in big organised criminal groups or in small-scale criminal groups. When a big criminal group is involved, each member has specific tasks and responsibilities within the group. Within begging networks who exploited Romanian victims outside their country, males and females were involved in manipulating and exploiting victims, but in generally, the tasks were gender based, meaning that women were mainly responsible with persuading, targeting and grooming to recruit potential victims, in addition with training and coaching the victims for performing prostitution or begging while men were responsible with threats, constraints, physical coercion and relations with external members (helpers of the criminal group) or informers. Each member within the organizations has specific roles to provide specific services, being organised as a company or a firm in which members have a role based on educations and/or expertise into one or several departments. Even if are highly organised, however, the groups display low levels of sophistication. Traffickers who have the same citizenship usually exploit Romanian victims. In order to maximize their profits, the criminal groups establish partnerships with club owners and employers in destination countries for sexual and labour exploitation respectively.

There are multiple push and pull factors that make persons particular vulnerable to trafficking irrespective of the type of exploitation, such as poverty, lack of education, lack of information, naivety, globalization and open borders. As will be further described, victims are recruited also by persons with whom they had a particular relationship, the victims know their trafficker<sup>45</sup> including kinship, a friendship or other social type of relation between both parties. The victims may be keen to access so-called “3D” jobs (difficult, dirty, and dangerous) because they would do nearly everything just to escape their dismal living conditions at home (Bhabha 2005).<sup>46</sup>

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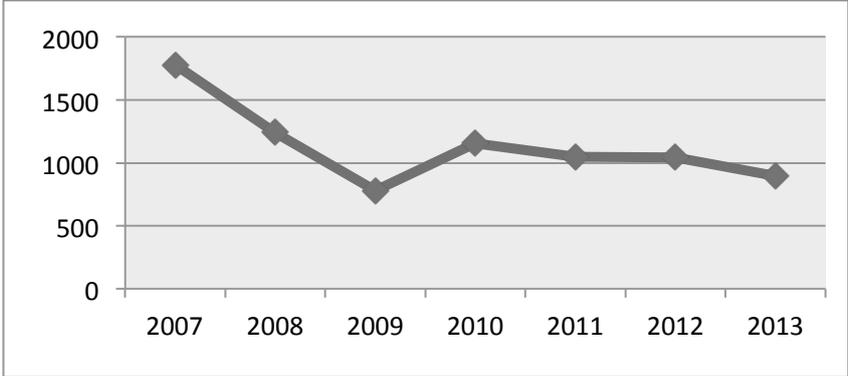
<sup>44</sup> National Agency against Trafficking in Persons, *National Report on Trafficking in Persons in Romania in 2011*, The Ministry of Internal Affairs Press House, Bucharest, 2013, p. 38 and National Agency against Trafficking in Persons *National Report on Trafficking in Persons in Romania in 2012* available on-line, only in Romanian at [http://anitp.mai.gov.ro/ro/docs/Cercetare/RapoarteAnuale/RAPORT\\_PRIVIND\\_TRAFICUL\\_DE\\_%20PERSOANE\\_IN\\_2012.pdf](http://anitp.mai.gov.ro/ro/docs/Cercetare/RapoarteAnuale/RAPORT_PRIVIND_TRAFICUL_DE_%20PERSOANE_IN_2012.pdf), accessed 20 October 2014

<sup>45</sup> Pop, Irina, “Ten Interviews with Traffick Victims Revealing their THB Reality in Trafficking” in Pop.Lia and Matiuța. Cristina *Human Beings Questions and Answers*, Oradea, 2013 p.135 apud Iana Matei *De vânzare (EN:For sale!)*, Mariana, 15 ani, Bucharest, 2011, pp 145-153.

<sup>46</sup> Mahmoud, Toman. Omar and Christoph,Trebesch, *The Economics of Human Trafficking and Labour Migration: Micro-Evidence from Eastern Europe*, Free University of Berlin, Hertie School of Governance Berlin June 2010, p.8.

Continuous methods of coercion, either physical or psychological are preventing the victims from being able to react and to escape from THB. This was also a conclusion made within a trial for THB crime in the UK, where a permanent question has been raised among the participants “Why didn’t you just walk away?” when the lawyers of the traffickers mentioned that the victim had an opportunity to leave once or twice when she was going to a shop alone to buy something. The same report concludes: ‘Understanding the more subtle psychological controls that are exerted so often over people who have been trafficked is absolutely crucial.’<sup>47</sup> The mechanisms used by traffickers and ways in which they actually succeed into keep a permanent fear to the victims was explored for each of the trafficking stage distinctly for each form of exploitation.

The rate of victimization<sup>48</sup> in trafficking per 100.000 inhabitants in Romania ranged from 5.8 in 2008, to 5.4 in 2010 and 5.6 in 2012, one of the biggest if compared to other European countries<sup>49</sup>. Approximately 65% of the identified victims are adults while the same percent defines also the presence of women out of the total identified victims.



**Figure 3 The annual dynamics of identified victims of trafficking exploited both internally and externally**

The heterogeneity of the population of victims of trafficking, minors and adults, women and men, coming from rural and urban areas, with no education or medium education, a wider national geographic spread, calls on the authorities to take diversified multi-level actions in preventing the phenomenon. Making only a common albeit not scientific analogy, one could argue that due to this characteristic the traffickers adopt their strategy to be able to entice and manipulate for exploitation different victims with different social backgrounds.

**3.2.2 Sweden**

Sweden is a destination country for victims of various types of THB crimes. Trafficking for purposes other than sexual exploitation includes the exploitation of the victim for forced

<sup>47</sup> The Centre for Social Justice, *It happens here. Equipping the United Kingdom to fight Modern Slavery*, A policy report by the Slavery Working Group, Breakthrough Britain, March 2013, p. 32.

<sup>48</sup> The rate was calculated based on the share of annual no. of identified victims of trafficking in persons from SIMEV and annual data regarding the no. of inhabitants according to Romanian National Institute of Statistics.

<sup>49</sup> See for example the EUROSTAT Methodologies and Working Papers, *Trafficking in human beings*, 2013 edition, available at: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415\\_thb\\_stats\\_report\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf). accessed 25 October 2014

labour, for the removal of organs, in active military service or in a situation that places a person in distress. Cases of human trafficking in children have been also identified in Sweden. Children are exposed to various forms of exploitation such as forced labour, begging, criminal activities and sexual exploitation. Out of the 31 cases of forced labour, children were involved in five cases, four cases were of forced begging, and one case of trafficking for organ removal.<sup>50</sup> A survey carried out in 2012<sup>51</sup> showed that of the 102 children who were reported by municipalities as suspected cases of child trafficking more than a third were EU citizens. Boys were more vulnerable to exploitation for criminal activities and forced labour, while girls were targeted for sexual exploitation and forced begging. Majority of the children were identified in Stockholm and Gothenburg,<sup>52</sup> and more than half of these children had come to Sweden alone or with an adult who was not the child's parent.

Based on a 2013 police survey, estimates indicate there were 11 children victims of sexual exploitation and 10 children victims of exploitation for the purpose of forced labour and criminal activity.<sup>53</sup> According to the same report, in 2013 there were 29 suspected adult victims of sexual exploitation and 33 suspected adult victims of other forms of exploitation. The total number of suspected THB cases reported based on the police survey: 43 in 2013; 48 in 2012; 63 in 2011. It should be emphasized that the estimated number of persons who may have been victims of crime are just estimates.<sup>54</sup> THB victims of labour trafficking largely originate from Bulgaria, Romania, Cameroon, and Thailand and are subjected to forced labour in the domestic service and hospitality and seasonal labour sectors (i.e., berry picking, gardening, construction).<sup>55</sup> THB victims of forced begging and stealing originate primarily from Romania and Bulgaria.

### 3.2.3 Latvia

Latvian authorities use Section 165(1), which prohibits the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking.<sup>56</sup> In 2013, the government prosecuted four defendants under Section 165-1 and convicted 11 suspects, compared to 11 prosecutions and 17 convictions in 2012.<sup>57</sup> Latvian authorities did not initiate any new labour trafficking investigations since 2009.

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<sup>50</sup> Brå (Brottsförebyggande rådet). Databas över anmälda brott, 2014. Available: <http://statistik.bra.se/solwebb/action/index>, accessed 20 October 2014

<sup>51</sup> Sweden's Police Report. Utsatta EU-medborgare i Sverige Lägesrapport ur ett människohandelsperspektiv. Länsstyrelsen i Stockholm, 2014.

<sup>52</sup> Länsstyrelsen i Stockholms län. Barn utsatta för människohandel – en nationell kartläggning, 2012.

<sup>53</sup> Brottsförebyggande rådet (BRÅ) 2014. In 2013 the Swedish police carried out a web survey with an online questionnaire sent to all 290 municipalities, 21 police offices and several NGOs across in Sweden.

<sup>54</sup> Brottsförebyggande rådet (BRÅ) 2014.

<sup>55</sup> Trafficking in Persons Report 2014, US State department. Available at: [http://www.state.gov/j/tip/rls/tiprpt/2014/?utm\\_source=NEW+RESOURCE:+Trafficking+in+Persons+R](http://www.state.gov/j/tip/rls/tiprpt/2014/?utm_source=NEW+RESOURCE:+Trafficking+in+Persons+R) accessed 20 October 2014

<sup>56</sup> Latvian Criminal law Section 165-1. Available:

<sup>57</sup> According to the Latvian Criminal law Section 165-1. "(1) For a person who commits sending a person with his or her consent for sexual exploitation, that is, for any act which facilitate legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries - the applicable punishment is deprivation of liberty for a term not exceeding six years." Available: <http://likumi.lv/doc.php?id=88966>, Official translation in English available: [http://www.knab.gov.lv/uploads/eng/the\\_criminal\\_law.pdf](http://www.knab.gov.lv/uploads/eng/the_criminal_law.pdf), accessed 10 October 2014

## 4 THE RECRUITMENT PHASE

### 4.1 INTRODUCTION

Recruitment is the first action of trafficking in persons' crime, the stage in which the both actors (victims and traffickers) become involved with this crime, conscious or not, willing to some extent or not, and in which one player has in mind the given chance to improve his life and the other one the chance to make profit.

One of the first interesting observations related to recruitment of victims is that, for example in Romania, means of psychological elements of control and of victim's coercion are more and more used and to a lesser extent the physical ones. The "lover boy method" was the most observed method in relation with the recruitment for sexual exploitation in our indictments and also based on cases that ANITP encountered. The traffickers are using more and more psychological mechanisms to persuade but even to threat and coerced victims to obey and to exploit them. At the same time, the pretended debts generated by transport, accommodation, food, or other expenses related with the presence in the state of destination (taxes for renting a place for performing the services, taxes of protection) are used in coercing victims to perform the services under exploitative conditions.

To some extent, the recruitment, irrespective of the type of exploitation is happening in a similar way, the future victims being deceived with promises of a better life while the traffickers permanently entice them with attractive job offers. Nevertheless some mechanisms or approaches seems to be specific depending on victims' typology and traffickers' network "occupation or specialization"<sup>58</sup>.

In the traditional human trafficking case, the prospective victim being recruited is unaware that the purpose for which s/he is being recruited is to engage in forced prostitution. In such cases, recruitment takes place by the unlawful means of threat, force, coercion, abduction, fraud, deception, abuse of power or abuse of vulnerability. Typical examples in Sweden and Latvia with regard to the recruitment phase of THB for the purpose of sexual exploitation include the following<sup>59</sup>:

- The presumed victim is younger 18 and therefore technically a victim of human trafficking, but he/she is informed of the type of work and the conditions and not misled.
- Victims are recruited under false pretexts, such as applying for a job as dancer, model au-pair or cleaner. The recruiter creates a situation of financial dependency by offering to finance transport, housing, travelling documents, et cetera. Recruiters may also set up fake companies to hire the victims.

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<sup>58</sup> Based on our own research

<sup>59</sup> Fijnaut, C.J.C.F. and Spapens, A.C.M. "The Meuse-Rhine Euroregion: A laboratory for police and judicial cooperation in the European Union. In F. Lemieux (Ed.), *International police cooperation. Emerging issues, theory and practice* (pp. 101-125). Cullompton: Willan Publishing, 2010.

- The victim is recruited by a pimp (boyfriend) with whom she has a relationship. The pimp persuades the victim to work as a prostitute for example because the money would ensure them a better future as a couple.

It is very common that recruiters use false profiles to obfuscate their criminal role on the Internet and/or actively manipulate the emotional state of their victims. ‘Friending’ on web-based social networks and seeming benevolence are often used to persuade victims to agree to travel abroad of their own free will.

According to a study performed in Romania regarding the recruitment of minors<sup>60</sup> and teenagers for trafficking, irrespective of their exploitation, stages of recruitment were highlighted:

1. Identifying the victim/Information on the victim. The recruiter/trafficker is looking for a possible victim in the areas where his potential target spends more time (school, parks, clubs –for teenager) and is trying to get as much as possible information from his friend, colleagues about the victim and her needs
2. Approaching the victim (The offer). The recruiter/trafficker has the first contact with the future victim, customize their behaviour to meet the victim’s needs and aspirations and makes her the offer (job offer abroad or in the country, traveling, education and others). In general, the recruiter makes a tailored offer according to victim’s needs, wishes, and dreams.
3. Manipulation (getting the victim to trust) in which the recruiter establishes a friendship/love –based relation with the victim and where possible he try to get in this relationship also the victim’s family, relatives and even friends.
4. Assessing the offer. The victim makes in this stage hers own offer’s assessment based on the capabilities, level of understandings, and other psychological characteristics and personality traits. In the same time, family or friends could be approached by the victim in order to council and help her to evaluate the offer.
5. Approval from the parents/caretakers. This stage is commonly used when a minor is involved and the recruiter intends to leave the country and he needs the parents to sign the papers for allowing him to travel abroad.

Apart from the recruiter/trafficker and the victim who are the main players within the recruitment stage, other players can also be distinguished and could play an active role in “the direct, intentional involvement in the recruitment who entice the vulnerable persons through various methods”<sup>61</sup> or a passive one, not taking notice of the special vulnerability and the needs of the victims. The recruiter plays an active role enticing the victim while the victim has a passive one, when makes nothing to evaluate the offer due to the several factors (naivety, low level of understandings, a low level of education, or is under trafficker’s control). Parents and other family members could play an active role, when involved in

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<sup>60</sup> Gavril, Ioana, Gențiana and, Ana-Maria Tamaș, *Trafficking in children in Romania. Study on the recruiting process*, Alpha Media Print, Buzau, Romania, 2009 pp. 70-75.

<sup>61</sup> *Ibid*, p 62.

trafficking and exploitation or only in the recruitment, e.g., accepting the recruiter's proposal to lend or sell their children, or agree in signing notary statement for the children to leave the country even if they know what awaits them there. The passive role is played by the families when they are indifferent to their children's needs (affection, empathy, emotional) and even agree with the children's departure without asking any details or check the honesty of the offer. Peers or friends play the active role when involved in recruitment as a member of a trafficking network or as an individual trafficker and a passive one when "they show a lack of interest and carelessness towards the potential situation *his/her friend* might be placed".<sup>62</sup> Citizens, teachers and other person from communities plays a passive role in recruitment when don't react at cases of violence, cases of begging on the streets or other specific signs of a possible situation of exploitation, neglect or other form of abuse due to a lack of sensitivity, lack of information and awareness, or desire to get involved as well. The lack of reaction of the communities' members for the visible exploitation is sometimes seen as „complicity to trafficking.”<sup>63</sup>

According to SIMEV<sup>64</sup>, the majority of the recruited victims in Romania have a friendship with the recruiter, meaning that the recruiter was part of his friends or acquaintances network, or was a neighbour or even the life partner or her pimp. These figures have to be analysed with caution because as it will be further explored in the case of forced labour, the role of the recruiter is being given by the criminal network to a future victim, while the real recruiter, a member of a criminal group, is acting from the backstage. Cases in which the recruiter was a member of the family are less encountered. Victims recruited for sexual exploitation by unknown persons, by persons not known previously were also encountered. Usually the recruiter makes his offer directly having a face-to-face interaction with the victim. Less encountered cases are those in which victims are recruited through ads in written newspapers or Internet advertisement, specific for the recruitment of victims for labour exploitation, and also recruitment trough talent agencies (for modelling).

## 4.2 RECRUITMENT IN THE CONTEXT OF SEXUAL EXPLOITATION

### 4.2.1 The recruitment process

As was mentioned above, recruitment in Romania usually takes place under the false promises of a better life. If we look at figures regarding the recruitment methods of Romanian

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<sup>62</sup> Ibid. p. 67.

<sup>63</sup> Centrul Parteneriat pentru Egalitate, Hopes for sale-Qualitative research regarding trafficking for sexual exploitation in Romania and Italy in the epriod 2007-2011 (available only in Romanian and Italian), april 2012, p.68.

<sup>64</sup> SIMEV- the National Integrated System to Monitor and Assess Trafficking in Persons was developed by the National Agency Against Human Trafficking (ANITP) for statistical analysis and became fully operational in January 2007. Technically, the national system is based on multi-level software, which uses a central database, a data interrogation application, and a web-type user interface. The access to this system is only permitted to users within ANITP, the Monitoring, Evaluation and Coordination Office, ANITP's Regional Centres, as well as to certain users within the Offices to Combat Organised Crime and within the General Inspectorate of the Romanian Border Police. The data may also originate from other partner institutions besides the Ministry of Internal Affairs, for example NGOs, child protection authorities, school inspectorates and others, in this purpose data being collected by specialist of ANITP's Regional Centres.

victims identified between 2011 and 2013, the majority of the victims received job offers abroad but also offers for practicing prostitution. Job offers in the country, convenience marriage, travelling abroad, and pornography were also encountered within the recruitment offer spectrum. The victims received offers as potwasher, salesgirl, and offers for domestic housecleaning or domestic care, waitress, barmaid, or club dancer. There are also encountered cases of recruitment through abduction, situation in which victims receive no offer. The victims who received offers for practicing prostitution abroad were either dealing with this occupation previously or where in such a dependency for the recruiter that accepted the promises of a well-paid job as a prostitute under trafficker's surveillance and care<sup>65</sup>.

Based on the consulted indictments but also on experiences in working directly with persons affected by trafficking in persons, a pattern in the recruitment for sexual activities is highlighted. Usually the most popular method for recruitment for sexual exploitation is the so-called "lover boy method" which could be described better with the following actions steps:

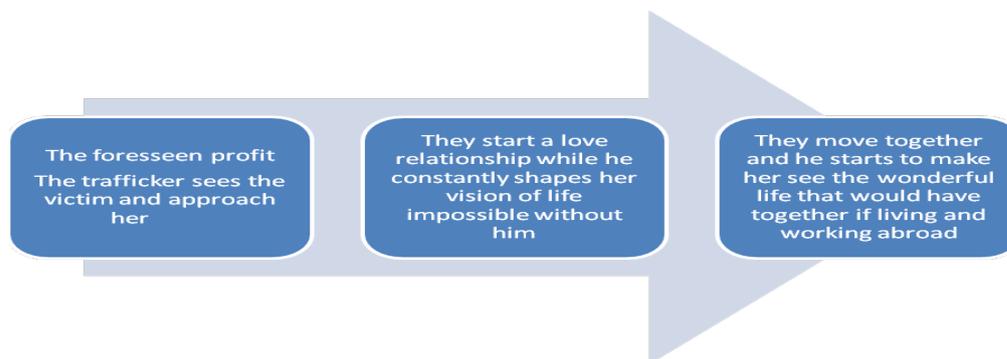
- The trafficker is seeing an opportunity when meets a woman and approach her;
- They both start an intimate relationship, where he permanently manipulates her with gifts, good will, affection, love, a long and serious relation, creating the idea of an imminent marriage, in order to gain her trust;
- After a very short time the couple decides to live together in one of trafficker's or in the apartment of one trafficker's friend.
- After a while (*no more than few weeks*) he makes her the offer of going abroad for work or even for practicing prostitution

Depending on the woman's reaction the following two steps appear:

- If the victims accept the offer the victim is falling into trafficking and is starting the exploitation
- If the woman rejects the offer or is halting, the trafficker's manipulation is continuing while new actors or the trafficker places elements shaping the legal or safe nature of the job in order to gain her trust. Another modality for determining the victim to accept are the allegedly threats or menace coming from violent local known gangsters to his own life or integrity, the only solution for escaping being for the woman to accept to prostitute herself in order for "her lover" to pay his debts, using the woman as a tool for repaying his pretended debts.

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<sup>65</sup> Based on the history of cases of trafficking in persons encountered in ANITP's daily work.



**Figure 4 The lover boy method of recruitment**

Usually the lover boy method is either used by the member responsible with the recruitment in criminal group dealing with THB or by a solo trafficker who foresees the opportunity to exploit the victim's services for prostitution, like several of his friends or a person he knew does and now is having a luxurious life. In this situation, you could say the success stories are influencing both the trafficker and the victim's decision to take this step.

Some other cases observed in Romania, victims who receive attractive job offers decide to spread the news of the encountered opportunity to friends, as this could be the chance for improving their lives and working together. In this situation, the victim who plays the role of recruiter is not aware of the deceiving nature of the offer.<sup>66</sup> Recruitment can merge with the facilitation phase and a victim can become a recruiter. Another example observed in Sweden, a victim is told that she or he will receive the final salary only if a new person is recruited and brought abroad as a replacement.<sup>67</sup> This system is also used in labour exploitation.

Each time a minor victim is involved, the trafficker tries to convince her/his parents to accept and to sign the notary paper in order for her/him to leave the country.<sup>68</sup> When parents don't agree the trafficker changes the strategy and uses a counterfeit identity document.

The online recruitment is encountered more and more in Romanian in the last years, but is still not overwhelmingly popular.<sup>69</sup> In Romania, victims start an on-line relationship with the trafficker and after a short period of time, they two meet for the first time face to face, from this point on the steps for recruitment being similar to the above described lover-boy method. For example, in one case, an underage girl<sup>70</sup> started an on-line relationship with a Romanian living in Germany, who only after some weeks asks her to visit him in Germany. Initially her parents didn't agree for her to travel abroad but after a time, in which they also spoke with her daughter's lover they started to trust him and they agreed for the daughter to live together with one of her friends, who was 19 years old.

<sup>66</sup> Based on the consulted indictments and also on cases encountered within ANITP's daily work.

<sup>67</sup> Vogiazides, Loisa and Charlotta Hedberg, *Trafficking for forced labour and labour exploitation in Sweden: Examples from the Restaurant and the Berry Industries*. Heuni publication series No 75. Helsinki: HEUNI, 2013.

<sup>68</sup> According to our own observations based on the interaction between personnel from ANITP and victims of trafficking in persons.

<sup>69</sup> According to the statistics related to modalities of recruitment for sexual exploitation, based on SIMEV.

<sup>70</sup> Indictment Constanța, Romania, Territorial Unit of DIICOT

This type of recruitment for sexual exploitation was more documented for this study in Latvia. In Latvia, as a source country, Internet is a very appealing space for recruiters because they can remain relatively anonymous.<sup>71 72</sup> In recent years, enforcement has not been found lately as a part of a recruitment strategy. Various forms of deception are still used but most often recruitment for sexual purposes involves an open mutual agreement in which a potential victim freely agrees to be engaged in the sex work industry. In Latvia, recruitment most often takes place via *social network websites*, such as draugiem.lv or facebook.com, where with one click an unknown person becomes ‘approved’ as a friend. These websites provides a platform for sharing details of our everyday life and the opportunity to display emotion publicly, which makes it easy to observe and approach a potential victim who shows signs of being in a vulnerable emotional state. Victims often report that a *friend* proposed the job that turned out to be exploitation. Although interaction on the Internet may be between people of different generations, trust can be established very quickly.<sup>73</sup>

It is estimated that around 400 to 600 trafficked victims are transited into Sweden annually for sexual purposes.<sup>74</sup> Victims tend to be young woman and girls from underprivileged economic backgrounds, and primarily from countries in Eastern Europe, Baltic Sea, former Soviet Union, as well as Nigeria and Thailand among others.<sup>75</sup> The recruiters, both men and woman, usually come from the same country of origin as the victim. Transporting victims into Sweden by road, ferry or air is the norm. The victims are usually housed for short-term periods in a series of subleased apartments or houses in and around the major cities in Sweden.<sup>76</sup> In Sweden, general trends indicate that traffickers recruit victims in the victim’s country of origin via the Internet and social media to be sexually exploited. Traffickers target prospective victims by posting online employment vacancies for various types of jobs within the sex industry, both locally situated and outside the country of origin. Normally the job advert makes it clear through its language usage and explicit photos that the “employment opportunity” is sexual in nature.<sup>77</sup>

Thus, cases of human trafficking investigated or prosecuted in Sweden reflect that over 90% of victims had prior knowledge, before arriving in Sweden that they had been brought to

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<sup>71</sup> LETA. Latvijā piecu gadu laikā pieckārt pieaudzis cilvēktirdzniecības upuru skaits.28/05/2013. Available: <http://www.delfi.lv/news/national/politics/latvija-piecu-gadu-laika-pieckart-pieaudzis-cilvektirdzniecibas-upuru-skaits.d?id=43351957#ixzz3CGgtaeGf> accessed 20 October 2014

<sup>72</sup> See for example, the NGO “Shelter Safe House” information campaign on social media. Available: <http://www.draugiem.lv/www.patverums-dm.lv/pages/6280> accessed 20 October 2014

<sup>73</sup> Pāparde, Inga. Visbiežāk par cilvēktirdzniecības upuriem kļūst gados jaunas vientuļās mātes. Neatkarīga Rita Avīze. 14/01/2014/ Available: <http://nra.lv/latvija/kriminalzinas/109481-visbiezak-par-cilvektirdzniecibas-upuriem-klust-gados-jaunas-vientulas-mates.htm> accessed 20 October 2014

<sup>74</sup> Wahlberg, K. *Situation Report 13 Trafficking in Human Beings for Sexual Purposes*, Produced by the National Police Board’s National Rapporteur on Trafficking on Human Beings, 2012; Carlenfors, E. and Wintzell, E. PowerPoint by the National Taskforce against Prostitution and Trafficking in Sweden, 2014

<sup>75</sup> Ibid.

<sup>76</sup> Wahlberg, K. *Situation Report 13 Trafficking in Human Beings for Sexual Purposes*, Produced by the National Police Board’s National Rapporteur on Trafficking on Human Beings, 2012; Carlenfors, E. and Wintzell, E. PowerPoint by the National Taskforce against Prostitution and Trafficking in Sweden, 2014; Ågren, L., Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

<sup>77</sup> Ågren, L. Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

Sweden for the sole purpose of engaging in prostitution. A large majority of the presumed victims claim to have given their consent free of coercion, deceit or force to engage in prostitution in Sweden. Earnings from sex work in Sweden can range between 215 EUR and 325 EUR per hour (2000-3000 SEK per hour). Therefore, if the victim is fully aware and gives her/his consent to being transferred and prostituted, then unlawful means to achieve this purpose is no longer required by the trafficker.<sup>78</sup>

In another Romanian case, one trafficker persuaded several indigent female victims to go to Spain through false promises of marriage. His mother, who accompanied him to visit the parents of some of the underage victims in order to persuade them to give their consent for the issuance of the necessary travel documentation for the victims, aided him.<sup>79</sup> Recruitment through convenience marriages has a very low frequency out of the recruitment's methods but it is effective in the case of underage victims because by virtue of marriage they do not require consent from their parents to move abroad.

Other recruitment situation in Latvia are the cases in which a victim is promised during the recruitment phase work in childcare or as an *au pair*, but upon arrival in the country of destination, she is then forced to engage in striptease or in sex-work. However, in most cases recruitment is based on a mutual agreement. The person recruited knows that s/he will work in sex industry. Those who recruit people for sexual exploitation insist that the sex worker knew what s/he would be doing and made the choice of their own free will. Deception (regarding the purpose) is no longer as common or even as necessary due to the increased push factors and desperate socio-economic conditions being experienced globally in recent times. Recruiters try to hide the exploitative nature of their relationships with the victims through *benevolence* and offers of *friendly help*: they promise to pay for trips and assure their victims they will earn very good remuneration in a short time. Web-based social networks become an easily accessible space for recruitment. Tapping into a victim's emotional state is a part of the recruitment process in internet-based social media. Apart from promises for work, payment and support in getting a job, a perceived friendship, emotional affect and closeness are betrayed, which can be equally traumatic for victims as material and monetary deception and physical exploitation.

#### 4.2.2 Actors and roles

Victims exploited for sexual exploitation are commonly women, girls at the age in between 14-17 years old and women in between 18-25 years old, with a relatively medium level of education (primary or up to secondary school-ISCED level).<sup>80</sup> The majority of the victims come from families with both parents. Family's of provenience type seen as a trigger factor could be observed in the light of other particularities, such as: the presence of alcohol abuse,

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<sup>78</sup> Ibid.

<sup>79</sup> United nations Office on Drugs and Crime, *THB case investigated in Romania*, available [https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/rou/2009/case\\_ca\\_brasov\\_43-ap-2009.html?tmpl=old](https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/rou/2009/case_ca_brasov_43-ap-2009.html?tmpl=old) accessed on 7 October 2013

<sup>80</sup> National Agency against Trafficking in Persons, *National Report on Trafficking in Persons in Romania in 2012*, The Ministry of Internal Affairs Press House, Bucharest, 2013 pp: 7-19

domestic violence, poverty in the family. For the first time since 2006, in 2012 male victims (minors and adults-no more than 30 years old) were trafficked nationally and transnationally for sexual exploitation. The following main characteristics apply to traffickers involved in the recruitment for sexual exploitation of victims of Romanian origin:

- the majority are men, with a medium level of education (up to secondary school) are at the age in between 24-25 till 35-36 years old;<sup>81</sup>
- usually they have criminal records, for prostitution (one woman trafficker was practicing prostitution before but also while acting in trafficking criminal activity) forgery, pimping, drug trafficking, smuggling, illegal possession of firearm;
- they didn't have an occupation nor a licit job;
- the majorities of the perpetrators are Romanians.<sup>82</sup>

These figures have to be interpreted with cautious, as the statistics are provided from the Prosecutor's Romanian Office based on investigations started in Romania. In one case analysed for this micro-study, Italians traffickers were also involved together with a Romanian woman in exploitation for prostitution of Romanian women. In another case, a group formed by Albanians and Romanians trafficked Romanian victims in Italy for street level prostitution.

Females can also play a role in the recruitment and 'grooming' of young females into prostitution. For instance, in one analysed case, female members, usually the concubines of the group's members act as contact points to gain access to potential recruits, in addition being tasked with coaching and disciplining new women recruits into forced prostitution. One interesting situation was when a trafficker was operating in the field even if he was serving a final conviction sentence in a Romanian prison. He managed to remotely recruiting and controlling victims of THB from the prison, with the help of a mobile-phone.

#### *Roles within recruitment*

Based on the consulted indictments, on our figures related to the history for exploitation and recruitment for trafficking in persons available on SIMEV but also on our experience in working directly and keeping a permanent contact with victims<sup>83</sup> of trafficking in persons we will describe further the possible of the perpetrators in recruitment correlated with the criminal group's dynamics, hierarchies or dimensions.

The traffickers are organised either in big or small groups performing illegal activities sometimes not only in the field of THB or not only in the field of sexual exploitation. Looking deeper into the organization's model we can see that not all of groups are acting under the leader's coordination but are acting based on the availability or skills of members.

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<sup>81</sup> Ibid, p. 34.

<sup>82</sup> According to the official statistics provided annually by DIICOT regarding the prosecuted traffickers in Romania.

<sup>83</sup> ANITP is coordinating a program for victim's coordination in trial in which one direction is to have a periodic contact with the victims to help them in trial, to inform them about their rights, etc

In one analysed case we found a woman trafficker who was prostitute herself before meeting an Italian citizen with a criminal record and together with whom she decided to start exploiting Romanian victims in Italy. The woman together with the Italian concubine was responsible for choosing and recruiting the victims from Romania while another Italian member of the group was responsible with the logistical nature of the activity (housing the victims, finding places for prostitution). Our research shows that the majority of the criminal groups operating in the field of sexual exploitation are composed mainly of members of the family or close friends (father with his son or father with his son in law), concubines or even associated due to the criminal history of each member.<sup>84</sup> Even if they are organised as a small family business and their influence is little at the local level they manage to entice the victims and to manipulate them. They choose victims from their network of acquaintances or friends, and approach the most vulnerable ones (unemployed, lonely parent with a child, without a home) or who are in an indigent situation, making them easily recruited. They usually come with an offer tailored to the victim's needs.

Bigger (in terms of numbers of the individuals involved) criminal groups are more prone to violence and/or threats and physical abuse that they are using to recruit, control, and subdue the victims. This was observed within an indictment, where a bigger criminal group<sup>85</sup> was involved, and where the recruitment, even if it started with the normal first contact recruiter-trafficker, when the answer was no the perpetrators quickly turned to threats of violence or even used violence. The cases of abduction are to an extent also connected with bigger criminal groups operating in the field of THB. At the same time, other groups are recruiting using threats of violence due to the reputation they have at a local level, being known as a violent group. Taking into account the influence they have at local level and practically the impossibility to escape from their influence, victims are accepting the offer, even if aware of the risks taken. We can speak in this situation about a tainted consent.

The bigger the criminal group, the tighter and coordinated the group is. In bigger groups a leader decides on the strategies to be adopted in the business. In the same time, the leader takes the biggest amount of money extracted. In one analysed indictment we saw a leader who was involved in direct illicit activities no longer but still received on a permanent basis a substantial amount of money. Another sub-group who operate under his name, using his influence for creating fears and for using his network in performing trafficking for sexual exploitation, was sending money regularly for each of the exploited person, like a permanent fee to the big leader's group.

Other groups, smaller in terms of number of perpetrators, are organised or coordinated by two or three persons or lack an organizational structure. They have an ad-hoc manner to operate, based on one's member presence at the right moment. This means that a person could be involved in both recruitment and exploitation based on his availability on the spot. Even so,

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<sup>84</sup> Based on conclusions made by Romanian Police, Combating Organized Criminal Crimes Unit made within papers for Romanian national Reports regarding trafficking in persons in 2012 and 2013.

<sup>85</sup> Indictment from 2010 Iași Territorial Unit of DIICOT.

the group's members tend to be specialized for only one or two trafficking stages, for example one to be responsible for recruitment and transportation and others for exploitation and collecting money. Irrespective of the group's dynamics or dimension, the following roles of the members of a criminal group were identified<sup>86</sup>:

- **The leader**-the member of the group responsible for coordinating and for strategy to be adopted by each of the sub-groups or members.
- **The recruiter**-the member of the group responsible for searching and persuade victims with job offers (usually is a person who have a large number of acquaintances and friends network where he/she can find vulnerable persons)-in the same time, some psychological skills could be addressed to this kind of person (attentive, reflective and some other personal traits making him able to fraud persons with serenity)
- **The driver**-in bigger groups a member is responsible for victim's transportation and harbouring. In smaller groups this role could be taken by the recruiter or even by the exploiter. In the same time, this role may not appear if the victims are travelling by air.
- **The accommodator or the administrator**-this role is taken by the persons responsible with the logistical matters (accommodating the victims and also finding "work")-in smaller criminal groups this role is usually taken by the exploiter.
- **The exploiter**-this role is performed usually by the most influent person of the group, the leader in bigger criminal groups or the leader's most trustful person or by the older member of the group which usually has the most powerful position. He is the group's member who decides where and how victims will work. In the same time, this person could also be responsible with threatening the victims in order to have them obey to the given tasks.
- **The trainer** –group's members who were previous practicing prostitution or even by others older victims, in order to teach the new victims how to practice this job.
- **The money collector**-usually this role is taken by a member responsible with the exploitation of the victims

### Example from a court case in Latvia

Two Lithuanian nationals decided to come to Latvia to recruit women for sexual exploitation in Netherlands following a mutual agreement between them and one unidentified individual organising a brothel in the Netherlands. Their roles in the recruitment of women for sexual exploitation were discovered via an undercover investigative operation authorised by the Office of the Prosecutor General in Latvia. On 28 June 2010 one of recruiters made a phone call to a man involved in the experiment (hereafter V.U.) saying that he and his partner would arrive in Riga in two days' time to negotiate the recruitment of women for a brothel in the Netherlands. The two recruiters met with the person involved in the undercover investigative operation at a café in Riga. One of the recruiters proposed finding women who could be sent to the Netherlands. He explained the working conditions in the brothel. The three men agreed that payment for help with the recruitment would be made after the girls were transported to the Netherlands and had started working there.

<sup>86</sup> Based on the consulted indictments about the roles taken by the group's members.

According to the plan, V.U. pointed to two women sitting at the next table and said that the recruiters could talk to them directly. These women were also taking part in the undercover operation. The recruiters explained that the work on offer was related to sexual services and regardless of what sexual services were provided, customers would pay 50 euro per session. The women were required to give all money earned during the day to the owner of the brothel who would pay them their salaries, 30% of money received from customers, at the end of each month. They also explained that accommodations would be in the brothel, but the women themselves would have to pay for food and contraceptives. If the women agreed, they would be taken to the Netherlands. On 5 July V.U. called the recruiters and, in order to reveal their criminal roles, according to the undercover operation, said that the women had agreed to the conditions and were prepared to go to the Netherlands. The recruiters replied that they would arrive in Riga the next day to transport the women to the Netherlands. The following day the Latvian police detained them at the Riga Passenger Terminal. The recruiters were convicted of the crime in 2012 in accordance with Paragraph 165<sup>1</sup> of the Latvian Criminal Law.

#### **Example from a court case in Sweden**

The case involved 4 Polish victim-witnesses, between 20-30 years of age, who had their services advertised online, communicated with the perpetrators and clients via mobile phones and were given access to two apartments used for the sexual encounters. The court convicted a Polish man to 8 months imprisonment and a Polish woman, imposed a fine based on her daily income, for their involvement in a prostitution network in the Stockholm area. The two perpetrators were charged with aggravated procurement and purchasing sexual services. *Stockholm District Court 10.01.2012, Case No. B 14587-10*

### **4.3 RECRUITMENT IN THE CONTEXT OF LABOUR EXPLOITATION**

The annual reports on human trafficking in Romania, which comprise quantitative and qualitative analyses of its dynamics and the activities performed by specialized institutions, highlight some features related to labour exploitation<sup>87</sup>, namely:

- Labour exploitation is the second form of exploitation that affects identified Romanian victims; during the last years around 40% out of the total were victims of labour exploitation.
- The traffickers/recruiters approach directly the victims.
- Job offers accompanied by support offers for accessing them represent the common recruitment method.
- The main regions where the victims are recruited differ slightly from year to year.
- The majority of victims are adult males and most of them are from rural areas.

<sup>87</sup> National Agency Against Trafficking in Persons, *National Report regarding trafficking in Persons in 2012*, The Ministry of Internal Affairs Press House, Bucharest, 2013, p.25 and National Agency Against Trafficking in Persons, *National Report regarding trafficking in Persons in 2013* (forthcoming).

Human trafficking for labour exploitation in relation to Romania and Romanian victims can be analysed from two different perspectives describing internal trafficking and external trafficking, as the available statistics indicate that both types are present. Considering the elements of the trafficking process a detailed analysis of cases regarding labour exploitation points out some similarities in terms of methods used for recruitment, transfer, transportation, harbouring and methods of coercion. At the same time, the findings correspond to the results of various studies and reports, conducted by national or international organizations and to the defined indicators of trafficking for labour exploitation.

#### 4.3.1 The recruitment process

In Romania the method used for recruitment for forced labour is through job offers presented directly by one of the persons involved in trafficking network or by publishing job ads in local newspapers. Direct approach is found mainly in cases of internal trafficking. For many people from rural areas agriculture is the main or the only source of income, whether they work their own land or work as day workers for other people in the village or nearby villages. Looking for workers in agricultural season is something common in Romania that doesn't raise many suspicions. The traffickers know and take advantage that both, the labour demand and the labour supply are very high in this period.

In the first stage of recruitment only one or two persons from a community are targeted by trafficker(s) who goes and presents the job opportunity adding all details with respect to the nature of the job, working conditions, location, earnings. The proposed includes a working program of 8 hours a day, 6 days a week, a certain amount of money as payment for every day of work, 3 meals a day, travel and housing with decent living conditions provided. Further, more information, equally important are given: the offer is available for more persons and the trafficker(s) will return in a few days. So, those individuals, who are also potential victims, are involved in recruiting other potential victims, people closed to them, often, relatives, friends, and neighbours.

The way recruitment is organised in Sweden depends upon the actors involved. Three mechanisms for recruitment have been identified: (1) social networks; (2) recruitment agencies; (3) middlemen.<sup>88</sup> Trafficking for labour exploitation mainly occurs in the restaurant and construction sectors, as well as in seasonal labour with berry pickers recruited in Bulgaria and Thailand.<sup>89</sup> Non-EU citizens can only enter Sweden if an employer is willing to hire them and a work permit has been acquired. Employers with foreign backgrounds are often interested in employing *relatives* and *acquaintances* from their country of origin; this practice

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<sup>88</sup> Vogiazides, Loisa and Charlotta Hedberg, *Trafficking for forced labour and labour exploitation in Sweden: Examples from the Restaurant and the Berry Industries*. Heuni publication series No 75. Helsinki: HEUNI, 2013, p.191.

<sup>89</sup> Ekstedt Anna, Anthony Olsson, Endrit Mujaj and Vineta Polatside, *Human Trafficking 2013- Baltic Sea Region Round-up*, The Council of Baltic States, Sweden, 2013, p.99.

is particularly widespread among ethnic restaurants.<sup>90</sup> Similarly, restaurant owners may ask their employees to recommend new staff.<sup>91</sup> In the case of berry-pickers, workers who have already returned home frequently recruit others for the job from their own social networks. Even though the practice of recruiting through social networks is a common way to help fellow nationals increase their earnings through migration, it can function just as well as a means of exploitation.<sup>92</sup>

A recent Swedish report, which scrutinised the restaurant and berry-picking industries, argues that acknowledging the shortcomings of Sweden's new liberal labour immigration policy, however beneficial it is, it also should be improved in order to protect workers from exploitation.<sup>93</sup> 'Among the workers who have entered Sweden within the framework of the new policy, the situation of seasonal berry-pickers from Asian and East European countries, in particular, has been emphasized for the exploitative conditions faced by the workers.'<sup>94</sup> Various abuses involved long working hours, threat, physical abuse, extremely poor living conditions, low and unpaid wages in the respective industries under scrutiny.

In the berry industry seasonal migrant workers arrive both from Thailand and from Eastern European countries. These two groups represent two separate legal systems, where the pickers that are EU citizens (unregulated workers) have the right to travel freely within the European Union to pick berries, whereas non-European pickers (regulated workers) need a work permit and travel within the framework of Swedish labour migration policy. According to interviews with berry companies these groups are similarly large in numbers, with about 5,000 each. One berry merchant estimates that in the future, the group of unregulated pickers will increase substantially due to economic hardships and increased competition over jobs in Europe.<sup>95</sup>

Berry-pickers usually come from rural areas, often taking substantial loans to cover travel costs and fees to middlemen and recruitment agencies, in the hope that the income earned in Sweden will help improve their standard of living at home.<sup>96</sup> The Swedish berry pickers industry involves a range of different actors with specific roles, which to some extent depends on if the berry-picker is unregulated and of European origin or unregulated and of non-European origin: the berry-pickers; middlemen and recruitment agencies based in their home country; berry companies, and berry buyers and merchants. Given the distinct labour migration regimes that apply to EU and non-EU citizens, it is important to separate these groups of workers. The non-European pickers are hence called 'regulated berry-pickers', and they arrive mainly from Thailand but at times also from other Asian countries. Pickers from this group require a work permit and a visa in order to work in Sweden and they are granted

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<sup>90</sup> Sorrentino, Liliana and Anniina Jokinen, Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea Region. Helsinki, HEUNI, 2014. pp.191-192.

<sup>91</sup> Ibid p.191.

<sup>92</sup> Ibid p192.

<sup>93</sup> Vogiazides, Louisa and Charlotta Hedberg. *Trafficking for forced labour and labour exploitation in Sweden: Examples from the Restaurant and the Berry Industries*. Heuni publication series No 75. Helsinki: HEUNI, 2013, pp10-11.

<sup>94</sup> Ibid p 11.

<sup>95</sup> Ibid p.16.

<sup>96</sup> Hedberg, Charlotta. "Grapes of Wrath"? Power Spatialities and Aspects of Labour in the Wild Berry Global Commodity Chain. *Competition and Change* 17(1), 2013 pp. 57-74.

the rights stipulated by Swedish migration policy and Swedish labour and employment law.<sup>97</sup> Regulated berry-pickers are usually employed by Asian recruitment agencies. Since 2011 these agencies are required to also register a branch in Sweden. This measure was taken after cases where berry-pickers employed by foreign-based agencies had been cheated and denied at least part of their salary. According to the Swedish Migration Board and the police, this measure, along with the introduction of a guaranteed minimum salary (SEK 18,495/about 2100 EUR monthly) for berry-pickers when the supply of berries is low, has considerably diminished the abuses suffered by Asian berry-pickers.

Hiring employees with the same ethnic origin may be motivated by a sense of trust as well as by practical considerations. In Thailand, from which the bulk of the regulated workers originate, most berry-pickers come from the same district. This is the result of an initiative of a Thai woman who was residing in rural Sweden and was married to a Swedish man. She saw the berries as a good source of extra income for her family back in Thailand and, in 1989 she started inviting her family to pick berries during the summer. Within a few years the recruitment process had spread in the district. Villagers saw that it was possible to earn a substantial income from berry-picking in Sweden and followed their fellow nationals.<sup>98</sup> In recent years mainly the recruitment of berry-pickers goes through agencies, which nonetheless is connected to the initial system based on social networks.<sup>99</sup>

The second group of berry-pickers comprises the so-called ‘unregulated (or free) pickers’ who are citizens of an EU country. Being EU citizens, they do not require a work permit or a visa in order to travel and work in Sweden, but they are also not protected by any of the regulations mentioned above. If their stay is shorter than three months they do not need to notify the Swedish Migration Board of the stay. For this reason, their numbers are unknown, but the berry industry estimates that they account for about 50 % of all berry-pickers in Sweden. The group of unregulated pickers also includes individuals who travel on their own with family and friends, for instance coming from the Baltic countries or from Poland, as well as a small group of so-called ‘tourist pickers’ consisting of relatives of Thai immigrants in rural Sweden. Officially, they are free to pick and sell berries up to a value of 12,500 SEK (ca. 1,400 EUR) without being taxed, beyond which taxation is supposed to be introduced. However, unregulated pickers usually escape paying tax, since the unregulated pickers are difficult to control.

*Recruitment agencies* can act both as employers and as intermediaries in hiring. Since 2007 berry-picker recruitment agencies have tended to position themselves as employers based in their home country to avoid being taxed in Sweden. Recruitment agencies often recruit by posting offers on overseas job websites. The main problem with both berry-picker and restaurant recruitment agencies arises from exploitative recruitment fees, which can be up to

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<sup>97</sup> Vogiazides, Louisa and Charlotta Hedberg, *Trafficking for forced labour and labour exploitation in Sweden: Examples from the Restaurant and the Berry Industries*. Heuni publication series No 75. Helsinki: HEUNI, 2013 p 16.

<sup>98</sup> Hedberg 2013, *op. cit.*, pp. 57–74.

<sup>99</sup> Vogiazides and Hedberg, *op. cit.*, p. 17.

10,500 EUR<sup>100</sup>. Recruiting *middlemen* work by brokering the purchase of work permits. Middlemen propose employees for companies to hire. Notwithstanding, there have also been a number of cases of middlemen who charge for a fictitious job. Middlemen must provide valid documents and legal border crossings, but a loophole in legislation allows recruiters to apply illegal surcharges for what can be described as “legal” smuggling.<sup>101</sup>

The restaurant sector in Sweden employs a large number of labour migrants and other categories of foreign-born people. It is estimated that someone born in a foreign country runs half of the companies within the hotel and restaurant industry. In addition, a large share of the work permits for non-EU citizens were issued to workers in the restaurant sector (despite an unemployment rate of 9% in the sector). After agriculture, forestry and fisheries and the IT industry, the restaurant industry is the third sector where the highest number of labour permits for non-EU citizens is. The workers in the restaurant industry come mainly from Asia (China, Bangladesh, Thailand and Vietnam) as well as from the Middle East (Egypt, Turkey and Syria). The labour force in the sector is rather young, mostly between 20 to 40 years, and predominantly male.<sup>102</sup>

According to Latvian legislation, it is not legal to sign a work contract already in Latvia; in Latvia only *recruitment companies* are allowed to provide consultations about employment abroad. According to the police, however, this process is not always transparent and partly remains a legal grey area. There have been cases when work agreements signed abroad state that employees must repay their travel expenses, even if the victims were assured these expenses would be covered during their recruitment in Latvia. Recruitment is also often done via the Internet and social networks. Recruiters search for vulnerable individuals using similar principles for both labour and sexual exploitation, as well as for identifying those who might agree to sham marriages.

There are multiple ways to mask future exploitation with false *benevolence*. According to the experts interviewed, *deception* is usually observed in cases when the recruited person is vulnerable, does not have full awareness of the situation, may have either a mental illness or limited reasoning ability, is socially marginalized, lacks social skills, and exhibited almost unconditional trust in strangers. In some cases, young people from schools for children with special needs have been deceived with unrealistic job proposals. The most common promises are: you will have a place to live, we will help to find a job, no knowledge of a foreign language is necessary, salaries are good and name unrealistically high earnings (such as 4000 euros monthly either for work as a shop assistant or as a hair dresser), that are difficult to resist. The process is similar to legal work advertisements in which various bonuses are stated.

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<sup>100</sup> Ibid pp.193-194.

<sup>101</sup> Ibid pp. 197-198.

<sup>102</sup> Ibid. p 185.

Several cases were widely covered in the Latvian media. One particular case was first reported by the BBC and then followed up by Latvian media in which eight Eastern European men were engaged in forced labour.<sup>103</sup> However, the police were unable to prove forced labour because one Latvian citizen declined to press charges.<sup>104</sup> It is also not easy to disentangle whether an individual recruiter or a company has committed a crime. According to the regulations for recruitment for work abroad, the State Employment Agency (SEA) must issue licences to recruiters. However, it is possible to establish a branch of a foreign company in Latvia to avoid the SEA licencing process. A popular web based portal [www.ss.lv](http://www.ss.lv) often lists job advertisements for work abroad that have not placed by licenced recruitment companies, but by representatives of local branches of foreign registered companies or by individual recruiters. Until recently, if a recruitment company had its licence revoked due to complaints from workers, it was possible for recruiters to immediately establish a new company and get a new licence. According to changes in legislation<sup>105</sup>, it is no longer possible for people found to be in breach of licencing requirements to continue doing business under a different name. People looking for work through licenced recruiting companies also became victims, according to the experts interviewed. Everything was legal on paper so investigation had no basis on the Latvian side.

A hallmark of illegal recruiting operations is that the persons involved remain the same, but they actively change legal entities, companies, through which they recruit. Once obtained, licences do not expire, therefore recruitment companies are not obliged to provide regular evidence of the quality of their work. The biggest crime-facilitating problem is the poor economic situation and lack of prospects for well-paid jobs in source countries for recruitment, such as Latvia. People take risks and engage in exploitation due to their economic situation. Even with foreknowledge of the conditions, they agree to work under circumstances that are close to slave labour. Since it is common in the Latvian economy to work full-time or part-time without an official agreement fully, and for payment of salaries to be delayed, people easily take such circumstances for granted and do not consider it to be exploitation. The same applies for an employer asking for extra tasks to be performed, even at another farm, company, hotel etc. The employer then pays as much as he or she feels the tasks to be worth, if anything.

#### 4.3.2 Actors and roles

Case studies regarding the investigations conducted by specialized units for combating organised crime indicate as a general trend a significant mobility of criminal groups who

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<sup>103</sup> Diena, *Britu policija izglābj astoņus paverdzinātus vīriešus, tostarp latviešus*. 14/08/2014. Available at : <http://www.diena.lv/pasaule/papildinats-16-22-britu-policija-izglabj-astonus-paverdzinatus-viriesus-tostarp-latviesus-14066297>, accessed 7 October 2014

<sup>104</sup> Монголов, Андрей. Сам себе самодур. Час, 29/10/2012. Available: <http://www.leta.lv/rus/archive/search/?patern=%D1%80%D0%B0%D0%B1%D1%81%D1%82%D0%B2%D0%BE&item=4770C398-7688-4C5F-8140-ACD6F239E644&date=0,1409691600&mode=stem,&fy=2012> accessed 7 October 2014

<sup>105</sup> For more information, see the State Employment Agency, Information on recruitment companies and prevention of exploitation. Darbā iekārtošanas pakalpojumi. Available: <http://www.nva.gov.lv/index.php?mid=75>. Regulations No 458, the Cabinet of Ministers, Republic of Latvia. *Komersantu - darbiekārtošanas pakalpojumu sniedzēju - licencēšanas un uzraudzības kārtība*, 03/07/2007. Available: <http://likumi.lv/doc.php?id=160023> accessed 7 October 2014

operates in more countries. Traffickers change the destinations to places less used for trafficking but where there is demand. The traffickers also envisaged areas where there is no relevant competition in order to achieve higher earnings.<sup>106</sup>

The basic rule is that traffickers identify and take advantage of demand and supply. On the one hand there is high demand on the labour market for carrying out activities that citizens of a destination country don't want and, on the other hand, there is the availability of those persons who need a job to work for a lower amount of money, below the minimum level guaranteed by legislation. Moreover the traffickers have the ability to take advantage of the deficiencies of the legislation from the country of destination (exploiting the victims in activities socially or criminally tolerated (forced begging)).

Law enforcement specialists noted changes in the structure of criminal groups, a part of these being organised on grounds of kinship or ethnicity, other members being hardly accepted. Organised criminal group members are usually members of the same family or close relatives and they are involved in all stages of trafficking process: recruitment, transfer, transportation, accommodation, exploitation. Traffickers have an average age between 30-40 years, but there are also members of the aged between 18-25 years and over 55 years. In some groups members have clearly defined roles, according to which recruitment is the task of younger members while the older ones exploits or coordinate the exploitation of victims. Among those involved in trafficking network there are persons with criminal records or whom come from families in which members have criminal records convicted for crimes related to trafficking and other crimes<sup>107</sup>.

In Sweden *social networks* play a significant role in recruitment. Social networks present an opportunity to employing migrants based on trust and to exploit this trust by presenting the exploitative conditions as normal and withholding information concerning rights and labour regulations accepted in Sweden. The use of *recruitment agencies* to recruit chefs and kitchen assistants is rather common in restaurant industry in Sweden. For example, recruitment agencies have grown into a thriving business in China. Agency representatives visit Sweden to promote their services to restaurants and other entrepreneurial associations. Lawyers who sell work permits are among the middlemen involved in the process of recruitment<sup>108</sup>. *Employers* themselves might charge for employment offers, making their employees begin a new job already indebted. There have been cases where company companies sold work permits by debt. The company in question would then pay the salary in full, but employees would be forced to transfer significant sums back to an account in control of the managers<sup>109</sup>. In addition, "shell companies" exist that are created for the sole purpose of granting working permits to non-EU citizens (198). Migrants might be aware of the poor working conditions

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<sup>106</sup> National Agency against Trafficking in Persons *National Report on Trafficking in Persons in 2012*, The Ministry of Internal Affairs Press House, Bucharest., 2013, pp: 34-50.

<sup>107</sup> Ibid, pp: 34-50.

<sup>108</sup> Sorrentino, Liliana and Anniina Jokinen, *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea Region*. Helsinki, HEUNI, 2014, pp193-195.

<sup>109</sup> Ibid p 197.

and deceptive nature of recruitment agencies, but are still willing to submit themselves to the risk of deception and exploitative working conditions than to continue living at home without work opportunities.

The Latvian law<sup>110</sup> stipulates that *recruitment agencies* must not charge any fees for connecting prospective employees with employers, neither are they allowed to require any sort of signed agreement with their customers. Contracts are signed between employer and employee only. However, the period in between hearing the promises of living and work conditions and signing an agreement, holds possible traps that the victim cannot be aware of. Experts illustrate such situation with various examples. In one such case, a victim was told that she would work as a chambermaid in a hotel; she was also told that she would be able to live and eat at the hotel. But in the actual work agreement, written in the local language and not translated into English, it was stated that she could live and eat at the hotel, but for the same price as any other hotel guest.

#### 4.4 RECRUITMENT IN THE CONTEXT OF FORCED BEGGING AND CRIMINAL ACTIVITIES

##### 4.4.1 The recruitment process

In Romania some elements are particular and encountered in the recruitment for these forms of exploitation, such as the offer for begging abroad made by the recruiter/trafficker or promises with support for accessing surgery or equipment for some medical deficiencies or disabilities. These offers are tailored to the vulnerable group for forced begging, which according to a study performed in Romania (2013)<sup>111</sup>, elderly, persons with disabilities, minors and persons practicing voluntary begging are the most vulnerable persons to trafficking for forced begging.

The victim's relation with the recruiter is quite similar to the observed social relationships for sexual exploitation. The majority of the victims are approached with the intention of recruitment for trafficking by persons with whom they had a kinship or a friend relationship.<sup>112</sup> According to available statistics<sup>113</sup> regarding victims of trafficking exploited for forced begging, irrespective of their destinations, victims are approached with promises of a better life abroad or promises of begging in a safe, controlled and protective way.

Being from the same primary social groups with the victims, the recruiter's task to advocate a job's benefits is easier as they have knowledge about victim's needs and abilities.<sup>114</sup>

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<sup>110</sup> Regulations No 458, the Cabinet of Ministers, Republic of Latvia. *Komersantu - darbiekārtošanas pakalpojumu sniedzēju - licencēšanas un uzraudzības kārtība*, 03/07/2007. Available: <http://likumi.lv/doc.php?id=160023>, accessed 22 November 2014

<sup>111</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart Educational Press, Pitești, Romania 2013, pp 31-33.

<sup>112</sup> Source of data: SIMEV.

<sup>113</sup> Ibid.

<sup>114</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart Educational Press, Pitești, Romania 2013, p. 43

Recruitment performed by unknown persons has a low frequency out of the total identified victims in Romania for these forms of exploitation. The recruiter approaches the vulnerable persons (minors, elderly, and persons with disabilities or even voluntary beggars<sup>115</sup>) with promises of good conditions to beg abroad where the gaining are higher than in Romania. The costs related to travel and housing the recruiter covers initially; afterwards they are reimbursed by the victim from their work. The offer recruiters present in the recruitment for forced begging seems to have an age dimension, as the adult victims are mainly approached with ‘job offers’ abroad and minors, with ‘offers’ related to practicing begging.<sup>116</sup>

Little is known about recruitment for forced begging in Sweden.<sup>117</sup> But according to police investigations and anecdotal evidence, a growing number of the Roma beggars in Sweden, for instance the elderly, youth, and persons with disabilities are victims of human trafficking for forced labour. Victims of forced begging in Sweden are originally from the Roma communities in Romania and Bulgaria.<sup>118</sup> In addition to Romania and Bulgaria, other countries of origin from where victims are recruited for forced begging include Poland, Hungary, Latvia, Lithuania, and the Czech Republic.<sup>119</sup>

A beggar in Stockholm can make approximately 20-30 EUR (200-300 SEK) daily by begging on the streets, however most probably the money received through begging on the streets is then hand-over to the organizer either the entire amount or a substantial portion thereof.<sup>120</sup> Recruiters depend on the internal networks within the Roma community to recruit and to maintain control of the presumed victims; meaning, traffickers will target family, extended relatives, neighbours and friends.<sup>121</sup> Human traffickers sometimes contact parents who are living in poverty in countries such as Romania and Bulgaria, either to buy or hire their sons and daughters with the purpose of exploiting them for purposes of theft or begging, or to exploit them sexually in prostitution. These girls and boys, who are often aged 10-14, are not allowed to attend school but are instead trained at an early stage by the trafficker to steal from shops or to pick pockets. The human traffickers exploit the children’s young age which means they escape punishment and a criminal record.<sup>122</sup> Swedish law enforcement have had a

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<sup>115</sup> These categories of persons were highlighted within the study regarding begging as the most vulnerable to forced begging

<sup>116</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart Educational Press, Pitești, Romania 2013, pp 31-33

<sup>117</sup> Sweden’s Police Report. *Utsatta EU-medborgare i Sverige Lägesrapport ur ett människohandelsperspektiv*. Länsstyrelsen i Stockholm, 2014. Pp 8-9.

<sup>118</sup> Ågren, L. Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

<sup>119</sup> Sweden’s Police Report. *Utsatta EU-medborgare i Sverige Lägesrapport ur ett människohandelsperspektiv*. Länsstyrelsen i Stockholm, 2014. According to the survey conducted in Sweden in 2013, cases of suspected forced begging included: 15 from Romania, 11 from Bulgaria, 5 from Poland, 2 from Hungary, 1 from Latvia, 1 from Lithuania and 1 from the Czech Republic.

<sup>120</sup> Ibid, Ågren, L.

<sup>121</sup> Ibid, Ågren, L.

<sup>122</sup> Trafficking in human beings for sexual and other purposes. Trafficking in human beings for sexual and other purposes. Situation Report 13, Stockholm, 2012.

difficult time identifying and convicting the traffickers behind the forced begging networks in Sweden.<sup>123</sup>

### **Example of the recruitment process in Sweden**

In 2011, Sweden convicted a Bulgarian man for child trafficking for the purposes of forced begging and “other activities in a situation that involves stress for the person exploited”. The perpetrator was sentenced to 4 years imprisonment, a fine of 5,460 EUR (50,000 SEK), and expulsion from Sweden. The victim was then between 11 and 12 years old Roma girl originally from Bulgaria. The girl’s father (based in Bulgaria) had recruited and facilitated the trafficking of his own daughter. He had arranged for the child to be transited from Bulgaria to Sweden and to Denmark with an adult man from Bulgaria, the same man who was later convicted of child trafficking in Sweden. Between 2006 to 2010 the girl was forced to beg and steal throughout several cities in Sweden and Denmark. Once monitored, investigated and apprehended by the police in Sweden, the child was sent to child protective services and eventually returned to Bulgaria. The case against her father, the trafficker and ring leader based in Bulgaria, remains pending in Bulgarian. Source: Council of the Baltic Sea States, Child Centre, Expert Group for Cooperation on Children at Risk. *Children Trafficked for Exploitation in Begging and Criminality: A Challenge for Law Enforcement and Child Protection*, 2013, p 8.

Forced begging has not been detected in Latvia. According to municipal legislation begging is forbidden in the capital city of Riga. If a person is found to be begging, s/he can be charged with an administrative violation.

#### **4.4.2 Actors and roles**

Trafficking for forced begging in terms of modalities of organization of the perpetrators seems not to be as organised as it is in the case of sexual or labour exploitation. Usually, one trafficker or a group formed by two or three members recruit, transport, and exploit the vulnerable persons into forced begging or other crimes, usually for committing thefts. For forced begging we can see more operating lonely or “solo” traffickers or couple of traffickers (a couple exploiting victims).

Taking into account the small extent of the persons involved in performing this crime, the traffickers are responsible for all the stages of trafficking, starting with choosing victims and enticed them in recruitment, to transport and harbouring them until the exploitation. Training for the begging ways are provided either by the traffickers themselves either by older victims.

When bigger criminal groups are involved in exploitation for forced begging, they are also involved in other illicit activities such as trafficking for sexual exploitation or for committing

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<sup>123</sup> One reason being that presumed victims of forced begging have continuously refused to testify as victim-witnesses in court against their alleged traffickers. Ågren, L. Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

thefts or even in other types of crime. This is illustrated by the biggest case of forced international begging (“Tandarei” case or “Europa” case), investigated jointly by Romanian and British authorities, where more than 70 members of a criminal network were involved in trafficking for forced begging or committing crimes such as pick-pocketing or shop lifting in countries like UK, France, Spain or Italy. As the investigations revealed, the network was financed mainly by fraud against the social benefits system, receiving state benefits for the children whom they had in care. In the meantime, they also used those children for begging or committing thefts. The perpetrators were mainly Roma and they recruited children or even adults from Roma communities in exchange for a debt which would be owed by the parents or by the families.

### **Example of a court case in Sweden**

The Swedish Court of Appeals *dismissed* charges of human trafficking for forced labour against 2 Romanian Roma persons, a man and his wife, who came to Sweden by bus with some relatives including the presumed victim in this case, their 15 year old daughter, who is deaf and mute (hearing and speech impaired). Once in the Sweden, they first lived in an apartment with 38 persons outside Stockholm in Skärholmen and then later in a room within an apartment in Husby. The presumed victim did all the cleaning, washing and cooking in the house; earned money from begging on the streets for several long hours of the day; when hungry she ate leftover scraps from a local fast food restaurant; stole goods from grocery stores; and handed-over all her money to her parents (80-120 EUR per day). The prosecution argued that the facts of this case established how both parents had transported their daughter from Romania to Sweden with the purpose of exploiting the 15 year old through forced labour, specifically forced begging and criminal activity (i.e., shoplifting). Both the lower and higher courts disagreed with the prosecution and dismissed the case on the grounds that the evidence in the case did not establish the unlawful means by which the alleged exploitation took place. Meaning the prosecution failed to prove that the presumed victim was threatened, coerced, abused, deceived, etc., into doing the housework or begging on the streets. According to the court, the family may be living in poverty, but this fact alone does not constitute the parents are human trafficking for the purpose of forced labour. As to the allegations of shoplifting, the court also dropped those charges due to a witness’ testimony considered to be weak and vague.

Interestingly, the court in this case did not make reference to the fact that the presumed victim (the daughter) had two vulnerabilities facilitating the alleged abuse of power by the parents: she was a child (under 18 years of age) and she had two physical impairments (deaf and mute). *Svea Court of Appeals 2011.01.19, Case No. 9636-10; Stockholm District Court 2010.11.18, Case No. B 14880-10.*

## **4.5 RECRUITMENT IN THE CONTEXT OF SHAM MARRIAGES IN LATVIA**

In Latvia, sham marriages can be seen as either labour or sexual exploitation. Women recruited for sham marriages can be very young, below age of 20. Ireland remains one of the

most common destinations for sham marriages.<sup>124</sup> Deception is more commonly involved in cases of sham marriages, as in the cases of several women who were promised well-paid jobs in Ireland, Great Britain and Cyprus, but later were told that they must marry third country nationals.<sup>125</sup> According to gender equality activists, so-called ‘free choice’ justification is used to disempower women who are recruited for sexual exploitation. Therefore recruitment is based on emotional manipulation and violence. Such recruitment strategies are often applied to women who have already experienced physical or emotional violence in their childhood.<sup>126</sup> Although sham marriages are declining, according to those who provide rehabilitation, labour exploitation is emerging as a growing trend. Recruitment and agreeing to engage in sham marriages can be better understood if viewed in its historical context. During the Soviet era in Latvia and other former Soviet republics it was not uncommon to arrange marriages to satisfy material needs, especially greater living space, since this was severely regulated by the Soviet housing authorities. Social norms are accepting of social arrangements for material gain followed by divorce. This mentality allows for the replication of these historical practices to some extent.

#### **4.5.1 The recruitment process**

The main attractions of sham marriages are the promises made to women by recruiters that create the illusion of considerable gain made with little effort. In other cases a woman is told only that there will be a job waiting for her, but when she arrives she is coerced into an environment where engaging in a fictitious marriage seems to be the best option. Victims are promised that their travel expenses will be paid for, that they will have a rent-free place to stay, and that jobs will be found for them. Sometimes there is also the promise of a financial reward of 1500 to 2000 EUR and pocket money while living at the destination, but there is never a guarantee that it will be paid. Sometimes recruiters try to convince their victims that the negative stories in the media are fabricated by the state in order to keep people from emigrating. Recruiters describe the prospective grooms as wealthy, handsome, respectful, and grateful, while the prospective bride may be led to believe that she will have power over them as she is from the EU and he is not. Recruiting is practiced through Internet platforms such as websites where people look for jobs abroad.

#### **4.5.2 Actors and roles**

Recruiters can be local Latvians who search for females among their acquaintances, relatives, and friends exploiting the trust given by the context of their relationships. They operate both

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<sup>124</sup> LETA. Īrija slēgto fiktīvo laulību upuri kļūst aizvien jaunāki. 09/02/2012. Available: <http://www.delfi.lv/news/national/politics/irija-slegto-fiktivo-laulibu-upuri-klust-aizvien-jaunaki.d?id=42120176#ixzz3CGfOmEsh> accessed 7 October 2014

<sup>125</sup> Kincis, Jānis. Policija par sieviešu vervēšanu fiktīvām laulībām aizturējusi 13 personas. Diena 18/02/2014. Available: <http://www.diena.lv/latvija/zinas/policija-par-sieviesu-vervesanu-fiktivam-laulibam-aizturejusi-13-personas-14044597> accessed 7 October 2014

<sup>126</sup> Lāce, Iluta. Ilutas Lāces blogs: Latvija – seksa tirdzniecības paradīze. Diena. 27/10/2009. Available: <http://www.delfi.lv/archive/ilutas-laces-blogs-latvija-seksa-tirdzniecibas-paradize.d?id=27639313#ixzz3CGdQHgbC> accessed 7 October 2014

in Latvia and in the places to which they have emigrated—mainly Ireland, Great Britain, and Cyprus. Women who themselves have already engaged in sham marriages also become recruiters who in turn recruit their relatives and friends. Most frequently the marriages are registered with third country nationals coming from Pakistan and India in the case of Latvians involved in sham marriages in Ireland. While similar individuals are increasingly recruiting future brides by themselves via social websites, recruiting is often done through intermediaries who might be working with organized crime groups or sham marriage rings.<sup>127</sup> Most recruiting takes place online so that recruiters can operate using false profiles and e-mails giving false names so they cannot be traced. Typical victims prone to this sort of trafficking are 23 to 28 year-old females living in urban conditions that have or are expecting children.<sup>128</sup>

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<sup>127</sup> Trafficking in Persons Report. *op. cit.*, pp 242.

<sup>128</sup> For more information, see ‘Shelter “Safe House”’ Available <http://www.patverums-dm.lv/> accessed 10 October 2014

## **5 FACILITATING ACTIVITIES**

### **5.1 INTRODUCTION**

Facilitating activities are related to other actions of trafficking in persons' crime like transporting, accommodation, harbouring, or transferring the victims except recruitment. These actionable stages of trafficking in persons seem not to be such documented within reports or scientific literature. One reason of this gap could be due to the national systems of data collection in the field of THB concentrating mainly on purpose and flows of trafficking but also little evidence regarding for example ways in which transportation is made or transferring the victims from one to another group. In some situations victims don't pay attention to routes until the destination and other information cannot be corroborated to identify the transportation routes. Even so, the majorities of the Romanian victims were transported to other cities in internal trafficking or to other countries for external trafficking with trafficker's cars, buses, minibuses or even by air. Depending on the group's dimension and financial power a transportation method is used regarding the Romanian victims. Victims are usually accommodated in rented apartments or even in the apartments owned by one of the member's group.

Transferring or selling the victims to other criminal groups is encountered only to a small extent. The selling of the victims is happening where the group's members aren't any more satisfied with the income generated by the victim's services, and it was mainly evidenced for sexual exploitation.

### **5.2 FACILITATING IN THE CONTEXT OF SEXUAL EXPLOITATION**

#### **5.2.1 The process**

In the field of trafficking in persons for sexual exploitation the activities of transportation and accommodation tend to be more planned and organised than for others forms of exploitation - this could be in relation with the bigger and more organised criminal groups involved.

The transportation of the victims is often made by land, with one of the group's member own car, when more victims had to be transported to the destination, or by air, when only one or two victims were recruited. In this later situation, victims could be accompanied or not, depending on the group's structure or victim's relation with the traffickers. When victims have to be internationally transported, the traffickers accompany the victim with their cars to big cities, where international departures are available, either by land or by air.

The housing conditions at the destination is made either in hotels, rented apartments where usually are also accommodated other victims, apartments owned by one of the group's member or in the same place where the victims are "working".

Transferring or selling the victim is happening when traffickers start to be unsatisfied of the money collected by the victim. This selling is also happening between the groups of other citizens, a victim was sold by her Romanian traffickers to an Albanian group.

If the victim is underage the traffickers invest in counterfeit identity papers for victims in order to facilitate borders crossing and also to enable performing of prostitution at windows or in brothels, in the countries where prostitution is legal, like in the Netherlands or Germany. In another study researching sexual exploitation of Romanians, the representatives of NGO's mentioned the particularities of the places of sexual exploitation in relation with the countries of destination. "In Italy victims are exploited on the street, in Netherlands in windows, in Austria in hotels." In Greece, the UK and the Czech Republic indoor prostitution is the most usual, while in France both street level and indoor prostitution is common.<sup>129</sup> In recent times, methods and techniques used by traffickers to manage their victims have changed based on the analysed situation in Sweden and Latvia.

Latvia is primarily a source country for THB victims of sexual exploitation. In most cases after being recruited a potential victim from Latvia travels alone or with someone to the transit or destination country, using his or her real documents. Facilitators in the trafficking process in Latvia have included law enforcement officials. For example, Latvian authorities in 2013 convicted a police officer, former member of the anti-trafficking unit, for extortion and other crimes. He was sentenced to five years in prison; the decision is pending appeal. In another case, a police officer, also a member of the police anti-trafficking unit was convicted of pimping and received a suspended sentence and probation. In a third case, the Latvian prosecutor's office was preparing a case against of a legal officer for allegedly facilitating trafficking in persons.

Sweden is a country of destination for victims of sexual exploitation. In Sweden, today the average case identified as human trafficking no longer resembles the traditional pattern where the trafficker manages the victim through unlawful means such as threat, force, coercion, fraud or deception.<sup>130</sup> The presumed victim lives in a rented apartment, has a mobile phone as a means of communication, has access to her earnings (more or less 50%), is perceived to have freedom of choice and freedom of movement (which includes a periodical return to her country of origin). This general scenario, however, does not apply to all cases and cases where the presumed victim is a child under 18 years of age, mentally or physically challenged, or whose country of origin is not located within Europe.<sup>131</sup>

The traffickers sometimes acquire false passports or passports belonging to other people to hide their own real identity and that of their victims, to circumvent visa requirements or to avoid discovery if the perpetrator is a wanted person. In most cases victims have to make their

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<sup>129</sup> Centrul Parteneriat pentru Egalitate, *Hopes, for sale-Qualitative research regarding trafficking for sexual exploitation in Romania and Italy in the epriod 2007-2011*, (available only in Romanian and Italian), april 2012, p.60.

<sup>130</sup> Ågren, L. (2014) Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

<sup>131</sup> Ibid.

own way to an agreed address in Sweden. Sometimes traffickers escort the victims to the home of the sex-purchaser or to his hotel room to reduce the risk of detection and keep down the cost of premises.<sup>132</sup>

### 5.2.2 Actors and roles

In these stages usually the driver or the administrator or the facilitator is involved. The administrator is responsible for the procurement of documents and other requirements for the legal stay of the victim into the country of destination or procuring the needed papers for performing prostitution in those specific spaces.

When bigger groups are involved, the transportation is made by air, victims receiving money for the tickets previous the departure or the plane tickets being purchased by one of the criminal group's member. In this stage new members of the criminal group could appear, responsible with all the related issues in the country of destination, from housing to exploitation.

The thing that it is dramatically changing is the relation between the victim and the traffickers, and the victims' perception of his real situation, as in this stage, when accommodated, the victims are usually finding the real purpose of their travel. From this stage if the victim had an interpersonal relationship with one of the member of the group, the relation is changing to a colder one or even to one based on victim's obedience. Fear, repulsion, disappointment are feelings encountered by the victims in this moments. In other cases, victims would continue to have the same intimate relation with the trafficker, being in the same naive situation as in the stage of the recruitment, without perceiving the real nature of her involvement into prostitution.

#### Example from a court case in Latvia

In 2003, a Latvian national hereafter referred to as A.D., conspired with another Latvian national and a German citizen to commit THB crimes by exploiting the poor material conditions of women in Latvia. They deliberately deceived women about job opportunities in Germany.

A.D.'s criminal role was to recruit and persuade women living in Latvia to travel to Germany for work, and to control them while still in Latvia, buy bus tickets for the women (or provide them with the money for the tickets), accompany them to the bus that would bring them to Germany, or in some cases to physically accompany them all the way to Germany.

Another individual (hereafter referred to as A.R.) provided the money needed for A.D. to carry out his criminal role. A.R.'s criminal role was to meet the women from Latvia at the bus station when they arrived in Germany, to place them in a brothel, and to instruct them

<sup>132</sup> Trafficking in human beings for sexual and other purposes. Trafficking in human beings for sexual and other purposes. Situation Report 13, Stockholm, 2012

about real work conditions including that fact that the criminal ring would collect 50% of money that women would receive from providing sexual services.

For each woman sent to Germany for sexual exploitation A.D. received 1000 EUR from A.R. A.D.'s criminal facilitation role included monitoring and restricting women's behaviour, monitoring their work performance, collecting penalties imposed when victims did not fulfil work requirements or acted in breach of the agreements forced on them by a criminal group.

Well aware of the poor material conditions of their victim, D.D., both A.D. and A.R., offered her work in Germany as a striptease dancer. They deliberately made false promises that the work would not include sexual services. D.D. did not accept the proposal, but A.D. persisted. He took her to a flat in Riga, constantly guarded her movements, and continued in his efforts to persuade her to accept the job in Germany, continuing the deception that the work would not include sexual services.

After learning that D.D. did not pick up her passport after receiving notice that it had been issued in a Riga passport station, A.D. persuaded D.D. to go together with him to pick up her passport. A.D. then took D.D.'s passport saying that she would receive it only if she agreed to go to Germany. A.D. brought his victim back to the flat and continued to pressure her to accept the job offer. D.D. finally agreed to accept the job she understood to be work as a dancer in a striptease club in Germany, so on 5 December 2003 A.D. took her to the Riga International Coach Terminal and gave her 50 LVL (70 EUR) to purchase a ticket and then returned with her to the flat in order to guard D.D. and to give D.D. no option to change her mind.

The following day A. D. accompanied D.D. to the bus and immediately informed his accomplice in Germany that their victim was on her way. A.R. met D.D. at the bus station in Germany and brought her to a brothel in a German town where he then informed her about the real conditions of her job, forced her to provide sexual services, collected the money she received from customers, and threatened to collect additional penalty fees if she did not observe the conditions imposed on her by the criminal group. A.D. was convicted of a THB crime for sexual purposes in accordance with Paragraph 154<sup>1</sup> of the Criminal Law in 2010.

### **Example from a court case in Sweden**

Sweden convicted 2 Romanian men to six years in prison for trafficking in human beings for sexual purposes and aggravated procurement, another 3 men were sentenced to four years imprisonment, and 1 other man to serve three years also for aggravated procurement. This Romanian network of THB in Gothenburg involved 15 Romanian victims ages 18 to 42. The victims were held against their will, did not have freedom of movement, and were transported to/from various locations for the purpose of being sexually exploited by a number of perpetrators. *Gothenburg District Court 14.05.2012, Case No. 8184-11*

In a case involving 9 Estonian women, 24 to 41 years old, the court convicted 7 persons on

charges of aggravated procurement and extortion. The main perpetrators included one Swedish woman, three Estonian men, and three Swedish men. Imprisonment and expulsion sentences handed down by the court ranged from between 10 years, 5 years and 3 years and 2 years. The court imposed on one perpetrator a fine 50 times his daily income for the purchase sex. *Söderort District Court 29.09.2011, Case No. 15187-11; Svea Court of Appeal 22-12-2011, Case No. B 8490-11.*

## 5.3 FACILITATING IN THE CONTEXT OF LABOUR EXPLOITATION

### 5.3.1 The process

The traffickers prepare to take the Romanian victims and to transport them to the workplace. Usually, the exploitation takes place in other counties than those of origin and recruitment and the signs of deceptions and the mistreatment already appear with the means of transport which are not suitable for transporting persons, especially in cases of long distances. For example, instead of using a minibus individuals are transported on a truck where they are seated directly on the floor for many hours without rest, water or food. In cases of much longer distances the transport of individuals is carried out in better conditions, often through international transport companies.

Traffickers prepare and put the potential victims into a pressing situation where they have to make a quick decision in order not to miss what it seems like a unique opportunity. For those who respond to newspaper ads but ask for more information meetings are arranged close to the transport companies in order to convince them to buy tickets because it may be the last opportunity they have. In other cases when individuals ask for more details a meeting is arranged but this time the potential victim is told to come ready for departure. Sometimes these meetings are organised at the premises of a fake/less legal company specialized for employment abroad and even contracts are signed.

Once victims reach the destination identity documents are taken on the basis of preparation of employment contracts. Afterwards, the individuals are led to the place where they will sleep and others signs of deception begin to appear. In all the cases they are accommodated in poor conditions that do not reflect the original offer. The worst places where victims lived were former stables or barracks with no beds, no windows. The places were overcrowded, unsanitary, and unhealthy. Freedom of movement is either limited or totally restricted. In addition phones are confiscated on the basis that they are a waste of time that should be spent working. Threats of violence are always used and actual violence takes places as a means illustrating what happens if victims try to complain or escape. A further form of control exercised by traffickers includes providing false information with regard to local authorities. For example claims are made that law enforcement were bribed or that the traffickers are connected to the authorities.

Newly arrived migrants are intentionally overworked in order to prevent them from making social contacts or searching for other jobs. Employee surveillance may include the free time activities of workers.<sup>133</sup>

In Latvia, travel is arranged and paid for in various ways. Costs, especially for initial travel and accommodation, can be hidden in many ways to create circumstances for debt-bondage during the exploitation phase. Interviews with victims of labour exploitation who were recruited for flower picking in the UK, but were deceived, revealed that while on the mini-bus being transited across the UK border, the driver told to his passengers not to mention that they were travelling to the UK for work, but to pretend they were visiting UK as tourists. This indicates that the driver was involved as a facilitator in this trafficking ring.

During the recruitment phase, criminal operators hide under legal job advertisements that do not arouse suspicion, while during the facilitation phase the victim him/herself may commit a crime and become a part of a criminal enterprise without intending to. The following situation, related to us by the interviewed experts, illustrates how facilitating criminal actors themselves remain clandestine, but a person who applies for a job in good faith can be charged with a criminal offense.

### **5.3.2 Actors and roles**

In analysing cases of trafficking in Romania or involving Romanian victims in international trafficking we haven't encountered cases of big criminal groups involved in labour exploitation of the victims. Usually the groups are formed by 2-3 or at maximum 5 members, counting also the driver. The members are responsible with a broad range of activities, starting from recruitment till exploitations. In other situations, partnerships may exist between the company responsible for recruitment of employees for working abroad and the employer. In these situations, the revenues could be shared amongst these two players.

In Sweden, criminal employers play the roles of both landlords and creditors; this increases their workers' dependency on them.<sup>134</sup> Organisers within the group of berry-pickers routinely collect ID documents during travel and return them only after arrival in Sweden. Usually, one or two people in the group collect and distribute money for the other berry-pickers. The police emphasize that such groups are centrally organised and are not made up of individual people who have decided to pick berries. Children may also be a part of such groups and, since people are short of food, the children are sometimes sent to search for edible remains in trash containers. The police have been contacted in numerous situations where berry-pickers are involved in suspected robberies, or when group supervisors have forced berry-pickers to steal from stores, petrol stations, houses, or churches. Also middlemen can act in facilitating labour exploitation in Sweden. The introduction of the new labour immigration policy, under which non-EU migrants can legally migrate to Sweden provided that they have received an offer of

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<sup>133</sup> Ibid p. 204.

<sup>134</sup> Vogiazides and Hedberg, 2013, p.213.

employment, seems to have prompted the emergence of independent ‘middlemen’ or ‘brokers’, whose activity engage in connecting non-EU citizens aspiring to immigrate to Sweden with potential employers and assisting them with the work permit application. Our research indicates that the ‘trade in work permits’ is a rather extensive phenomenon that occurs both in the restaurant and the berry industries. These middlemen are independent of recruitment agencies and are mainly active in Sweden. They may consist of ordinary people who have a network of contacts both in Sweden and abroad and they seek to make profits through brokerage activities. There are also examples where lawyers have acted as exploitative middlemen.

### **Example from Sweden: A lawyer brokering work permits in Southern Stockholm<sup>135</sup>**

In January 2013 the Border Police started investigating the case of a 45-year-old lawyer from southern Stockholm, who was suspected of fraud involving work permit applications in the restaurant sector. The Hotel & Restaurant Workers’ Union, which has the mandate to examine the offers of employment to non-EU workers in the restaurant sector, had been suspecting him of charging abusive fees for brokerage activities<sup>136</sup>. Within two years, he had been involved in 1000 work permit applications to the Swedish Migration Board. Some of these applications seemed particularly suspicious. For instance, he had assisted a small hot dog kiosk to hire ten persons although it did not require more than three employees (Interview with the Hotel & Restaurant Workers’ Union). When questioned about this issue by a journalist of the Swedish newspaper Dagens Nyheter in 2010, the lawyer replied that it was not his responsibility to assess whether the number of work permit applications seems reasonable considering the size of the company<sup>137</sup>.

It is reported that the suspected lawyer has charged between 20,000 and 30,000 SEK for each case (ca. 2,300–3,400 EUR). This implies that he would have earned a total income of 25 million SEK (ca. 2.9 million EUR) during the last three years. A 20-year-old man told the Swedish newspaper Aftonbladet that he had paid 30,000 SEK to get assistance to come to Sweden.<sup>138</sup>

## **5.4 FACILITATING IN THE CONTEXT OF FORCED BEGGING AND CRIMINAL ACTIVITIES**

### **5.4.1 The process**

Usually the time spent from recruitment to departure is very short, without leaving the victims a chance to evaluate the received offer. The transportation of the victims is mainly made with the personal cars of the traffickers and the harbouring within the destination country is either

<sup>135</sup> Vogiazides and Hedberg, 2013, p 22.

<sup>136</sup> Ekelund, M. and Sköld, J. Tjänade 25 miljoner på nya regler. Aftonbladet, 30/01/2013., cited in Vogiazides and Hedberg, 2013, p 22.

<sup>137</sup> Nandorf, T. & Petersson, J. Priset för ett jobb i Sverige: 30 000. Dagens Nyheter, 05/05/2010 cited in Vogiazides and Hedberg, 2013, p 22.

<sup>138</sup> Ekelund, M. & Sköld, J. Tjänade, op. Cit. p 22.

in the same place as the trafficker's or in other inadequate places (trailers, cellars, disused buses, abandoned houses, tents, abandoned shelters). These places were described by former victims who participated in ANITP's study as places 'with no electric power, running water, toilet, doors or windows, being forced to hang blankets or whatever we could find, on the windows or door frames' (F, 32 years old).<sup>139</sup>

For transporting the victims, the women traffickers appears to be more involved in this stage, due to the fact that their presence could be a strategy for assuring the border transit, a woman being more than a man a trustful person.

The cases that have been investigated in Sweden are transnational cases, the organisers and exploiters as well as the victims move through and between different European countries. Both adults and children have been identified in forced begging and criminal activities. Some children are travelling unaccompanied, other are accompanied by their parents or other adults. During their travels, the children and adults carry valid identity and travel documents as well as forged documents. Traffickers who travel with children in order to exploit them often recruit the children from their parents and carry authorisation documents signed by the parents. When the parents are illiterate, they may sign simply by a cross.<sup>140</sup>

#### **5.4.2 Actors and roles**

Because of the small extent of involvement of criminal groups in forced begging, individual traffickers or smaller syndicates taken on all the roles.

### **5.5 FACILITATING IN THE CONTEXT OF SHAM MARRIAGES IN LATVIA**

#### **5.5.1 The process**

Recruiters often propose to prepay the costs of migration from Latvia and in some cases there is also a job offer. One the journey beings the recruiters send a person to greet the victim at the airport. The future bride may also travel with a friend or acquaintance who proposed the arrangement. Victims are urged to reach the destination as soon as possible and are given a place where to stay which is usually inhabited or owned by somebody working in the fictitious marriage business. In this way, the victim is pulled into a situation of dependence at the same time the victim may be locked in and her documents and phone are confiscated.<sup>141</sup>

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<sup>139</sup> One victim's own words when asked to describe the conditions of living in the destination country out of the study National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Editura Delta Cart Educational, Pitești, Romania 2013, p 54.

<sup>140</sup> Children trafficked for exploitation in begging and criminality: A challenge for law enforcement and child protection. Council of the Baltic Sea States Child Centre, Expert Group for Cooperation on Children at Risk, 2013, p 12.

<sup>141</sup> For more information, see NGO 'Shelter,' 'Safe House.' Available: [www.patverums-dm.lv](http://www.patverums-dm.lv) accessed 20 October 2014

### **5.5.2 Actors and roles**

Sham marriage rings can involve several people involved in the process. Others who have been persuaded to engage in a sham marriage work to recruit and facilitate the business. Facilitators might be other persons than those working on recruiting. Apart from business interests, they can be the ones who seek to marry for themselves or relatives of migrants who want to obtain a sham marriage.<sup>142</sup>

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<sup>142</sup> Ibid

## **6 EXPLOITATION PHASE**

### **6.1 INTRODUCTION**

According to the Swedish police in 2013, sexual exploitation remains the most widespread crime. Among those victims identified in 2013, there were 40 victims of sexual exploitation, 31 cases of forced labour, 9 of begging, 2 of organ trafficking, and one for other purposes. This section will look at the country case studies and understand the exploitation process in the context of sexual exploitation, forced labour and begging.

### **6.2 EXPLOITATION IN THE CONTEXT OF SEXUAL EXPLOITATION**

#### **6.2.1 The exploitation process**

Nothing new is meant to be said regarding the manner in which victims are sexually exploited, this being a fact well known and described in almost all the papers, national and international reports, studies and analysis related to THB. Victims are exploited for sexual purposes, into prostitution, pornography or other sexual services obliged to perform sexual paid services, while traffickers collect the money.

Out of the analysed cases we found that in the majority of the cases the exploitation starts with performing sexual intercourse with several members of the group. Victims are obliged to perform sexual services with some of the members of the group, or with friends of the group. Subsequently the victim is “moved” onto the market. We noted that sexual exploitation is shifting from prostitution on the street to venues such as clubs, brothels or strip bars that could generate higher revenues and reduce visibility. Moreover, in order to minimize the risk and the associated costs with using clubs, the traffickers also establish victims in locations such as private residences, rented apartment, brothels, or even cars.

Locations for sexual exploitation in the cases of Romanian victims tend to be related to the characteristics of the country of destination. For example in internal trafficking and in Italy sexual exploitation on the street or in private flats is more often encountered while in Netherlands and Germany exploitation takes place mainly in the form of window prostitution or in clubs and brothels.

The victims’ reactions to exploitation are very diverse, from repulsion and a permanent conflict between the victim and the traffickers ending up in physical coercion or threats to families to acceptance and obedience. At the same time, there are cases of victims who do not give up hope and try to view the situation in an advantageous light and continue to hope for a better life once back home with the money collected from prostitution. Here it should be noted that based on victims’ testimony, there are cases in which a small amount of money is given by traffickers to the victims.

The common method of control and coercion version includes debt bondage that often arises out of either travel costs or pretended cost costs of housing, foods, cloths or other related costs (paying the prostitution's windows or other places of prostitutions, protection taxes or taxes paid to other criminal groups for performing prostitutions within "their territories"). Below is a list of methods that our research revealed, used for coercing a victim to perform sexual services either with the gang, friends of the gang or with clients:

- Use of physical force
- Threat of disclosure of the prostitution to friends or families
- Threats against the family
- In one situation the victim was threatened with the possibility of selling her child
- Physical abuse of one victim in front of others as an example in order to persuade the victims to obey
- Threat of selling the victim to other criminal groups who are more violent
- Victims are told that the money is sent to the families while at the same time they do not have the possibility to speak to the families and confirm the same.
- Threats of disclosing them to the authorities combined with building a negative image of the authorities
- Victims are phoned in a pornographic context and the video is then used as blackmail.
- Showing the victims guns as a method of threat.
- The use of an unlawful debt contracted as a result of the expenses incurred for the issuance of the victims' travel documentation, transportation, and accommodation, and under the pretext that they would obtain the money required for repaying this debt by prostituting themselves.
- Using an emotional bond; for example an intimate relationship. In many cases traffickers give their victims promises of a stable and long-lasting relationship that they will have together.

With regard to THB for sexual purposes in Sweden, the changes in the *modus operandi* by the traffickers have consequently led to unforeseen challenges in the prosecutor's ability to successfully establish in court that the evidence presented in such cases reflect modern day slavery, and rise to the level of exploitation as defined by national and international law.<sup>143</sup> In Sweden, the vast majority of cases brought forth by the prosecution as THB cases are either dismissed or end in acquittal because the court deems the evidence presented does not sufficiently rise to the level of trafficking in human beings for sexual exploitation as defined by Swedish law.

In a five year period, from 2009 to 2013, Sweden has only had a total 14 convicted cases of THB for sexual exploitation. The highest number of THB convictions was 5 in 2012. This past year in 2013 there were only 2 convictions.<sup>144</sup> Instead, a Swedish court is more inclined

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<sup>143</sup> Ågren, L., Interview with the Senior Public Prosecutor, International Public Prosecution Office of Sweden on 9 October 2014.

<sup>144</sup> Wahlberg, K. 'Situation Report 13 Trafficking in Human Beings for Sexual Purposes.' Produced by the National Police Board's National Rapporteur on Trafficking on Human Beings. 2012

to convict such cases on charges of procurement (pimping), aggravated procurement and purchasing sexual services. The difference between procurement and gross procurement depends on the scope of systemic organization of the crime and level of exploitation indicated by the evidence presented.<sup>145</sup>

### 6.2.2 Actors and roles

For sexual exploitation to be profitable and number of activities have to be undertaken. For example individuals have a daily responsibility to transport victims to the avenue where the prostitution takes place, and also undertake surveillance. Other members, at a higher level in the group hierarchy, are responsible with logistical matters of organizing the prostitution (negotiation for special places in clubs, windows or other specific places used for prostitution or for newspapers announcements in order to find victim's clients, distributing photos, etc.). They are also responsible for taking care of the necessary documents. Other member, the more influential ones and in some smaller groups the leader(s), are responsible for collecting the money from the victims and managing the business. At the same time, a member (possibly the leader) will be responsible for threatening the victim or using other methods of control as described above. Victims can also play an active role, for example they may be forced to physically abuse other victims. In one case we learnt about the victim hurting another with an extension cord from the washing machine because the French Police caught her while prostituting.<sup>146</sup>

The traffickers usually transfer money from one to another through the use of Western Union Service. They also have bank accounts opened at several financial banks, but opened under the names of friends or trustful persons. Like in legal businesses there can be a hierarchy, which is reflected in the earnings. The leader is likely to receive the highest amount of profit whether he or she is involved directly in the trafficking or not.<sup>147</sup> Of course profits will be related to the costs and these vary depending on the location of exploitation this is also reflected in the price paid by the clients. For in-door spaces, like apartments the fee for a sexual act with the victims was higher (100 Euros) than a sexual act in a car or in parks (50 Euro). An important process is checking the money received from each victim. Traffickers are sensitive to the notion that is me trying to keep some money for themselves

Based on available information regarding the money flow from trafficking, the traffickers used the profit to buy luxury goods like cars, commercial spaces, lands or apartments. At the same time they also spent the money for assuring a continuity of their business paying the charges of other criminal groups when using their influence area or connections but also investing in activities related to the recruitment of other victims. The cost related to the maintenance of the business like rent for the apartment or for windows, cost for food and

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<sup>145</sup> Procurement and Aggravated Procurement, Swedish Penal Code Chapter 6:12 (2004:406); Purchasing of Sex, Swedish Penal Code Chapter 6:11(2011:517).

<sup>146</sup> Pop,Irina, "Ten Interviews with Traffick Victims Revealing their THB Reality", in Pop.Lia, Matiuța. Cristina, *Trafficking in Human Beings Questions and Answers*, Oradea, 2013 p.136-137

<sup>147</sup> Indictment from 2010-Iași, Romania, Territorial Unit of DIICOT

clothing of the victims are usually paid directly from the victim's "pocket", these costs being used for indebtedness of the victims.

The main actors in Latvia, according to expert interviews, are networks of an *organised crime* with a large profit from this type of crime. As a network, it is spread across the borders and flexible in its strategies, including legal business activities. Since 2010 exploitation has been hidden behind a legal business and therefore it is more difficult to find, prove and convict those who commit the crime due to operative and legal obstacles. Nowadays in Latvia it hides behind such legal businesses as massage salons, saunas and water spas, striptease clubs but also it can be found in various other forms of business activities. Besides, it is moved swiftly to another business; if the law enforcement institutions starts operative investigations, within a month it can be relocated again somewhere else.

### **6.3 EXPLOITATION IN THE CONTEXT OF LABOUR EXPLOITATION**

#### **6.3.1 The process**

The daily working program is of 12 or 14 hours, without time for resting, including in rainy, cold weather with no safety equipment, continuously supervised, threatened and even beaten. The food provided is not enough to cover one for meal. Despite these poor conditions the victim is expected to pay large sums. The form of indebting victims includes not allowing them to start work for 10 or more days on the basis that the documents are being prepared. However this period is still counted by traffickers and the victims have to pay for the receipt of the sham services such as housing and food.

Research regarding the Swedish restaurant and berry picking industries reveals the problematic issue of defining when labour is exploitative if the migrant employees generally agree to their poor conditions and are aware of underpayment.<sup>148</sup> Even if the migrant labourers agree to their conditions, the employer practices regarding payment and working hours show the exploitative, and not infrequently coercive, character of using migrant labour. Wages received do not necessarily correspond with written agreements and workers may pay the tax rate for a higher wage on paper while their actual wage is below minimum. Delayed payments are also common and sometimes wages are withheld entirely.<sup>149</sup> Residence permits require employees to stay with the same employer for at least two years. This makes migrant employees dependent on their employers, increasing the risk of exploitation. Workers might be afraid to complain about the conditions they work under because doing so could get them deported. Many migrants come to Sweden with the purpose of earning as much money as possible before returning home. This creates a situation where people are willing to work excessive hours. Berry pickers are paid per kilo of berries picked and they can end up working up to 17-18 hours a day.<sup>150</sup> Sometimes employers demand that workers to put in

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<sup>148</sup> Vogiazides and Hedberg, 2013.

<sup>149</sup> Ibid. p. 206

<sup>150</sup> Ibid. p 211.

significantly more than 40 hours per week or, conversely, work them very little although they agreed to provide a full-time job.

### **Example of berry picker exploitation in Sweden<sup>151</sup>**

In August 2010, 156 farmers from northeast Thailand came to pick berries in Åsele, Sweden with the Swedish berry company Lomsjö Bär AB. They paid a recruitment fee of THB 80,000 (SEK 18 000 or ca. 2,100 EUR).

They were supposed to work only 40 hours a week and were promised six days of holiday. In reality, however, their average working day was 15.5 hours. The berry-pickers were promised SEK 16,000 (ca. 1,800 EUR) as a guaranteed wage in Sweden, and thereafter their wage would be determined by the price per kilo. Also, they would receive a bonus if they worked Sundays. However, after the first month, they received only SEK 6,000 (ca. 700 EUR), but were promised the salary the following month.

The owner of Lomsjö Bär had by then left the country and disappeared with all the company's money. A majority of the workers, 117, returned to Thailand without any salary. 39 pickers, however, stayed in Sweden and succeeded in claiming that the wage guarantee should be valid and each worker received SEK 36,000 (ca. 4,200 EUR). The money was paid by the Swedish state, which paid SEK 5.8 million in total (ca. 670,000 EUR). In 2013 the owner of the company was detained in Thailand for employment fraud.

Latvia is a source country and currently two criminal cases are under preparation regarding victims being exploited for force labour in another country. Information is scarcely available about labour exploitation within Latvia as a destination country.

### **Example from a court case in Latvia**

Ms. O.K., a citizen of Latvia, established a limited company "WWW Management/Riga" in 2001. The company recruited Latvian girls, minors from 13-year-old, to work for the company "WWW Management Inc," (director N. D, a citizen of Croatia, resident in Italy) in Milan. The names of the modelling agencies in Riga and Milan were changed several times, but the people who organised recruitment remained the same<sup>152</sup>.

Ms. O.K. recruited underage girls and young women from Latvia to work in a modelling agency in Italy.

The pre-trial investigation against the Latvian citizen Ms. O.K. was launched in 2007. A significant acceleration in the pre-trial investigation was reached only after help from the Italian law enforcement agencies was received via Eurojust network, and after the director of the company "WWW Management Inc" was prosecuted in Italy for the sexual exploitation of

<sup>151</sup> Vogiazides and Hedberg, 2013, p 210-211.

<sup>152</sup> Lulle, Aija, Responses to forced labour in the EU. National Report: Latvia. Joseph Rowntree Foundation, London Metropolitan University, Working Lives Research Institute, 2013.

minors (the prosecution of labour exploitation was not proved in his case in Italy). The criminal case against Ms. O.K. in Latvia was launched in 2009.

The prosecutor has proved that they exploited 16 girls between 2001 and 2007. In some cases this involved only labour exploitation in Italy, in others both labour and sexual exploitation, while in one case the labour exploitation continued in Latvia, and in some cases, the girls escaped from exploitation but were defamed as unable to perform the model's work.

The prosecutor based the charges on the following aspects:

- Ms. O.K. recruited girls for exploitation, relying on their trust, using fraudulent promises about living and working conditions in Italy.
- Mr. N.D., the head of the model agency in Italy, taking advantage of the fact that girls were fully dependent on him and helpless, used them for labour exploitation and in some cases, for sexual exploitation.

The criminal role of Ms. O.K. was as follows:

- Find girls in Latvia, recruit them, pre-instruction about work and living conditions in a modelling agency in Milan, inform the girls about payment procedure, deliberately hiding the fact that girls should agree to have sexual relations with the head of the agency in Milan.
- Preparation of work contracts in English, preparation of documents allowing underage children to go abroad, and in some cases, she had the control and supervision of the girls' conduct and private behaviour in Italy.
- The criminal role of Mr. D.K. was as follows:
  - strict and total control over the private lives of the girls in Italy, psychological influencing, sexual and labour exploitation;
  - strict control of movement, confining the girls to the workplace or to a limited area, by limiting their stay to the premises of the modelling agency;
  - retention of passports and mobile phone SIM cards.

During the exploitation phase actually, there was no workplace as promised by Ms. O.K.; the girls had to go to model castings and search for modelling work on their own. If they succeeded and got paid, the money was divided among Ms. O.K., Mr. D.K. and the agency.

In some cases Mr. D.K. forced girls to have sexual relations with his male friend (an unidentified person during the pre-trial investigation), saying that this was a way for the girls to pay their debts for clothes and other goods he had bought for them.

In one case, after an exploited girl returned to Latvia, Ms. O.K., who knew about the girl's poor material conditions, forced her to become a recruiter and to search for other possible candidates in Latvia, promising her to pay the negligible sum of 10 lats (14 EUR) per girl who came to an initial interview, and 50 lats (75 EUR) for a girl who agreed to go to Italy.

The latest case of labour exploitation in Europe is currently being prepared by the police and involves Cyprus, Great Britain, and the Scandinavian countries. According to the police, the case will be ready for criminal persecution in late 2014. The episodes of suspected labour exploitation include situations where labourers were promised one kind of work, but in reality were given different tasks, did not receive a salary, and were left without the financial means to support themselves. Since this case involves several countries and the suspects changed countries of residence during the period in question, international cooperation is required to obtain the evidence needed to prosecute.

In Latvia labour exploitation is emerging as a prominent societal discourse due to the large-scale emigration that has taken place since joining the EU. An interesting observation has emerged, notably that despite the fact that individuals in countries of destinations may receive low wages (and thus be considered as exploited) these wages can still be higher or equal to what the individual can earn at home. In such instances he/she does not recognise that a form of exploitation has taken place and thus, does not report the same to the authorities. A further noted problem is that it is very difficult for the police to evaluate cases of labour exploitation because exploiters and recruiters will insist that the labourers agreed of their own free will. However, their choices are influenced by fear and vulnerability. For instance, sometimes people are offered one type of work, but are given another; they are offered office work, but in reality are hired to pick berries. Migrant workers will often agree (of their own free will), even to such egregious deception, because they have no other opportunity to find work, nor do they have the money to return home. Therefore changes in the Latvian Criminal Law stating that if a person is in a *vulnerable* position, charges of exploitation can be brought against employers, even if a contract is entered into freely. This would make it significantly easier to launch such cases. A similar measure has been introduced in Lithuania, a neighbouring Baltic country.

All interviewed experts in Latvia expressed the view that labour exploitation in all cases, proven, suspected, or undetected, is an *economic and structural problem* in Latvian labour relations. Due to low wages, underemployment, and unemployment, people do not consider working in harsh conditions for 12-14 hours per day to be labour exploitation. However, victims of exploitation do it at the expense of their health and future abilities to live a healthy life. For most people, working long hard hours abroad is considered to be a temporary situation during which a relatively significant amount of money might be earned, after which they would return to Latvia and normal life would continue. However, in many cases this perception is inaccurate. Either it is not possible to find work of the type expected, or, after exposure to a healthier economy, a Latvian salary no longer seems satisfying and the person goes abroad again.

At the same time labour exploitation is positioned as a *political issue*: due to high poverty rates, instability, and precocity in Latvia employment opportunities, exploited workers have little incentive to report poor conditions to the police. Such migrants see themselves as having limited options and may think that agreeing to exploitative labour is the only way for them to

land a job and earn money abroad. Most labour sectors that typically employ migrants can be characterized by unclear work conditions and rapidly changing situations. Examples are the agriculture or hospitality sectors, seasonal employment and other sectors where employers avoid signing labour contracts.

### 6.3.2 Actors and roles

Within the domain of labour exploitation different actors and roles can be found. As with other sectors of human trafficking, a recruiter, transporter, harbourer and exploiter play an active role. However the specifics of forced labour mean that others roles are needed, such as arranging employment, gaining work permits, collecting/withholding wages. Taking the example of exploitation in the agricultural sectors some traffickers are engaged in dialogue with farm owners or other administrators so that they hire the potential victims whilst at the same time not pay the wages to the victims but to the traffickers directly.

The employers themselves play an active role in the process. One of the more common roles is that of a coercer; in order to prevent their employees from leaving, some employers use coercion, including the confiscation of documents, physical violence, withholding of money, threats, surveillance, and isolation. Employers might also prevent employees from contact with trade unions, threatening them with job loss and expulsion from the country.

In the berry-picking industry in Sweden, middlemen and ‘group leaders’ have been known to act as wage collectors, while keeping significant amounts of money for themselves. Berry buyers do not always keep records about the amounts gathered by individual pickers. This situation can be characterized as a lack of accountability in the berry picking industry that negatively affects the berry pickers. The number of middlemen who cooperate with each other and with recruitment agencies has expanded in places such as Thailand, which is one of the most popular source countries for berry pickers in Sweden.

#### Example of a case in Sweden<sup>153</sup>

The only case that led to a conviction for human trafficking for forced labour in Sweden concerns the recruitment of berry-pickers from Bulgaria in the summers of 2009 and 2010 (Hudiksvalls District Court 15 June 2012).

The perpetrators were a married couple from Bulgaria, who belonged to the Romani minority. The victims were also from Bulgaria. Most of them were Turkish Bulgarians or ethnic Bulgarians, and some possibly also were of a Romani background.

As soon as they had left Bulgaria, the perpetrators took the passports from the workers. They arrived at their destination on 16 July. They planned to reside in an old school which was owned by the berry buyer that the perpetrators had met during their previous times working

<sup>153</sup> Vogiazides, Louisa and Charlotta Hedberg, *Trafficking for forced labour and labour exploitation in Sweden: Examples from the Restaurant and the Berry Industries*. Heuni publication series No 75. Helsinki: HEUNI, 2013.

in Sweden. 400 to 500 Bulgarian pickers were already living in the school, including siblings and children of the perpetrators.

Given the large number of pickers living in the school, the berry buyer who owned it asked the police to evacuate it. The pickers recruited by the perpetrators were thus forced to sleep in the perpetrators' van despite cold weather.

Each worker picked between 50 and 70 kilos of berries per day, which were sold for around SEK 10 per kilo (ca one EUR). The perpetrators sold the berries to the berry buyer and kept all the money. Only one of the six berry-pickers received some money.

The workers were forced to collect food from the garbage containers of a supermarket. The perpetrators threatened them on a daily basis, telling them that they were lazy, stupid and that they were going to kill them. They said that they would sell them to other Romas present in the woods, who would beat them and force them to steal copper or diesel. One woman was also threatened with prostitution. When two persons tried to escape, they were threatened by the perpetrator with a knife and one of them was hurt.

A similar scenario took place in the summer of 2010, when the couple recruited seven berry-pickers. The pickers were constantly controlled and threatened that something would happen to their relatives at home if they did not pick enough berries.

Just as in the previous year, the workers did not get paid for their work. At the first opportunity they escaped and eventually received assistance from Swedish authorities to return home.

The perpetrators were apprehended by the Swedish police in the summer of 2011. At that time they were back in Sweden but without having recruited any berry-picker from Bulgaria. Even so, some of their family members had recruited workers and were suspected of human trafficking for forced labour. The couple was arrested when they came to the court to testify in favour of their relatives. This was followed by a rather long investigation in which the events of 2009 and 2010 were examined. The international prosecutor in charge of the case travelled to Bulgaria, where another investigation was started after the victims had been reported to the police.

In June 2012, the perpetrators were sentenced for the crime of trafficking to 10 months of prison, expulsion from Sweden and payment of damages to the victims.

## **6.4 EXPLOITATION IN THE CONTEXT OF FORCED BEGGING AND CRIMINAL ACTIVITIES**

### **6.4.1 The exploitation process**

Trafficking in human beings for the purpose of forced criminal exploitation is an increasingly significant phenomenon in the European Union. Adults and children are trafficked and forced

to commit crimes such as cannabis cultivation, ATM theft and benefit fraud or forced to beg.<sup>154</sup> From all the forms of exploitation of victims of trafficking, forced begging is the most visible, as it is undertaken in public places (on the streets, at intersections, in stores and shopping centres). Unlike other exploitation related to human trafficking, which can also take place in closed areas such as flats, brothels or other dwellings, traffickers of forced begging depend on crowded public places in order to make profit.

Victims along other forms of THB often endure exploitation for begging and/or criminal activities. Men, especially minor, are used by groups for begging and for committing crimes such as theft of pickpocketing. On the other hand women often suffer at the hand of sexual exploitation as well as exploitation for begging and/or criminal activities. The modalities in which victims are exploited for begging are diverse, from spending time on the streets and asking for money from the passengers, begging with children on the streets, in parks to churches. Begging can take the form of asking for money through a written message (often written by the traffickers), an outstretched hand, playing a musical instrument, street theatre or using a disability to arouse sympathy. Sometimes the disability can be faked<sup>155</sup> (in one case the victims were given crutches and instructed on how to twist their limbs in order to look like they were crippled<sup>156</sup>). In terms of hours spent victims of forced begging have to face a long day ranging from 8-10 hours spent on the streets to 14-16 hours per day.<sup>157</sup>

In one Swedish case of forced begging the court was particularly disturbed by the fact that the victim of the perpetrators' ruthless exploitation was a mentally challenged person. The court found the evidence in this case sufficiently established the existence of fraud, coercion, deception, threats, abuse of power and abuse of vulnerability. The court convicted two Romanians, a man and his wife, of trafficking in human beings for the purpose of forced begging. Specifically, the two were responsible for the exploitation of a mentally disabled man from Romania who was transported and housed in Sweden and forced to beg on the streets. The money earned on the streets by the victim was used to financially sustain the perpetrators. Each perpetrator was sentenced to three years imprisonment and expulsion from Sweden.<sup>158</sup>

#### 6.4.2 Actors and roles

For the bigger criminal groups, involved in begging exploitation associated also with sexual exploitation, the roles and responsibilities between the members are shared exactly like in the case of organizations of groups for sexual exploitation. The responsibility's division is once

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<sup>154</sup> Anti-Slavery International, *Trafficking for Forced Criminal Activities and Begging in Europe. Exploratory Study and Good Practice Examples*, "With the financial support of the Prevention of and Fight against Crime Programmed European Commission- Directorate-General Home Affairs", September 2014, p.5.

<sup>155</sup> *Ibid*, pp. 48-50;

<sup>156</sup> Case law example from UNODC [https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/rou/2009/case\\_ca\\_brasov\\_43-ap-2009.html?tmpl=old](https://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/rou/2009/case_ca_brasov_43-ap-2009.html?tmpl=old) accessed 7 October 2014

<sup>157</sup> National Agency against Trafficking in Persons, *Trafficking in Persons for begging-Romania study*, Delta Cart House, Pitești, Romania, 2013, p. 50;

<sup>158</sup> Svea Court of Appeal 2010.10.04, Case No. 6263-10.

again made among the group's members based on their skills, aptitudes. In this situations, one member could be responsible for transporting the victims to the exploitation's place, others for surveillance the victims and collecting the money.

According to the available statistics regarding the persons investigated for THB for forced begging by Romanian Police and the DIICOT, the majority of the perpetrators acting in the exploitation of victims for begging are males, helped in perpetrating this crime by their wives, concubines, or relatives. Women can play an important role in accompanying the victims to the destination, with a very crucial role in abetting border passing. Some of the interviewed victims from the Romanian study regarding begging mentioned that the group of traffickers was small, consisting of one or two families, Romanian nationals of Roma origins. When a smaller group is involved in the crime, the roles of traffickers within the network are not clearly defined however; "the recruiter" might also be involved in transporting or even exploiting the victim.<sup>159</sup> The trafficking network collects the money - once or even twice a day - and the victims are thoroughly checked for hidden money. At the end of the day, the majority of the victims don't receive a monetary reward although a few mentioned receiving small "gifts", such as a few cents. Food is also limited and so the victims are forced to beg for food or even go through bins.

In the cases of forced begging there seems to be a closer relationships between the victims and the traffickers than for other forms of exploitation. There seems to be a tendency for the perpetrators to orient their activities to exploit their own relatives, friends and neighbours. We also noted some anecdotal evidence namely that another particularity for this form of exploitation is the overrepresentation of ethnic Roma among both the traffickers' and the victims' groups. This assertion is supported by several factors affecting vulnerable groups, not only Roma communities like poverty, lack of formal education, economic difficulties),<sup>160</sup> social exclusion,<sup>161</sup> discrimination,<sup>162</sup> but also through some specific<sup>163</sup> cultural, social and economical factors that make the integration of Roma population even harder.

Victims who are forced to practice petty theft are often not aware of the daily amounts collected, as the profits are permanently controlled and handled to the traffickers, the victims being forced to directly hand all stolen goods (wallets, purses) to the trafficker.<sup>164</sup> For exploitation for committing thefts are identified annually only few victims which are usually boys or teenagers, obliged to pick-pocketing or shop lifting. Being minors, the level of formal education is in compliance with their age. Even if the victims are adults, the level of education

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<sup>159</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart House, Pitești, Romania, 2013, p. 63

<sup>160</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart House, Pitești, Romania, 2013, p.64;

<sup>161</sup> European Roma Rights Centre and People in Need Slovakia, *Breaking the Silence*, Fo-Szer, Budapest, Hungary, 2011, p.12.

<sup>162</sup> *Ibid*, p.47.

<sup>163</sup> National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study*, Delta Cart House, Pitești, Romania, 2013, p.64.

<sup>164</sup> *Ibid* 2013, p 56.

is situated also at the primary or up to secondary school. Minors are chosen for these criminal activities as the authorities tend to be more lenient with minors, if the same are discovered. They train the minors what to say in case of being approached by the police and if interviewed by them not to mention the trafficker's names or nicknames and to continuously declare that they are alone in the country of destination.

## 6.5 EXPLOITATION: SHAM MARRIAGES IN LATVIA

### 6.5.1 The process, Actors and roles

Individuals forced into sham marriages tend to be women, however interviewed experts have noted that men can also be recruited. However, as the cases analysed for the purpose of this report concerned women we will report about this group. Women, who are forced into sham marriages are subject to exploitation, are treated as property, threatened and subjected to violence. Within the process of sham marriage the woman may also be forced into domestic servitude or the husband might keep any money she earns for himself. There have also been cases in which victims of sham marriages have been subject to sexual exploitation and rape. The bride may be taken to another country which makes it harder for her to escape her conditions. The husband might also use her as a guarantor to acquire money for his needs, which might force her into debt making the bride dependent on the creditors. If the woman involved in a sham marriage gives birth to a child, her husband is likely to be legally considered the child's father, even he is not, and he will have the power to decide what to do with the child.<sup>165</sup>

A sham marriage commonly unfolds in the following manner: A trip abroad is financed either by a recruiter or by the future bride. The woman is given a place to live 'free of charge', but later she is told that she has accrued a large debt for her living expenses. In order to cover a debt, she is 'given a choice' either to pay back the debt or to marry a third country national.<sup>166</sup> Once the woman is married, she might be forced to engage in a sexual relationship with her official husband and prevented from maintaining a lifestyle that she prefers and autonomy. Relatives and friends of the husband may become involved in the process of exploitation, asking a new wife to perform tasks for them, or by preventing her from seeking divorce.

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<sup>165</sup> For more information, see NGO 'Shelter "Safe House"' Available: <http://www.patverums-dm.lv/> accessed 7 October 2014

<sup>166</sup> Март, Дмитрий, *Как козу на базаре*. Вести Сегодня, 17/10/2012., [http://www.leta.lv/rus/archive/search/?patern=%D1%80%D0%B0%D0%B1%D1%81%D1%82%D0%B2%D0%BE&item=F0E507BC-5301-44EB-9D78-3870822D2754&date=0,1409691600&mode=stem,&\\_fy=2012](http://www.leta.lv/rus/archive/search/?patern=%D1%80%D0%B0%D0%B1%D1%81%D1%82%D0%B2%D0%BE&item=F0E507BC-5301-44EB-9D78-3870822D2754&date=0,1409691600&mode=stem,&_fy=2012) accessed 7 October 2014

## PART 3 MACRO ANALYSIS

### 7.1 INTRODUCTION

Part 3 of this report focuses on THB in the context the wider criminal industry. To begin with, chapter 7 addresses the question whether criminal groups are indeed involved in other types of serious and organised crime, besides THB. Here we apply the network perspective of organised crime. The second question is to what extent the “enterprise” of THB is comparable to the business process of other types of serious and organised crime. Our hypothesis is that when illegal activities require resources and knowledge wholly or partly comparable with those needed for THB, there is a greater risk that criminals will indeed develop activities on more than one criminal market. Chapter 8 describes the results of this comparative analysis.

In order to analyse any potential overlap, it is necessary to clearly define the term. Here, we approach overlap as individual criminals or (members of) criminal groups who are active in separate criminal markets at the same time. In other words, activities that are part of the process of trafficking are not considered as independent criminal activities, even if they fall under other paragraphs of the Criminal Code. For example, a person who photographs undressed girls under the age of 18 in order to use these pictures to advertise the girl to clients on a prostitution website may also be found guilty for disseminating child pornography. In the context of this study, however, this is considered as part of the business process of human trafficking. The same applies to for instance violent crimes committed against the trafficked person, the robbing of clients and the laundering of the proceeds of the exploitation. Consequently, criminals who make a career switch are also excluded from the analysis. For example, a trafficker who started his life of crime with committing theft and armed robbery is not considered to be active on more than one criminal market. It must be noted that there is mention in the literature of criminals, and for instance an outlaw motorcycle gang, who switched from another type of crime to trafficking and vice versa.<sup>167</sup>

### 7.2 OVERLAPPING ACTIVITIES AND NETWORKS

#### 7.2.1 Introduction

This chapter addresses the overlap between THB and other types of crime from the practical and network perspective. The information in this chapter is based on document analysis and the Dutch case as well as the Cyprus case. To begin with, this section elaborates on the question to what extent THB is the work of specialists or of ‘multi-tasking’ criminal groups. Sections 7.3 – 7.5 addresses overlap in the context of sexual exploitation, labour exploitation and forced begging as well as exploitation in the context of other types of crime, respectively.

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<sup>167</sup> Werson, H., *De fatale fuik*, Amsterdam, Uitgeverij Carrera, 2012, p. 61; Verhoeven, M., Van Gestel, B. and De Jong, D. *Mensenhandel in de Amsterdamse Raamprostitutie*. The Hague, Boom Juridische uitgevers, 2011, p. 36; Shelley, Louise, “Human Trafficking as a Form of Transnational Crime”, in M. Lee, *Human Trafficking*. Cullompton, Willan Publishing, 2007, p. 116-137, p. 116; Von Lampe, Klaus, “Organized Crime in Europe”, in Philip Reichel and Jay Albanese (eds.), *Handbook of Transnational Crime and Justice*, 2<sup>nd</sup> edition. Thousand Oaks, Sage, 2014, p. 459-470, p. 464.

### 7.2.2 To what extent is THB the work of specialists?

As we have seen in Part 2, THB can be the work of a wide range of perpetrators. A single “lover boy” may be able to sexually exploit one or more women without requiring help from others. The same is true for a farmer who exploits migrant workers. However, criminal groups ranging from loosely organised collectives to mafia type syndicates may also engage in THB. Especially the latter are bound to also be engaged in other criminal activities.

The predominant image presented in the literature is THB being an activity of small specialised groups.<sup>168</sup> According to Europol “human trafficking networks are more likely to be organised in small groups, which operate both independently and in cooperation with other crime groups. The interaction between groups is often connected to the provision of a service that cannot be undertaken by another group.”<sup>169</sup> Many traffickers appear to be working alone and seem only loosely connected with organised crime.<sup>170</sup> This seems to indicate that traffickers do maintain criminal connections with other actors who are part of the larger criminal macro network (see chapter 2) but that they are less inclined to be active on more than one criminal market simultaneously. In order to gain insight in to the extent to which human traffickers are also active in other types of crime, we collected the rulings of the courts of first instance in 254 cases from the Dutch public database *rechtspraak.nl*. These cases have been published between April 2010 and September 2014. The table below presents the results.

Table 7.1 Combination of THB with other crimes in the Netherlands (N= 254)

Type of trafficking	Combination with other criminal activities	Percentage
<i>Sexual exploitation</i>	<i>None</i>	87,0%
	Social security fraud	0,8%
	Drug trafficking/production	2,0%
	Property crimes	1,2%
	Sexual and labour exploitation	0,4%
<i>Labour exploitation</i>	<i>None</i>	4.3%
	Human smuggling	1,6%
	Tax fraud	0,4%
<i>Forced begging/crimes</i>	<i>None</i>	0,4%
	Cannabis cultivation	1,2%
	Fraud	0,4%
	Property crimes	0,4%
<b>Total</b>		<b>100%</b>

<sup>168</sup> Cf. Shelley, Louise, 2007. *Op. cit.*, p. 118.

<sup>169</sup> Europol, *Trafficking in Human Beings in the European Union*, The Hague, 2011. Available at [www.europol.europa.eu/sites/default/files/publications/trafficking-in-human-beings-in-the-european-union-2011.pdf](http://www.europol.europa.eu/sites/default/files/publications/trafficking-in-human-beings-in-the-european-union-2011.pdf) Accessed 19 October 2014.

<sup>170</sup> Goodey, Jo, “Human Trafficking.” In F. Brookman, M. Maguire, H. Pierpoint and T. Bennett (eds.), *Handbook on Crime*, Cullompton, Willan Publishing, 2010, p. 698-711, p. 703.

The table shows that by far the largest part of the studied Dutch court cases concerns THB for the purpose of sexual exploitation. There were relatively few cases of labour exploitation and only one case of forced begging and five cases in which a person was exploited in the context of other crimes. In the latter cases there is of course by definition overlap between THB and other crimes. When it comes to sexual and labour exploitation, however, criminals, or the members of the criminal group, predominantly specialize in THB only and do not commit crimes unrelated to this activity. These findings are comparable to those of other Dutch studies. Organised crime groups active in the Netherlands – this includes both indigenous and foreign-based groups – have been studied extensively since 1998 in the Organised Crime Monitor.<sup>171</sup> Over the years, the researchers have collected and analysed the case files of 150 large-scale investigations.<sup>172</sup> Of all the cases studied, only one concerned a group that combined THB with another illegal activity, the trafficking of cocaine from the Netherlands to Italy. Although the Monitor is not based on a random sample of cases it does provide strong indication that at least within the Dutch territory, multi-tasking criminal groups are rare. These findings are comparable to those of Verhoeven et al (2011), who studied the files of 12 large-scale criminal investigations regarding sexual exploitation in the Amsterdam Red Light District. Here, none of the perpetrators was simultaneously involved in other crimes.<sup>173</sup> Whether these findings can be projected to other EU member states is unclear. The Netherlands differs to some extent from other countries because ‘window prostitution’ offers a ready-made infrastructure to human traffickers and prostitution as such is legal.<sup>174</sup> In addition, because in the Netherlands the principle of opportunity applies, the investigative authorities may choose not to prosecute or investigate the other crimes committed by traffickers. Thus, other crimes might not become visible in the court rulings. However, the result that there is little overlap seems to be consistent with the literature. How can we explain these findings?

To begin with, most of the perpetrators in the court files are either indigenous criminals who work largely on their own or foreign criminals who come to the Netherlands to exploit women. Dutch organised criminal groups are largely absent in cases of sexual and labour exploitation. It may therefore be argued that the predominant types of perpetrators are not ‘well-connected’ to other Dutch criminal networks. Second, human traffickers also do not seem to engage in crimes that do not necessarily require criminal relations, such as property crimes. A possible explanation is that exploiting and controlling of the victims takes up so

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<sup>171</sup> Kleemans, E., Van den Berg, E. and Van de Bunt, H, *Georganiseerde criminaliteit in Nederland*, The Hague, Wetenschappelijk Onderzoek- en Documentatiecentrum, Ministerie van Justitie, 1998; Kleemans, E., Brienen, M., and Van de Bunt, H., *Georganiseerde criminaliteit in Nederland, Tweede rapportage op basis van de WODC-monitor*, The Hague, Wetenschappelijk Onderzoek- en Documentatiecentrum, Ministerie van Justitie, 2002; Van de Bunt, H. and Kleemans, E., *Georganiseerde criminaliteit in Nederland. Derde rapportage op basis van de monitor georganiseerde criminaliteit*. The Hague, Boom Juridische uitgevers, 2007; Kruisbergen, E., Van de Bunt, H. and Kleemans, E., *Georganiseerde criminaliteit in Nederland. Vierde rapportage op basis van de monitor georganiseerde criminaliteit*, The Hague, Boom Lemma uitgevers, 2012.

<sup>172</sup> In the Netherlands, such investigations usually take at least a year and involve a team of detectives of about 10 persons. Evidence gathering typically requires a range of special (covert) investigative methods such as the interception of telecommunication and surveillance.

<sup>173</sup> Verhoeven, M. et al, 2011, *op. cit.*, p. 35-40.

<sup>174</sup> Spapens, T. and Rijken, C., “The fight against human trafficking in the Amsterdam Red Light District” *International Journal of Comparative and Applied Criminal Justice*, forthcoming, 2014.

much effort that it becomes difficult to engage in other illegal activities at the same time as well, except for large hierarchically structured syndicates in which different tasks can be delegated to trusted ‘lieutenants.’ *Vice versa*, indigenous Dutch organised crime groups may choose not to engage in human trafficking because other types of crime, particularly drug production, render higher profits and require less effort. The next section discusses this issue further.

### 7.3 OVERLAP IN THE CONTEXT OF SEXUAL EXPLOITATION

This section looks deeper into the backgrounds of the perpetrators that engage in THB for the purpose of sexual exploitation as well as in other types of serious and organised crime. First we address ‘lover boys’ and youth gangs (6.3.1). Section 6.3.2 then discusses multi-tasking criminal groups. Finally, section 6.3.3 focuses on large-scale mafia-type crime syndicates.

#### 7.3.1 Gangs and ‘lover boys’

Street gangs are likely to engage in different types of street crimes, such as property crimes, small-scale drug dealing and violence, but there are also indications that they will exploit women as prostitutes. American literature on youth gangs mentions the vulnerability of women members or hangers on to sexual exploitation and sexual assault. This would particularly apply to women who use sex a method to become part of the group. ‘If you get sexed in, you have no respect. That means you gotta go ho’in for ‘em.’<sup>175</sup>

Of course, American style youth gangs are not a widely occurring phenomenon in the EU but there are case-examples of groups of (relatively) juvenile criminals who will seize all sorts of criminal opportunities, including the exploitation of women as prostitutes. One of the Dutch cases, for example, concerned a juvenile gang that committed armed robberies and dealt narcotic drugs in combination with THB. They also forced other youngsters to work as male prostitutes and in addition filmed and extorted the customers by threatening to publicise the footage online.<sup>176</sup> The same profile applies to ‘lover boys’ who work independently. They often lead a criminal lifestyle that involves committing a diversity of street crimes and small-scale fraud, for example. Some of these petty criminals will not hesitate to exploit their ‘girlfriends’ as prostitutes and thus become pimps when the opportunity arises and when they have no moral problems with engaging in that type of crime. An example is the case of Mandy Pijnenburg, a Dutch girl who ended up in a prison in the Dominican Republic when she was caught in possession of 20 kilos of cocaine.<sup>177</sup> The ‘boyfriend’ who had also exploited her as a prostitute in the Netherlands persuaded the girl to smuggle the drugs. In other case examples “independent” traffickers who exploited women also committed crimes

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<sup>175</sup> Miller, J. “Gender and Victimization Risk Among Young Women in Gangs.” In M. Pogrebin (ed.), *About Criminals*, Thousand Oaks, Sage, 2004, p. 210-219, p. 216.

<sup>176</sup> ECLI: NL:RBNHO:2013:9066. Available at [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 20 September 2014.

<sup>177</sup> Goverde, R., *De zaak Mandy P.*, Amsterdam, Mistral, 2009.

such as small-scale cannabis cultivation and social security fraud.<sup>178</sup> Human trafficking, however, was by far the most important activity in these cases.

### 7.3.2 Multi-tasking criminal groups in the Netherlands

In this section we briefly address overlap within organised criminal groups ‘Dutch style.’ There have always been gangs in the Netherlands that were involved in serious crimes, such as violent robberies, extortion, large-scale theft and the supply of illegal goods and services, and that is still true today. Particularly since the 1970s, however, Dutch crime groups have managed to establish a far-flung international network for the import and re-export of different types of narcotic drugs. Furthermore, since the 1990s the Netherlands has also developed into a major producer and exporter of synthetic drugs and cannabis. A key feature of the Dutch networks is that they organize these activities primarily in loose-knit cooperatives revolving around criminal entrepreneurs who transact business with others in shifting coalitions.<sup>179</sup> This would particularly enable them to engage in different types of crimes, including THB. Although the results presented above provide a strong indication that they do not apply these ‘criminal relations’ to also engage in THB, there are of course case-examples of criminal cooperatives that do.

One example concerns a criminal group that was active in the South of the Netherlands.<sup>180</sup> The group produced ecstasy and smuggled it to Spain and other countries, it imported cocaine from South America and also engaged in the theft of trucks loads of goods such as coffee, whisky and Viagra. This is a typical example of an organised crime group that did conducted various sorts of illegal activities if criminal contacts so allowed. For example, the opportunity to import cocaine followed from contacts with a German national who had grown up in South America and who was able to establish contacts with suppliers. Such an opportunity also occurred with regard to the sex business. One of the key members of the group established contact with a Polish national through a German friend. The Pole had lived in Germany for a while, but was forced to flee to Poland after having failing to return to prison while on leave. In Poland, he met traffickers and phoned his old German friend to enquire if he might be interested in women who could work as prostitutes. The German, in turn, knew that the Dutchman was thinking about buying a brothel that was offered for sale and was looking for a contact who could ‘supply’ women. Thus, he established contact between the two. Negotiations, however, took quite a while and the police decided to apprehend the Dutch criminal group before the deal was concluded.

The combination of drug trafficking and human trafficking can be observed in other cases as well. A case of almost ten years later in a different part of the Netherlands shows remarkable

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<sup>178</sup> ECLI:NL:RBARN:2012:BV9434; ECLI:NL:GHARN:BY7730; ECLI:RBONE:2013:BY9738. Available at [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 21 September 2014.

<sup>179</sup> Spapens, T. “Dutch Crime Networks.” In G. Bruinsma and D. Weisburd (eds.), *Encyclopedia of Criminology and Criminal Justice*, New York, Springer, 2013, p. 1211-1219.

<sup>180</sup> The case is described in more detail in: Spapens, T. “Case Report on the Rhein-Waal Euroregion.” In M. den Boer and T. Spapens (eds.), *Investigating Organised Crime in European Border Regions*, Tilburg, Katholieke Universiteit Brabant/IVA, 2002, p. 73-92.

similarities with the one presented above.<sup>181</sup> Here, the criminal group was involved in the importation of 71.9 kilos of cocaine from Costa Rica to the Netherlands and forwarding it to Denmark as its final destination. It was also active with manufacturing of pills containing diazepam and with cannabis cultivation. The involvement in human trafficking in this case followed too from the fact that one member of the group had a business interest in a brothel that was operated by a female partner. In this case he placed advertisements in Poland for prostitutes and paid for the travel of women who responded. Although the women knew that they were going to work as prostitutes and came to the Netherlands voluntarily, the court ruled that the suspect was still guilty of human trafficking because he took advantage of their economically deprived position.

Apart from Dutch criminal groups, Eastern European groups sometimes also commit other crimes beside THB in the Netherlands. In one case example, a Romanian who was exploiting a girl was also convicted for the smuggling of 4 kilos of cannabis.<sup>182</sup> In another case, a Romanian national trafficked his fellow countrymen to the Netherlands for sexual as well as labour exploitation.<sup>183</sup>

### 7.3.3 Mafia-type organised crime and terrorist groups

The collected Dutch case examples and court rulings do not include mafia-type organised crime and terrorist groups. However, in the literature such groups are regularly associated with different types of crime including human trafficking. Mafia-type crime groups mentioned are particularly Mexican (Los Zetas), Chinese and the Japanese Yakuza.<sup>184</sup> Within the EU this concerns the Italian Sacra Corona Unita, Outlaw Motorcycle Gangs (OMCGs) and Albanian organised crime groups.<sup>185</sup> Information on the exact activities of these particular groups is scarce, however, and largely anecdotal.

A Europol threat assessment on Italian organised crime specifically mentions the Apulian Sacra Corona Unita (SCU) as a group that has traditionally been engaged in smuggling and evolved from trafficking cigarettes to human beings, drugs, weapons and illegal waste disposal. Outside of Italy, Apulian Organised Crime is present mainly in the Netherlands, Germany, Switzerland and Albania.<sup>186</sup> The SCU uses the same routes, together with the same

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<sup>181</sup> ECLI:NL:RBROT:2010:BO2931. Available at [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 26 September 2014.

<sup>182</sup> ECLI:NL:RBOBR:2013:6656. Available at [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 26 September 2014.

<sup>183</sup> ECLI:NL:RBLEE:2010:BN1233. Available at [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 26 September 2014.

<sup>184</sup> Finckenauer, James and Albanese, Jay, "Organized Crime in North America." In P. Reichel and J. Albanese (eds.), *The Handbook of Transnational Crime and Justice, 2<sup>nd</sup> Edition*, Thousand Oaks, Sage, 2014, p. 483-499; Di Nicola, Andrea, "Trafficking in Persons and Smuggling of Migrants." In P. Reichel and J. Albanese (eds.), *The Handbook of Transnational Crime and Justice, 2<sup>nd</sup> Edition*, Thousand Oaks, Sage, p. 143-164; Europol, *Powerful Mexican Criminal Syndicates Attempt to Develop their European Drug Business*, The Hague, 12 April 2013. Available at: <https://www.europol.europa.eu/content/powerful-mexican-criminal-syndicates-attempt-develop-their-european-drugs-business> Accessed 26 September 2014.

<sup>185</sup> Europol, *Major International Operation Against Hells Angels*, The Hague, 24 July 2013. Available at: <https://www.europol.europa.eu/content/major-international-operation-against-hells-angels>. Europol, *Major hit on international Albanian organised crime network*, The Hague, 11 April 2013. Available at:

<https://www.europol.europa.eu/content/major-hit-international-albanian-organised-crime-network> Accessed 19 October 2014]; Europol, *Threat Assessment Italian Organised Crime*, The Hague, June 2013.

<sup>186</sup> Europol, *Threat Assessment Italian Organised Crime*, The Hague, June 2013, p. 3.

East-European partners that for many years were used for importing contraband tobacco for human trafficking. The victims are exploited both for prostitution and agricultural labour.<sup>187</sup> OMCGs are also associated with trafficking. In 2013 for example, the Spanish police arrested 25 members of the Hells Angels for several crimes including drug trafficking, trafficking in human beings, extortion, money laundering and corruption.<sup>188</sup> In Germany, for example, OMCGs are allegedly controlling the Red Light District in Duisburg as well as in other cities.<sup>189</sup> The Albanian organised crime is thought to be active in THB in the EU as well as in other parts of the world. In 2013, for example, the Italian police arrested a number of suspects who were involved in drug trafficking. Links to trafficking in human beings for sexual exploitation were located in Italy, Belgium, the Netherlands, France, Switzerland and Albania. The targeted organised criminal group was predominantly composed of Albanian nationals, with leading members active in Italy, the Netherlands and Belgium.<sup>190</sup> Finally, terrorist groups are allegedly also involved in human trafficking for example to finance their activities. Shelley (2007) for example mentions Kurdish criminals who supported the PKK ran a nightclub with trafficked Russian speaking women in a resort town in Southern Turkey.<sup>191</sup> More recently, terrorists of the Islamic State allegedly earned millions by selling women and children as sex-slaves.<sup>192</sup> Terrorist groups, however, do not seem to be active with trafficking in the EU.

#### 7.4 OVERLAP IN THE CONTEXT OF LABOUR EXPLOITATION

According to International Labour Organisation (ILO) 20.9 million people have fallen victim to forced labour worldwide. Of this total number, 90 per cent are exploited in the private economy by individuals or legal enterprises. Out of these people, 4.5 million are victims of sexual exploitation and 14.2 million are victims of forced labour in sectors such as, agriculture, construction, domestic work or manufacturing.<sup>193</sup> Labour exploitation in turn can have some overlaps with other criminal enterprises for example drug production. An example is Vietnamese nationals who are forced to work in cannabis nurseries in for instance the Netherlands and the United Kingdom.

As applies to the case of Cyprus, trafficking in people for labour exploitation is facilitated by indigenous individuals, mixed couples (Cypriots married to foreigners), families (usually a father with son(s)), small groups, or small legal entities whose circle of business mostly

<sup>187</sup> Ibid, p. 13.

<sup>188</sup> Europol, 24 July 2013, *op. cit.*

<sup>189</sup> Kölner Stadt-Anzeiger, *Rockerkrieg im Rotlichtviertel*, 1 March 2013, Available at: <http://www.ksta.de/panorama/nrw-rockerkrieg-im-rotlicht-viertel,15189504,21983890.html> Accessed 22 October 2014. Landeskriminalamt Nordrhein-Westfalen, *Menschenhandel zum zweck der sexuellen Ausbeutung*, Düsseldorf, 2013, p. 7.

<sup>190</sup> Europol 11 April 2013, *op. cit.*

<sup>191</sup> Shelley, Louise, 2007, *op. cit.*, p. 120.

<sup>192</sup> New York Post, *ISIS makes \$3M per day from oil smuggling, human trafficking*, 15 September 2014. Available at: <http://nypost.com/2014/09/15/isis-makes-3m-per-day-from-oil-smuggling-human-trafficking/> [Accessed 21 October 2014].

<sup>193</sup> ILO, *Global estimate of forced labour. Executive summary*, Geneva, 2012. Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_181953.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181953.pdf) Available 14 November 2014

involves the arrangement of travelling and employment placement of people. These transgressors formulate relationships with immigrants in the host country in order to recruit victims or use temporal connections in countries of origin for such purposes. Alternatively, agents themselves sometimes travel to destinations whereby victims are recruited and lured to come to Cyprus with false promises for sustainable employments.<sup>194</sup> Reportedly, diasporas in destination countries play a major role in the facilitation of human trafficking. They use their connections in both countries (origin and destination), by providing important links, knowledge, and services to criminal groups and individuals who are engaged in this type of criminalities in the host countries.<sup>195</sup> Members of diaspora, are often immigrants who have lived in the host country for some time and managed to establish bonds with indigenous people (Cypriot in our case) who undertake the task of employment placement.

To date, according to intelligence gathered by the OoCTHB, the major countries of origin are comprised by India, China, Vietnam, Punjab, Sri Lanka, Bangladesh, Nepal, Romania, Bulgaria, Moldova, and Ukraine. Trafficking victims are often provincial, uneducated, inexperienced and unskilled workers. As noted above, most of the times victims gain knowledge of individuals who are connected to people in the host country (by word of mouth), and make efforts on their own to meet and ask them for help. Yet, as most victims are people with no particular resources, they take out loans in their respective countries to secure the requisite amount of money to cover the travelling expenses, visa issuance expenses, and commission to those who make these arrangements. Interestingly, commission rates (and this is a big part of the exploitative scheme) range from 1,000 to 10,000 euro, and while victims enticed to pay such money are convinced that they will get a well-paid job at the source country, go along and give the money. Money is usually submitted to individuals in source countries and once these individuals confirm receipt of the money, members of diasporas in the destination countries initiate the process of translocation and employment placement.<sup>196</sup>

As shown above on the basis of the Dutch case people involved in the crime of human trafficking may, at times, get involved in other criminal activities or vice versa. The Cyprus Police has also seen some cases where there is overlap, as per the example below.

#### ***Case example: Romania***

This case started from Romania where local newspapers and internet sites were advertising job opportunities. Romanian nationals who responded to those advertisements were offered well-paid jobs in Cyprus. They all signed employment contracts connected to well-paid jobs. The victims were promised high earnings, ranging from 700 to 1200 euro per month. The Romanian victims paid to the local employment agencies that were involved in the scheme, 350 euro for an airline tickets and fees. In Cyprus, at Larnaca airport, the Romanian victims

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<sup>194</sup> Data base of the Office of Combating Trafficking in Human Beings

<sup>195</sup> Turner, J. and Kelly, L. "Trade secrets: Intersections between diasporas and crime groups in the constitution of the human trafficking chain." *British Journal of Criminology*, 49, 2009, pp. 184 - 201

<sup>196</sup> Turner, J. and Kelly, L., 2009, *op. cit.*

were picked up by Cypriots who were employed by the suspect (a Cypriot national) and transferred to the suspect's premises in Nicosia.

There, the victims were notified that the jobs described on the contract were not the actual jobs and that they had to pay money to the suspect. Instead of being offered the jobs that they were promised before coming to Cyprus, victims were offered occasional employments mostly in the agriculture and construction industry. Trustees of the suspect undertook the transportation to the place of employment, and the majority of the employers (Cypriots) paid the suspect, instead of the workers, for the work done by the latter. Though in some instances some of the employers gave a small amount of money to the workers, in most cases the workers had to pay off their debt.

In November 2009, the Criminal Investigation Department in cooperation with the Labour Office conducted an operation at the premises of the suspect. During the operation 103 Romanian citizens were found there, living under inhumane conditions. That is, 8 to 10 persons living in the same bedroom with no blankets and sheets, without having hot water, with rats and insects. Skin infections were visible all over the victims' bodies. During the search, copies of their identity cards and written declarations prescribing that victims voluntarily accepted a debt to the suspect up to 800 euro for his commission were also found and confiscated as evidence.

In this case, 90 persons were identified as victims of trafficking for forced labour. In conjunction with this operation another operation in Romania took place. The cooperation with the Romanian authorities was not formed on a joint investigation basis but was based on the law of mutual legal assistance on criminal matters. The investigation was not a jointed one, but it was a parallel investigation conducted in both countries.

The suspect was not only involved in human trafficking, but was also involved in other crimes such as operating an illegal employment agency, tax evasion, aggravated assault, conspiracy to defeat justice and interference with witnesses, conspiracy to commit a felony, and arson.

## **7.5 OVERLAP IN THE CONTEXT OF FORCED BEGGING AND CRIMINAL ACTIVITIES**

### **7.5.1 Forced begging**

As has been explained in part 2, forced begging is primarily associated with itinerant criminal groups stemming from South-Eastern Europe. The victims are often children. According to Europol, these children are not only forced to beg, but also to commit other crimes including drugs crimes, different forms of property crime (burglaries, robberies, shoplifting, cargo

thefts, metal thefts, home-jacking or ATM theft) and social benefit fraud.<sup>197</sup> The children mostly stem from Romanian Roma families.

### 7.5.2 Trafficking in the context of other crimes

THB in the context of other crimes is a tautology when we look at overlap, because here such overlap with another crime occurs by definition. Victims may be forced to contribute to a range of other criminal activities. It is also possible that a person chooses voluntarily to commit crimes. An example could be a person who has borrowed a substantial sum from a loan shark and is unable to pay off the debt. Technically, however, this does not qualify as trafficking. Next, we will present three examples coercing of individuals into other criminal activities.

First, there is the possibility that people in a situation of dependency are forced to commit property crimes. In one case example, a person ordered his 12 and 14-year-old nephews to commit burglaries.<sup>198</sup> The two boys stayed with their uncle temporarily, did not speak Dutch and had not been to the Netherlands before. All of this contributed to a conviction for THB. Another case example in the early 2000s, concerned illegal immigrants from Albania who were temporarily staying in Belgium on their route to the United Kingdom. They were caught committing burglaries in the south of the Netherlands and stated to the police that the people smugglers had forced them to cooperate, in order to pay for the next stage of their journey.<sup>199</sup>

Second, individuals may be coerced into contributing to drug crimes. The case of Mandy Pijnenburg described above is an example of the combination of drug trafficking and sexual exploitation. An example from the United States concerns women who were forced to make their apartment available to drug dealers.<sup>200</sup> Another method some Dutch criminals apply is to supply a cannabis grower with growing materials he cannot afford to buy and ask for the first harvest in return. After that the grower can continue on his own account. However, the criminal will arrange that the crop is stolen when the plants are almost ready to be harvested or tip the police if stealing is not possible. The criminal then holds the grower liable for the worth of the cannabis (note: not for the supplied growing materials...) and he is thus forced to continue growing to settle the debt. Of course, the criminal will then find new excuses to maintain the debt, for instance by claiming that the quality of the cannabis was substandard. The same method can be observed with synthetic drug production. The advantage for the criminal is that he does not have to engage in the production directly. The disadvantage of course is that the threatened producer might turn to the police as an informer.

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<sup>197</sup> Europol, *Child trafficking for exploitation in forced criminal activities and forced begging*, The Hague, 2014.

<sup>198</sup> ECLI:NL:RBDHA:2014:10605. Available at: [www.rechtspraak.nl](http://www.rechtspraak.nl) Accessed 19 September 2014.

<sup>199</sup> Spapens, T. and Fijnaut C., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn, Deel 1*, Antwerp/Oxford, Intersentia, 2005.

<sup>200</sup> Maher, Lisa and Daley, Kathleen, "Women in the Street-Level Drug Economy: Continuity or Change?" In M. Pogrebin, *About Criminals*, Thousand Oaks, Sage, 2004, p. 252-261.

A final example of a type of crime persons may be coerced into is match-fixing in sports.<sup>201</sup> Players and referees may become vulnerable to coercion because of gambling addiction and subsequent financial debts but also because of the use of doping.

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<sup>201</sup> Spapens, T, Olfers M. and EY, *Matchfixing in Nederland*, Tilburg/Amsterdam, Tilburg University/VU University/EY, 2013.

## **8 COMPARISON OF BUSINESS PROCESSES**

### **8.1 INTRODUCTION**

Part 2 of this report extensively described the business process of trafficking in human beings. The main elements of the business process are recruitment, facilitating activities such as transport, housing and money transfers, exploitation and control. In this section we compare the business process of human trafficking with other business processes of organised crime activity. To begin with, section 8.2 addresses the recruitment process. Section 8.3 then focuses on the facilitating activities necessary to operate the trafficking. The aspect of bringing a person under sufficient control to coerce him or her into perform specific actions is discussed in section 8.4.

### **8.2 RECRUITMENT**

To begin with, we need to have a closer look at the term ‘recruitment.’ In the context of human trafficking, recruitment concerns the individuals who will become the victims of exploitation at a later stage; persons who are in other words brought under a sufficient level of control to be coerced into acts against their will.

In some cases, trafficking victims are simply found through advertisements offering a normal job and the deception only becomes clear after the applicant arrives at his or her destination. In such cases there is little overlap with other types of serious and organised crime, which require secrecy. There may, however, be similarities when the trafficker first builds a trust relationship with the victim, before exploiting him or her. In the broadest sense, it concerns the establishment of a relationship between the perpetrator and the person who will be contributing to a criminal business process as either an ‘unskilled worker’ or a ‘specialist facilitator’ (see chapter 2).

Second, we can approach recruitment as the establishment of a client relationship. In other words, a supplier of illicit goods and services must find ‘customers.’ This type of relationship for example occurs in cases of human smuggling where the illegal immigrant is the person who pays for a service. Recruitment, however, does not apply to finding targets for random predatory crimes. A thief is not recruiting his victim. More sophisticated property crimes, for instance investment fraud, do however require finding ‘clients.’

#### **8.2.1 Establishing a working relationship**

Persons who want to engage in an illegal activity cannot advertise this openly. Instead they must establish criminal relations with persons who have the same motivation or individuals who are already involved in this crime. A criminal relation is defined as a social relation which, allows to exchange information on (prospective) illegal activities. In other words,

there must exist a sufficient level of trust between the two individuals before one can talk about criminal intentions or about being involved in illegal activities. Not surprisingly, prisons present excellent opportunities for establishing new criminal relations.

In other cases, the social relation precedes the criminal relation. In many instances, members of crime groups are family related or long-time friends. It may however also be necessary to establish new criminal relations. How this works is best illustrated by an example of how undercover police established a criminal relation with their target, a notorious head of a Dutch criminal group involved in narcotic drug trafficking and production as well as other serious and organised crimes. The criminal owned a chalet on a holiday park and the police officers, who were posing as a couple, rented the neighbouring chalet. Pretty soon they established a friendly relationship with the target and his wife and regularly visited each other for drinks, for example. This had been going on for almost a year when the undercover, who was pretending to be the captain of a cargo ship on a line from South America to the Netherlands, started to mention financial problems. By then, the trust relation had developed to the extent that the target offered him to take part in the smuggling of cocaine and the criminal aspect was added to the social relation.<sup>202</sup>

In the Netherlands, a typical organised crime group comprises about ten persons who work together regularly. Two or three are the key members, who are usually of the same family or long-time friends. People in a ‘second shell’ are responsible for carrying out the more sensitive tasks and are also acquaintances from the social network of the core members. They may also be members of their extended family or persons who live in the same neighbourhood. Exceptions are persons with particular skills who are not always experienced criminals. An example from a group of ecstasy producers is a pharmacist who got into financial trouble when his wife divorced him and his business went bankrupt and was then ‘invited’ to make some extra money by a criminal he knew from the gym where he worked out.<sup>203</sup>

Of course, not all criminal work relations require a long-standing social relation. Especially unskilled workers who perform the most risky jobs, such as transporting shipments of illegal goods, are usually recruited from the wider social network of a member of the ‘second shell.’ They may for instance be drug addicts, petty criminals or illegal immigrants. If they get caught, they usually cannot provide to the police any useful information about other members of the criminal group or its activities.

‘Recruitment’ is usually an organic social process involving persons who are already able and willing to engage in an illegal activity. Establishing social relations cannot be considered a particular ‘skill’ as in most cases any person will be able to do so. However, intentionally developing a relationship with a non-criminal individual who has particular scarce abilities, for instance someone who knows how to set up complex off shore money laundering

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<sup>202</sup> Spapens, T., 2012, *Netwerken op niveau. Op. cit.*

<sup>203</sup> Spapens, T., 2006, *Interactie tussen criminaliteit en opsporing. Op cit.*

schemes, is a different matter. In practice, however, the person who is ‘recruited’ is just as in cases of THB usually vulnerable to begin with, in these cases usually because of financial problems.

### **8.2.2 Establishing a client relationship**

There exist also types of crime in which the (potential) victim can be viewed as a client more than as an employee. As explained above, human smuggling is a good example. The business process of illegal immigration is often compared to that of THB. Recruitment, however, is much different because here a person who wants to be smuggled to another country is a customer rather than a person who actively contributes to the criminal business process. Human smuggling networks also depend on social networks to acquire their clients. In practice, many persons in these networks fulfil the role of ‘recruiter’ in order to attract a sufficient number of clients.<sup>204</sup> According to Sheldon Zhang, recruiters specialize in different types of clients and use specific methods. Some for instance target bachelors who are willing to enter into fraudulent marriages, whereas others focus on students and trainees because they have access to forgers who are good at falsifying visa applications for these groups of clients.<sup>205</sup>

Sometimes establishing a client relationship does require building trust. This applies to business deals in the context of fraud schemes. An example is investment fraud, which usually requires that the criminal presents not only a credible story but also the shows appropriate behaviour required to lure wealthy people into investing their money.

Summing up, ‘recruiting’ people into a situation which makes them vulnerable to exploitation is something which occurs in other types of serious and organised crime besides THB. Recruiting as such, however, does not require specific skills as it mostly equal to establishing a normal friendly or business relationship. Of course, persons who start with the intention of exploiting the worker or the client from the beginning must be able to hide this from their prospective victim.

## **8.3 FACILITATING ACTIVITIES**

Traffickers can make use of a range of facilitators, depending of course on the size of their operations and whether these are transnational, for example. “Independent” small-scale traffickers may be able to arrange all necessary aspects themselves. Others may need facilitators to set up fake companies to attract prospective victims for jobs, transport, documents, temporary housing, advertising, and help with laundering the proceeds of the crime. To begin with, setting up fake companies is not uncommon in the context of other

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<sup>204</sup> Zhang, Sheldon. *Snakeheads and the Cartwheel Network - Functional Fluidity as Opposed to Structural Flexibility*. Paper presented at the 3<sup>rd</sup> Annual Illicit Networks Workshop, Montreal, 3-4 November 2011.

<sup>205</sup> Zhang, Sheldon, 2011, *op cit*.

crimes as well. For example, an import and export company that trades in exotic fruit may be a useful tool to create a stream of legitimate goods which in turn can be used to hide illicit goods in, such as narcotic drugs. A criminal may have to find someone who has experience in this field to act as a manager because in some countries, a starting entrepreneur must prove that he is qualified to operate the type of business he wants to start. In most cases, however, starting a business does not require scarce skills but does call for at least some experience in a relevant field. Given the fact that the type of companies relevant for human trafficking (e.g. cleaning, modelling, dancing) on the one hand, and for other crimes on the other (e.g. import/export, transport) are also relatively specific, we expect little overlap.

The second facilitating activity in the context of THB is transport. Here, the cross-border trafficking process does have similarities with illegal immigration and there is a genuine risk that human smugglers will also exploit their ‘customers.’<sup>206</sup> The criminal business process of groups who are involved in the smuggling of persons is particularly comparable to that of trafficking when the clients and victims, respectively come from outside of the EU. They will both require falsified documents or a legitimate reason to acquire visa to enter the EU. It must be noted, however, that many victims of THB originate from one of the member states and therefore no specific travelling arrangements are necessary because people are free to move within the EU. Whether there is also overlap with the transporting of illegal goods is less clear. One may expect that groups with experience in smuggling for instance narcotic drugs, firearms, and cigarettes across borders may also be able to use these skills to smuggle people. According to some, criminal groups can use the routes that they rely on for any kind of trade.<sup>207</sup> The question remains, however, how often trafficking victims are actually smuggled into the EU or within the EU by covert methods comparable to those used for the trafficking of commodities. Information presented in part 2 indicates that trafficking victims use normal means of air and road transport to travel to the EU or between the member states.

Next, trafficking victims must be housed. Temporary housing is also required for other criminal activities. For example, an itinerant group of burglars originating from South-Eastern Europe and operating in Western Europe will need a place to stay where they do not attract too much attention. Theoretically, such places could also be used to house trafficking victims. To what extent such overlap actually occurs, remains unclear. There are, however, no indications that places where trafficking victims are lodged are also used extensively for other types of crimes. Facilitators who can arrange housing for persons who wish to remain anonymous, can of course work for traffickers as well as for other criminals.

Financial facilitators who work for traffickers, for instance to help with money laundering or moving assets across borders, may also be ‘employed’ by criminals who are engaged in other illegal activities. In practice, however, help in these matters is only required when it concerns large sums of money and particularly when these must be transferred outside of the EU. The

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<sup>206</sup> Di Nicola, Andrea, 2014, *op. cit.*

<sup>207</sup> Bruggeman, W., *Security and Combating International Organised Crime and Terrorism*. Paper presented at the European Community Studies Association, December 2002.

persons who facilitate these services are usually specialists who do not engage in the underlying crimes. A specific question is whether the proceeds of human trafficking are used to finance other crimes or vice versa. There are indeed signals that terrorist groups use trafficking as a method to acquire money (see below), but these examples occurred outside of the EU. Chapter 7 will also make clear that trafficking is mainly the work of specialised criminal groups, except when it is associated with mafia-type syndicates. Such syndicates may indeed use the financial gains of one type of crime to finance another, as well as invest money in legitimate businesses that can be used to facilitate trafficking and other crimes.

## 8.4 CONTROL

As outlined on a number of occasions throughout this report, techniques of control of victims of THB might include

- threat or use of force
- other forms of coercion
- abduction
- fraud
- deception
- abuse of power
- position of vulnerability
- giving or receiving payments or benefits.
- referring to discriminatory cultural norms that justify human trafficking for reasons of social status, gender, ethnicity or religion<sup>208</sup>
- physical and psychological violence, gruelling workdays and no communication with the outside world<sup>209</sup>
- control of the money + usury<sup>210</sup>: the debt owed by the victims increases daily and with the income they generate
- withdrawal of passport<sup>211</sup>
- preventing from moving freely.

The macro approach in this paragraph deals with methods or techniques of control that can also be found in other contexts of organized crime or criminal enterprises. One major problem however, - at least when it comes to human trafficking for sexual purposes - is “that various forms of coercion and exploitation are also found within legal migration projects and prostitution settings and involve all types of adult women who have consented to sell sexual services. Many women are afraid, but others simply do not know or acknowledge that they

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<sup>208</sup> Rajbhandari, R., “Human trafficking in South Asia: A focus on Nepal”, in Sally Cameron and Edward Newman (eds.), *Trafficking in Humans: Social, cultural and political dimensions*, United Nations University Press, Tokyo-New York-Paris, 2008, pp. 224-251.

<sup>209</sup> Hurtado, Monica & Catherine Pereira-Villa (2012), “Dynamics of Human Trafficking: The Colombia-East Asia Case”, *Colombia Internacional* 76, julio a diciembre de 2012, 167-194 (English pdf-version, 1-34) p. 12.

<sup>210</sup> Ibid. 22-23.

<sup>211</sup> Ibid. p. 4 and p. 20

are being exploited. Nicely drawn, clear-cut distinctions in legislation, policy papers and political discourses between ‘smuggling’ and ‘trafficking’, legal and illegal migration, or forced and voluntary prostitution are far from evident for the very actors involved including sex operators, pimps, the women and their clients.’<sup>212</sup>

A second problem in comparing control mechanisms is related to the fact that when it comes to THB, the ‘merchandise’ consists of human beings, with their own survival needs, free will and techniques of resistance. In that sense there is a fundamental difference between the trafficking of human beings and the trafficking of other commodities, such as weapons, (illicit) drugs or toxic waste or the undergoing of other crimes. There may be some distant resemblance to other practices of internationally organized crime where people are (temporarily) part of the commodity to be transported. Examples might be the so-called body-packers or ‘mules’ in cocaine trafficking. Zaitch talks about them as vulnerable and replaceable cheap couriers, who are poorly informed and often underpaid, risking death if one of the balls bursts open in their stomach.<sup>213</sup> Or one can think about the so-called wandering gangs of thieves (*rondtrekkende dievenbenden* in Dutch), where children (and women) are forced or coerced to do the scouting for the burglaries or to penetrate in houses through narrow passages.<sup>214</sup> Nevertheless, in these cases nor the body-packers or the children are the commodities to be sold. In other words, when control refers to the entirety of tactics to make people make contributions to criminal activities that they wouldn't have done voluntarily, it makes a difference whether these people under control are forced to contribute as perpetrators or collaborators, of whether they have to be controlled as the commodities to be trafficked.

However, synthesizing literature on illegal trafficking and organized crime in general, there seem to be three kinds of mechanisms of control: trust and loyalty, reward or dependency, and threat or violence. Of course, these mechanisms are not necessarily strictly separate. When it comes to the catering industry, Van der Veen<sup>215</sup> points to forms of criminal infiltration when entrepreneurs are forced to accept investments, sometimes under harsh pressure (threat or violence + dependency).

#### 8.4.1 Control by trust and loyalty

As Van Duyne *et al.*<sup>216</sup> write, entrepreneurship in crime is a very labour-intensive and personal event. So criminal entrepreneurs are obliged to invest in human relationships. Available, convenient, and above all reliable people make the core of their human capital.

<sup>212</sup> Zaitch, Damián and Richard Staring, “The Flesh is Weak, the Spirit Even Weaker – Clients and Trafficked Women in the Netherlands”, in Di Nicola *et al.* (eds.), *Prostitution and Human Trafficking. Focus on Clients*, Springer, New York, 2009, pp. 67-121, [pp. 67-68].

<sup>213</sup> Zaitch, Damián, “Recent Trends in Cocaine Trafficking in The Netherlands and Spain”, in Dina Siegel, Henk van de Bunt and Damián Zaitch (eds.), *Global Organized Crime – Trends and Developments*, Kluwer Academic Publishers, Dordrecht/Boston/London, 2003, pp. 7-17 [p. 12].

<sup>214</sup> “660 dievenbendes liggen op de loer”, *De Standaard*, 20 augustus 2014, p. 8.

<sup>215</sup> Veen, G. van der, “Wat betekenen de conclusies van het onderzoek voor Koninklijk Horeca Nederland?”, in Frank Bovenkerk (red.), *De georganiseerde criminaliteit in Nederland*, Deventer, Gouda Quint., 1996, pp. 133-139, p.134

<sup>216</sup> Duyne, P.C. van, R.F. Kouwenberg, G. Romeijn, *Misdaadondernemingen: ondernemende misdadigers in Nederland*, Arnhem, Gouda Quint (Onderzoek en beleid/WODC 103), 1990, p. 21.

This reliability is not only important for the relations within the organization; the main concern is collaborators' or partners' treason or talking after arrest. This puts the criminal entrepreneur in a stressing relation between necessary secrecy and the need to establish a broad and useful network. Relying upon one's own family can partly solve this problem. In history, there are plenty of criminal groups in which family ties, religion or ethnic origin form the connecting element. Van Duyne *et al.* conclude: Any criminal entrepreneur who can rely upon a criminal family has a business advantage on others. He needs to invest less in human capital, his contracts can more easily be enforced (less spectacular violence) and he can more easily be certain of the necessary secrecy.<sup>217</sup>

These mechanisms of trust and loyalty within the organization may similarly play a role in the luring and recruiting of victims of human trafficking. For instance trust, loyalty and cultural ceremonies may come together in the trafficking of Nigerian women for prostitution in Europe. Carling<sup>218</sup> describes how the would-be emigrant woman gets into contact with a 'madam', the Nigerian woman who will also finance the journey. Typical costs may amount between US\$8,000 and US\$14,000 for documents and travel (in 2005). The woman and her sponsor then make a contract for the safe passage to Europe. The pact is usually sealed by an indigenous traditional priest (*ohen*), who also functions as a registrar or a magistrate. The victim's family may also sign a pact with the madam in which they guarantee repayment.

Although he labels the women as victims, Carling emphasizes a certain degree of choice and commitment from their side. They want to go to work in Europe, and they know or understand what the job comes down to. It usually takes them between one and three years to repay their sponsors. Their debt may then amount from US\$40,000 to US\$100,000, but the fact that the debt does not last forever may convince the victims that adhering to the pact is their best option. Moreover, it is common for a victim to start working as a madam herself in Europe, once her debt is paid. So when for instance Nigerian prostitutes arrive as minors in the Netherlands, they might become a madam themselves around the age of twenty. 'The prospect of upward mobility in the trafficking organization is a strong incentive to comply with the pact', and as a result of this tendency to comply to the contract with the traffickers, 'Nigerian trafficking networks are less reliant on the use of violence than their Eastern European counterparts', Carling writes.<sup>219</sup>

#### **8.4.2 Control through reward or dependency**

Forms of reward or dependency of victims may include coercion by debt bonding (incl. through provision of necessary travel documents and false identity papers), and withholding money for a return ticket and seizure of identification papers. Another aspect of control through reward or dependency is the payment of bribes and sweeteners to persons or instances that may lend a helping hand to or keep an eye closed on the trafficking business. Hurtado &

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<sup>217</sup> Duyne, P.C. van, R.F. Kouwenberg, G. Romeijn, 1990, *op. cit.*, p. 22. [my translation – HD]

<sup>218</sup> Carling, Jørgen, "Trafficking in Women from Nigeria to Europe", July 1, 2005, available at <http://www.migrationpolicy.org/article/trafficking-women-nigeria-europe>, accessed 19 September 2014

<sup>219</sup> Ibid.

Pereira-Villa<sup>220</sup> mention large mafias providing various services to small networks, from corrupting officials in the destination airports to facilitating the entry of victims and providing hotels, bars and apartments where the handlers keep their victims. They manage the streets, they establish spaces (in meters) where a sex worker can work and provide security from other street mafias. According to Punch, the payment of bribes also seems to be an ineradicable part and parcel of the arms trade, and (used to be) an ordinary and necessary form of doing business and conquering markets.<sup>221</sup> Similarly, the management of street spaces and the offering of ‘protection’ and security are practices that occur as well in the illegal drugs business<sup>222</sup> as in the catering business.<sup>223</sup>

### 8.4.3 Control by threat or violence

In the literature on trafficking of human beings, typical practices used to control the victims include: threat or actual violence, rape and/or ill treatment of the victim; threat or actual violence against the family of the victim; confinement of victims at their workplace; tattooing victims without their consent as a title deed; the selling or threat of selling to (other) pimps; threat of expulsion by the police; inducing fear about police corruption. In other fields of organized crime, violence, or the threat of using it, can be directed as well against persons as against material or legal entities (properties or businesses). In the cases of criminal organisations in The Netherlands that Van Duyne *et al.*<sup>224</sup> have investigated, they found a very limited use of violence. His team investigated forty-six (Dutch) law cases concerning hard and soft drugs, businesses in the illicit drugs trade, criminal and ‘white’ service delivery (i.e. by the advocacy), money laundering, swindling, labour brokerage, trade in waste materials, vat-fraud, EG (now EU) fraud, illegal money flows, money printing, ‘collecting agencies’, illegal gambling, bank robberies and fraud with investments and international credit. Of those forty-six cases, nineteen were related to the trade in illicit drugs. In forty per cent of these, threatening and violence occurred. In the other cases the authority relationships were based upon trust, family ties or strong personal leadership. There was one organization in which violence (murder) and threats played an important role. In the Pakistani organisations, the authority was established high in the Northern mountains of Pakistan, and when it came to accountability and settlements, it was over there victims fell. Concerning accountability within the Turkish groups, the shootings took place in The Netherlands (ten murders).

In the field of corporate crime, twenty-one cases were investigated, incl. labour brokerage, money laundering, swindle, EG-fraud with agricultural products and vat-fraud, incl. gold smuggling. Here, very few violence was used, except for one case where collaborators wanted to quit the organisation precociously.

<sup>220</sup> Hurtado, Monica & Catherine Pereira-Villa, 2012, *op. cit.*, p. 15.

<sup>221</sup> Punch, Maurice, 1996, *op. cit.*, pp. 218-219.

<sup>222</sup> See *p.e.* Lewis, Roger, “Serious Business – The Global Heroin Economy”, in Anthony Henman, Roger Lewis and Tim Malyon, *Big Deal. The Politics of the Illicit Drug Business*, Pluto Press, London and Sydney, 1985, pp. 5-49.

<sup>223</sup> Veen, G. van der, in Frank Bovenkerk, (red.), 1996, *op. cit.*, pp. 133-139.

<sup>224</sup> Duyne, P.C. van, R.F. Kouwenberg, G. Romeijn, 1990, *op. cit.*

When it comes to ‘heavy criminals’, Van Duyne *et al.* investigated bank robberies, forgery, illegal gambling and debt collecting. The term ‘heavy criminals’ refers to ‘classic’ underworld, with violent hooligans and bruisers, who acquired a social position and an income through their willingness and competencies (and the reputation) to use violence.<sup>225</sup>

However, violence is, according to Van Duyne, a relatively expensive and dangerous asset with limited appropriateness, and when it occurs it is mostly verbal (threats). Also Van der Veen<sup>226</sup> points to this limited use of violence when it comes to organized crime in The Netherlands. He mentions research stating that catering entrepreneurs are confronted with extortionists, who offer protection against violence. In 1994, in the Dutch city of Utrecht forty to sixty percent of the pub-keepers was supposed to have had this kind of problems. When force was actually used, this probably had to do with its availability within the organization, and the intention to gain a reputation of being violent. On the other hand, too much violence “creates unrest and informers in the person of grieving and vengeful survivors.”<sup>227</sup>

When it comes to human trafficking, even when trust and loyalty based upon ethnic and kinship relations may play a paramount role in the functioning of the organization, the sometimes excessive use of force against the victims is very often accentuated. Zaitch and Staring emphasize the high level of violence used towards the female victims in small and ethnic homogeneous networks. “Traffickers often try to take the women hostage by confiscating their identification documents, the money they earn or by the threat and even actual use of violence”, they write.<sup>228</sup>

Shelley emphasizes the use of “acute violence, psychological intimidation, and threats to the families of the victims”.<sup>229</sup> The violence inflicted upon the victims can either be a means of intimidation or punishment of the victim herself, or it can be used as a means of intimidation of the family and loved ones. Shelley distinguishes here two specific features of the globalization of criminal organizations. The first one is the entrance of a large range of groups from different origins in different stages of the network. Some of them are recruited for or specialized in the use of violence. Shelley mentions the case of Chechens, who have a history of repression, war and brutality, and who are hired to ‘break in’ Slavic women. This reminds of the situation in Amsterdam in the 1990’s, when several murders were performed by hitmen from the Balkan, who had fought in the Yugoslavian civil war. The second effect of the globalization is that the intimidation of or violence against family and loved ones is not bound to the region where the trafficking victim is being held.

An important difference with the use of violence in drug trafficking, Shelley states (2010, 111), is that in human trafficking, it is not directed against criminal rivals, but almost

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<sup>225</sup> Duyne, P.C. van, R.F. Kouwenberg, G. Romeijn, 1990, *op. cit.*, p. 5.

<sup>226</sup> Veen, G. van der, in Frank Bovenkerk, 1996, *op. cit.*, pp. 133-139, [p. 136].

<sup>227</sup> Duyne, P.C. van, R.F. Kouwenberg, G. Romeijn, 1990, *op. cit.*, p. 22.

<sup>228</sup> Zaitch, Damián and Richard Staring, in Di Nicola *et al.*, 2009, *op. cit.*, 67-121, [p 76].

<sup>229</sup> Shelley, Louise, *Human Trafficking. A Global Perspective*. Cambridge University Press, Cambridge etc., 2010, pp. 107-111.

exclusively at the trafficking victims or their families. “Therefore, victims feel compelled to stay in their trafficked situation, even if there are ways to extract themselves from the exploitative situation. In some cases, this is the Stockholm Syndrome at work.”<sup>230</sup> And of course, this Stockholm Syndrome refers to the cases of hostage taking. But then again, the use of violence, or the threat to do so, directed towards hostages is not aimed at controlling these victims, but third parties who are concerned with the hostages’ fate. This seems a fundamental difference with cases of trafficking in human beings, where threats or actual use of violence aim at controlling the victims themselves.

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<sup>230</sup> Shelley, Louise, 2010, *op. cit.*, p. 111.

## **9 CONCLUSION**

### **9.1 MICRO-ANALYSIS**

#### **9.1.1 Recruitment**

Sexual exploitation is by far the most encountered form of trafficking in all the three countries analysed in the micro-analysis part of this report. The recruitment for sexual purposes is to an extent similar in all the countries when referring to the means used by traffickers to manipulate them. While in Romania this form is transposed in the lover boy method in which the trafficker/recruiter creates a situation of victim's dependence while in Sweden and Latvia the recruiters try to hide the exploitative nature of their relationships with the victims through *benevolence* and offers of *friendly help*: they promise to pay for trips and assure their victims they will earn very good remuneration in a short time. In addition we found that the mechanism used to recruit is more based on face-to-face interaction with the victims in Romania while in Sweden and Latvia general trends indicate that traffickers recruit victims in the victim's country of origin via internet and social media to be sexually exploited. Recruitment is widespread via web-based social networks or networks of relatives, friends, and acquaintances in everyday relationships. Web recruitment is done either by locals or with a help of locals who know the language.

In THB crimes concerning labour exploitation, recruiters target people of similar ethnic origins and/or living in certain regions for work, which later turns out to be exploitative. This has been demonstrated by research done in Sweden concerning ethnic restaurants and the berry picking industry. Recruitment for forced begging and other criminal activities, such as stealing, happens both in source and receiving countries and after labourers have already arrived in the country of destination.

Irrespective of the nature of the offer the elements related to the exploitation nature of the economical contract between the players (trafficker and victim) is constantly hidden by the recruiter/trafficker.

#### **9.1.2 Facilitating activities**

Three important facilitation activities have been distinguished: the provision of travel documents and other necessities regarding travel to and stay in a foreign country, the provision of housing for exploited labourers, and controlling the freedom of movement of exploited labourers. If a border crossing is legal, paperwork and documentation is usually facilitated by either recruitment agencies or by individual recruiters. While the facilitation activities are as simplistic as possible with adult Romanian victims, the recruiter having only the role to manipulate and afterwards transport the traffickers to and exploit them in agriculture or constructions in European countries, in Sweden middlemen are sometimes

involved in these activities of facilitation, recruitment agencies in recruit victim and sometimes also hiring people, and employers in exploitation.

Fees required by recruiters or employers for employment abroad are intended to create indebtedness arrangements where workers are paid a small fraction of their contract wages while the rest of their earnings go toward repayment of their debt. As a result, the workers expect their salaries to increase over time and so remain in the exploitative circumstances.

The common characteristics regarding the way in which the groups are organizing the coercion of the victims in order to maintain the business of trafficking was the debt bondage use and pretended costs of housing, foods, cloths or other related costs.

In all the three countries it was observed that the time spent in trafficking and exploitative conditions is strongly related to the victim's previous material and financial conditions back home. If their condition were actually worse than the actual status in the exploitation is quite impossible to perceive themselves as a victims and try to escape from trafficking.

Diverse transporting takes place: people can be accompanied but can also travel on their own with their own documents. They can be accompanied by a friend or acquaintance or by a recruiter. In facilitation a control over housing situation, e.g., not allowing leaving a house freely can also be applied as a mechanism to facilitate further exploitation of a person.

The facilitation phase is also characterized by the fact that criminal actors and activities are dispersed within cross-border networks. This allows some of them to remain hidden and escape prosecution.

### **9.1.3 Exploitation**

The magnitude and horrors of exploitation are well illustrated in literature that tells the victims' stories; the purpose of this section within the report was to uncover any less known trends in exploitation based on country case studies. We note that for sexual exploitation it was common for individuals to first be exploited by the traffickers and their friends and subsequently they were made "available" for clients. In addition it was noted that there is a trend of moving the victims from the streets to more indoor type locations such as bars and rented apartments. However, the location of exploitation was also dependant on the country of destination. Although exploitation is usually associated with a total usage and deprivation of the victim, it was recognised in this report that some individuals receive a small sum of money. This could be perceived as a new method of control, one that gives victim home and a reason to stay.

With regard to labour exploitation as with sexual exploitation it was observed that in some instances a small fraction of money earned are kept by the victims, this is particularly significant if victims are from countries with a low wage. In such instances the trafficked

persons may not necessarily perceive the small amount received as exploitation. Aside from this we noted the “usual” elements of exploitation such as long working hours, confiscating of documents and use of threats. It is concluded that forced labour continues to be an economic and structural problem.

From all the forms of THB studied forced begging and criminal activities were the most visible types of exploitation, as they relied on public places. It was also observed that this form of exploitation is often coupled with another, such as sexual exploitation in the case of women. The victims that ensure this form of THB are also amongst the most vulnerable; children, the disabled and those with mental health problems.

Lastly we analysed sham marriages, particularly from the perspective of the Latvian case study. Here exploitation entailed sexual exploitation and other forms of mistreatment. A particular concern uncovered was the issue of children, who mothers may not always be “entitled” to.

## **9.2 MACRO-ANALYSIS**

### **9.2.1 Overlapping activities and networks**

There is relatively little information available on criminals who combine other types of serious and organised crime with human trafficking. Consequently, the conclusions presented here are based on case-examples and are therefore limited.

In the academic literature, THB is generally considered a specialized type of crime. An analysis of 254 Dutch court cases in which human trafficking was a topic confirms this: in only 8% of these cases, the criminals were also involved in other crimes unrelated to the business process of THB. The Dutch organised crime monitor, which now comprises a database of 150 large-scale criminal investigations, contains only one example of a criminal group that had been active with the trafficking of in this case both drugs and humans.

Cases of overlapping criminal activity first concern lover boys and, these examples stem from the United States, juvenile gangs. These perpetrators can be involved in a range of other crimes, although these cannot always be qualified as organised crimes. Other groups associated with THB and other crimes are mafia-type crime syndicates, in Europe the Italian Sacra Corona Unita and Albanian organised crime, as well as outlaw motorcycle gangs and itinerant gangs originating from South-Eastern Europe and Romania in particular. The latter sometimes combine all three types of trafficking studied here. We also found examples of terrorist groups engaging in human trafficking to acquire revenues to support their cause, albeit none of these cases occurred within the EU.

Although we must be careful to draw definitive conclusions because the available information is very limited, there seem to be relatively few connections between the market of THB and the wider criminal industry. One explanation may be that many traffickers can operate independently and require little support from other criminal networks. It seems that only if the opportunity arises, criminals active on other illegal markets will engage in THB. Examples from the Netherlands for instance show that crime groups with links to brothels will have few moral constraints to also exploit women. Crime syndicates like the Italian and Albanian mafia tend to be involved in different types of serious and organised crime by definition, although we cannot explain why for instance other Italian mafias such as the Cosa Nostra and the 'Ndrangheta are not associated with THB. Finally, itinerant gangs present an interesting case for further study within the context of the TRACE project.

### **9.2.2 Overlapping business processes**

It is a logical assumption that skills which can be used for one type of serious and organised crime may also be useful for another and thus that criminals who possess such skills may be prone to combine these activities. In practice, however, most of the business process of THB does not require specialist knowledge and can easily be executed by a single motivated criminal. The most important requirement seems to be the psychological (and sometimes also the physical) ability to ruthlessly exploit other persons. The business process of trafficking is primarily similar to human smuggling which is basically identical except for the exploitation phase. Not surprisingly customers of human smugglers run a substantial risk of becoming trafficking victims.

**ACRONYMS**

<b>A</b>	
ANITP	National Agency against Trafficking in Persons
<b>D</b>	
DIICOT	Directorate for the Investigation of Organised Crime and Terrorism
<b>N</b>	
NGO	Non-Governmental Organization
<b>S</b>	
SIMEV	National Integrated System for Monitoring and Evaluation of Victims of Trafficking
<b>T</b>	
THB	Trafficking in Human Beings

**APPENDIX 1 – INTERVIEWS CONDUCTED****Interviews in Latvia**

1. Police officers, Latvian State Police, Department of combating of organised crime
2. Ministry of Interior, senior officer
3. Prosecutor
4. Lawyer at ‘Shelter “Safe House.”’

**Interview in Sweden**

1. Senior Public Prosecutor

**Interview in Romania**

1. Liaison Romanian officer in Lisbon, Portugal – person involved in returning of a big Romanian group of victims exploited in Portugal