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POLSKA AKADEMIA NAUK • INSTYTUT NAUK PRAWNYCH

ZAKŁAD KRYMINOLOGII

ARCHIWUM KRYMINOLOGII

Archives of Criminology

PL ISSN 0066-6890

DOI 10.7420/AK2021.13

2021 • 43(1) • 143-168

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Bilans zjawiska handlu ludźmi do pracy przymusowej w Holandii

Abstract: In the Netherlands, labour trafficking was criminalised as human trafficking in 2005.[1] Since then, criminal investigations into labour trafficking have slowly taken off. Building on a content analysis of files and reports from the labour inspectorate, this paper contributes to the currently limited body of knowledge on the nature of labour trafficking. It does so by focussing on scholarly debates about the nature of the crime and its relation to labour migration. Based on the analysis, it is argued that the bulk of labour trafficking should be understood as a by-product of labour migration, and that labour trafficking often arises from the economic opportunistic motives of businesses and only occasionally occurs in criminal environments. In addition, the paper adds to our understanding of the prosecution of human trafficking by analysing why so many labour trafficking cases in the Netherlands have not resulted in a conviction. Building on a qualitative analysis of case law, it is shown that a major problem in getting suspects convicted is that the human rights threshold against which cases of labour trafficking are tested is often not surpassed, as the abuses in the labour market are often deemed not excessive enough to qualify as human trafficking.

Keywords: labour trafficking, precarious work, human trafficking, labour migration, labour exploitation, forced labour

Abstrakt: W Holandii praca przymusowa jest jedną z form przestępstwa handlu ludźmi od 2005 roku. Od tego momentu stopniowo zaczęto prowadzić postępowania karne w sprawach o pracę przymusową. Niniejszy artykuł, oparty o badanie aktowe i analizę raportów inspekcji pracy, stanowi uzupełnienie cały czas stosunkowo niewielkiej wiedzy na temat zjawiska pracy przymusowej.

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Koncentruje się na naukowych rozważaniach o przestępstwie i jego związku z migracją zarobkową. Przeprowadzona analiza pozwala stwierdzić, że praca przymusowa jest zwykle postrzegana jako zjawisko związane z handlem ludźmi (stanowiąc niejako jego „produkt uboczny"), podczas gdy tak naprawdę sporadycznie pojawia się ona w środowiskach przestępczych. Częściej bowiem wynika z wyrachowanego działania samych przedsiębiorstw opartego na przesłankach czysto ekonomicznych. Niniejszy artykuł daje także szerszy obraz ścigania przestępstwa handlu ludźmi pozwalając jednocześnie zrozumieć, dlaczego wiele spraw o handel ludźmi do pracy przymusowej w Holandii nie zakończyło się skazaniem. W oparciu o analizę jakościową wydanych orzeczeń wykazano, że głównym problemem przy skazaniu podejrzanych o pracę przymusową jest to, że stopień naruszenia praw człowieka (wykorzystania) w takich sprawach nie jest na tyle wysoki, a nadużycia na rynku pracy nie na tyle poważne, by można je było zakwalifikować jako przestępstwo handlu ludźmi.

Słowa kluczowe: handel ludźmi do pracy przymusowej, praca dorywcza, handel ludźmi, migracja zarobkowa, wykorzystanie do pracy, praca przymusowa

Introduction

Although sex trafficking still receives more attention, since the Palermo Protocol labour trafficking has been recognised as a significant social problem. Labour trafficking now features prominently on national and international policy agendas, and resources are increasingly devoted to combating it (Goodey 2008: 434). This increasing attention is undoubtedly warranted, as some scholars assert that labour trafficking may be more prominent than sex trafficking (Kaye, Winterdyk, Quarterman 2014; Weitzer 2014: 13). In fact, according to Cockbain and Bowers (2019: 12) the most common exploitation type in the UK in 2017 was labour (46%), ahead of both sex (34%) and domestic servitude (9%).

Despite the increased policy attention, there is still relatively little empirical research on labour trafficking (Cockbain et al. 2018). As a result, our understanding of human trafficking mostly stems from studies on sex trafficking (Kaye, Winterdyk, Quarterman 2014). This is questionable, as recent research from the UK shows that it is problematic to conflate the different types of human trafficking (Cockbain, Bowers 2019). They showed that, on average, victims of labour trafficking are significantly older than victims of sex trafficking. And whereas women constitute the majority of sex trafficking and domestic servitude victims, more than three quarters of the victims of labour trafficking in the UK are men. Victims of labour trafficking in the UK also mostly came from the European Economic Area, whereas victims of sex trafficking have more diverse geographic origins. This suggests that it may be problematic to generalise the research findings of studies on sex trafficking to the field of labour trafficking. Empirical studies that single out and focus on labour trafficking are thus much needed to increase our understanding of this type of trafficking.

Twenty years after the insertion of labour trafficking in the Palermo Protocol, and fifteen years after its criminalisation in the Netherlands, the time has come to take stock of labour trafficking. Based on data from the Netherlands, what can we say about the nature of labour trafficking and its prosecution? The aims of this paper are twofold: 1) contributing to the currently limited body of knowledge on the nature of labour trafficking and 2) generating knowledge about successful prosecution that can assist in combating labour trafficking in future. This paper builds on a content analysis of three different sources: investigative case files from the labour inspectorate and the Public Prosecutor's Office, reports of the labour inspectorate, and Dutch case law. The next section discusses previous research on the nature of labour trafficking and its prosecution. It is followed by a section that lays out the legal framework on labour trafficking in the Netherlands. After a discussion of the data and methods used, the results are presented in two separate sections. The first section is about the nature of labour trafficking and the second is about its prosecution.

Research on labour trafficking and its prosecution

As mentioned, the developing scholarly field on labour trafficking is still in its early stages. Nevertheless, from the few studies that have been done, three scholarly debates can be distilled that feed into the analyses presented in this paper.

The nature of the crime

The first discussion among scholars is about the nature of the crime and the people involved in committing it. The Palermo Protocol was part of the International Convention Against Organized Transnational Crime. As a result, in policy circles, human trafficking has been framed from the outset as a form of organised crime. Today, human trafficking is still commonly framed as an organised crime problem (Viuhko 2018). While this thought has long been commonplace, the idea that this image is not supported by empirical evidence currently seems to be gaining support. Keo et al. (2014: 204), for example, stated that 'the literature is replete with […] unsupported claims about its control by organised crime syndicates.' And Viuhko (2018: 189) argued that 'often, the perpetrators are friends, relatives, or partners of trafficked persons and they do not necessarily belong to criminal organisations.' Offenders are not professional criminals but opportunistic actors who take advantage of the situation (Keo et al. 2014; Viuhko 2018). Increasingly, scholars are emphasising that organised crime involvement in human trafficking is certainly not the only scenario and that this is perhaps even more so for labour trafficking (Van Meeteren, Van der Leun 2021).

In a literature review on the empirical research literature on the involvement of organised crime in labour trafficking, Van Meeteren and Van der Leun (2021) concluded that there are many cases where individuals, households, or small businesses that have no connection to organised crime groups are responsible for exploitation. In addition, they observed that – compared to other forms commonly labelled as organised crime, such as drug trafficking – labour trafficking does not appear to require so much organisation that, by definition, several people should be involved. They argue that it can be relevant to distinguish between labour trafficking that arises from economic opportunism and labour trafficking that occurs in criminal environments.

More scholars point to the link between labour trafficking and legitimate markets (de Vries 2019). Davies and Ollus (2019), for example, argued that labour trafficking is closely related to developments in the economy, labour markets, and society at large and that exploitation is facilitated through otherwise legitimate business practices. They argue that labour trafficking should rather be conceived of as a form of corporate crime. Through the lens of corporate crime, they show how common market factors and business processes drive labour trafficking and are closely associated with inadequate regulatory oversight. They conclude that a corporate crime approach to labour trafficking can play a significant role in understanding whether and how market processes are criminogenic.

Labour trafficking as a by-product of labour migration

The second scholarly debate revolves around the connection with migration. Tallmadge and Gitter (2018) found that human trafficking is more prevalent in countries where immigrants make up a larger share of the country's population. Although vulnerability to labour trafficking is not restricted to migrants, and not all migrants are vulnerable to labour trafficking, it has been argued that some categories of migrants are particularly vulnerable to labour trafficking, such as irregular migrants (Dwyer et al. 2011). Indeed, many studies have reported how irregular migrants are trapped in labour trafficking situations because they fear that their employer will report their illegal stay to the police if they protest against the exploitative conditions. However, scholars increasingly note that 'many of the workers who would fit the designation of persons trafficked for labour exploitation migrated freely and legally' (Strauss, McGrath 2017: 204). There is an increasing body of knowledge on the exploitative effects of temporary labour programmes that restrict labour market entry and social rights for migrants. Van Meeteren and Wiering (2019) have shown how a temporary labour migration programme in the Netherlands has contributed to several labour trafficking cases in the catering industry.

Therefore, more and more scholars advocate that labour trafficking should be seen as a by-product of labour migration since it goes hand in hand with migration and labour policies that curtail migrant workers' rights and bargaining power

(Bélanger 2014; Doyle et al. 2019). Strauss and McGrath (2017: 205) likewise emphasised that 'state immigration policies systematically institutionalise unfree labour relations.' Tyldum (2013: 107) argued that human trafficking can be understood as a 'systematic exploitation of vulnerabilities inherent in migration.'

We can often see a clear connection to migration in the means of coercion that are used in labour trafficking cases. Gadd and Broad (2018: 13) asserted that physical force is rare and that it is far more usual that poorly paid workers become stuck in a situation to which there is no alternative. They move through a continuum of exploitation 'that is facilitated by under-regulation of the labour market and immigration law.' Although physical violence is also reported in exceptional cases (Doyle et al. 2019), most scholars observe that a commonly used threat against victims of labour trafficking is that of being reported to the immigration authorities (Doyle et al. 2019; Van Meeteren, Wiering 2019).

Prosecuting labour trafficking

The prosecution of labour trafficking definitely deserves more scholarly attention. Various scholars have noted that the prosecution of human trafficking, in general, is not very successful and that too few cases result in convictions (Farrell et al. 2016; Matos, Gonçalves, Maia 2018). There have been some examinations of human trafficking prosecutions in the USA (Farrell et al. 2016), but very few in Europe (Matos, Gonçalves, Maia 2018). Notable exceptions are from Portugal (Matos, Gonçalves, Maia 2018) and the Netherlands (Verhoeven, van Gestel 2011; Verhoeven et al. 2015). However, these studies focus on sex trafficking and on the investigation phase, as do the studies from the USA. The prosecution of labour trafficking has received even less attention, and the research which did address the issue focussed on the barriers in the investigation phase faced by law enforcement.

Farrell et al. (2020), for example, argued that far fewer cases of labour trafficking are identified and investigated by law enforcement than sex trafficking cases. They conducted research on police responses to labour trafficking and identified major challenges that impact labour trafficking responses, among which is a lack of institutional readiness to address labour trafficking. Moreover, the routines of police work guide officers away from labour trafficking cases. Police do not typically enter the workplace, let alone if abusive practices are occurring in the remote countryside. This means that major obstacles to prosecuting labour trafficking cases lie in the investigative, identification phase in the USA. And this is partly because the police lack the expertise to investigate such cases.

In the Netherlands, the Labour Inspectorate (iSZW) is responsible for all violations in the work domain. The inspectorate has an administrative branch that deals with violations of labour laws (for which fines can be imposed) and an investigative branch that deals with crime in the domain of work, including labour trafficking. Thus, labour trafficking is not investigated by the police, but by the investigative branch of Labour Inspectorate (iSZW-Recherche). Therefore, many

of the USA's barriers in identifying victims of labour trafficking do not apply to the Dutch situation. However, the Netherlands' problem seems to be that most of the cases brought before the court do not result in a conviction. Research by the Dutch National Rapporteur showed that in the period 2015–2019, 72% of domestic sex trafficking cases and 68% of transnational sex trafficking cases resulted in a conviction. Moreover, it demonstrated that in the same period, only 46% of labour trafficking cases resulted in a conviction (Dutch National Rapporteur 2021).

In this paper, we answer two research questions. In answering the first question, *what is the nature of registered labour trafficking in the Netherlands?*, we particularly zoom in on the debates highlighted in this section, on the dichotomy between organised crime and corporate crime and on the role of migration. The second question is *how can we explain the relatively low success rate of prosecutions of labour trafficking in the Netherlands?*

The legal framework on labour trafficking in the Netherlands

In the Netherlands, the primary source of criminal law is the Dutch Criminal Code. In 2005, labour trafficking was criminalised as human trafficking in Article 273f of the Dutch Criminal Code. This means that since 2005, both sex trafficking and labour trafficking have been criminalised by the same provision. This article is an almost exact translation of the Palermo Protocol. The definition of the act of human trafficking, as laid down in Article 3(a) of the Palermo Protocol, leaves room for interpretation of its components, which is mostly left to case law. Therefore, Dutch courts have played a prominent role in further defining guidelines for interpretation (Esser, Dettmeijer-Vermeulen 2016), and the decisions of the Supreme Court have been enormously influential (Esser 2019).

To qualify as human trafficking, there is no need for any border to have been crossed. In line with the Palermo Protocol, the Dutch legislature has chosen to criminalise as human trafficking both the acts that lead up to a possible situation of exploitation and the actual exploitation itself. In other words, both an offender who 'traffics' a victim into a situation of exploitation and an offender who does the actual exploitation (e.g. an employer) can be considered human traffickers under Dutch law. Also in line with the Palermo Protocol, exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

Whereas sex trafficking and labour trafficking constitute a similar offence from a legal perspective, for many purposes it is relevant to distinguish between the two. We follow the Dutch National Rapporteur, who labels human trafficking that takes place in the sex industry as sex trafficking, and human trafficking that

takes place in the domain of work and income – but that does not concern the sex industry – as labour trafficking. Therefore, unlike in the UK, domestic servitude is also considered a form of labour trafficking. There have been a few cases where people were coerced into taking out telephone subscriptions for which they received a free new phone that they had to hand over to the offender. As there is no employment relationship between the victim and the offender in such cases, we do not consider these to be cases of labour trafficking. In addition, there have been cases where people were coerced to commit criminal acts, such as theft. As there is no employment relationship in such cases either, we do not consider such cases to be labour trafficking.

The offence stipulated in Article 273f Paragraph 1 subsection 1 contains three elements which the prosecution needs to demonstrate the presence of: (1) acts (e.g. transporting accommodating or sheltering a person), (2) means (e.g. coercion or deception), and (3) a specific intent (the criminal intent) – the purpose of exploitation. In a series of judgments, the Supreme Court has provided guidelines for how these individual components should be interpreted. This case law has mainly centred around two different topics: the means element and the criminal intent element – 'the purpose of exploitation' (Esser, Dettmeijer-Vermeulen 2016).

Firstly, the interpretation of the element of the means has received a lot of attention in Dutch case law. The (coercive) means are listed in Article 273f Paragraph 1 subsection 1 of the Dutch Criminal Code. They comprise coercion, violence or other acts, the threat of violence or other acts, extortion, fraud, deception, the abuse of power or a position of vulnerability, or 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. This last part implies that the means must be used for the purpose of exploitation. In other words, the use of coercive means should lead to someone ending up in an exploitative situation ('a situation that created the opportunity for exploitation') or that someone is prevented from withdrawing from an exploitative situation (Domestic Court The Hague 2018).[1]

According to Esser & Dettmeijer-Vermeulen (2016), in interpreting the means element, Dutch case law concentrated particularly on 'abuse of a position of vulnerability'. In a judgment from 2009, popularly referred to as the 'Chinese catering judgment', the Supreme Court elaborated on the criteria that have to be met in order to prove 'abuse of a position of vulnerability' (Supreme Court 2009). This specific case concerned irregular Chinese migrants who had decided to come to the Netherlands to earn money. They applied for work at a restaurant themselves. None of these migrants had any debt or other obligations to the restaurant owner. They were also free to leave any time they wanted to. A number of these irregular

[1] ECLI:NL:RBDHA:2018:3905. The European Case Law Identifier (ECLI) is a European standard for the unique numbering of judicial decisions. In every country where the ECLI is used, it is always structured in the same way: ECLI:country code:court code:year:number. See https://www.rechtspraak.nl/Uitspraken/paginas/ecli.aspx for a brief explanation of these five elements.

Chinese migrants had already worked at other locations in the Netherlands (Esser, Dettmeijer-Vermeulen 2016). In this case, in line with the domestic court, the appellate court ruled that the abuse resulting from factual circumstances or the abuse of a position of vulnerability requires a certain initiative and active action by the offender involving deliberate exploitation of the weaker or vulnerable position of victims. The appellate court therefore held that in this case there was no exploitation (Appellate Court 's-Hertogenbosch 2008).

However, according to the Supreme Court, the condition of 'deliberate action' was too strict a requirement, so they determined that a lower threshold was required. The Supreme Court held that for proof of acting through 'abuse' it is sufficient that the suspect must have been aware of the relevant factual circumstances creating a vulnerable position (Supreme Court 2009). In other words, it does not have to be established that the suspect also purposefully intended to abuse the position of those individuals involved. The employment and abuse that may ensue does not have to be initiated by the employer. The result of the Supreme Court's decision is that a relatively broad interpretation of this 'abuse of a position of vulnerability' has been established in the Netherlands. In practice, this implies, for example, that if an employer is aware of an employees' illegal residence status, this is enough to establish the means (Esser, Dettmeijer-vermeulen 2016).

Secondly, in the above-mentioned judgment of 2009 – the Chinese catering judgment – the Supreme Court also ruled on how the 'purpose of exploitation' can be established. The Supreme Court explicitly concluded that the standards (of employment) applicable in the Netherlands are decisive in assessing exploitation, regardless of the experiences of those involved. Whether the circumstances can be defined as exploitation depends on (A) the nature and duration of the employment, (B) the actual limitations for the victim(s), and (C) the economic advantage for the employer (Supreme Court 2009). These factors are not cumulative, so not all of these factors need to apply. Ultimately, the various factors have to be weighed against each other (Esser, Dettmeijer-Vermeulen 2016). Moreover, the victim does not need to be actually exploited to fulfil the description of the offence; the intent is sufficient (Supreme Court 2009).

In addition, when interpreting exploitation within the meaning of Article 273f of the Dutch Criminal Code, the importance of protecting fundamental human rights is paramount. The definition of what constitutes 'exploitation' in Paragraph 2 is based on Article 3(a) of the Palermo Protocol and on Article 1, Paragraph 1, subsection c of the EU Framework Decision. In turn, these provisions derive concepts from Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This article requires States Parties to provide effective protection against slavery, servitude, and forced labour. In addition, the documents state that the protection of human rights is central to tackling human trafficking. This means that labour trafficking should be considered a violation of fundamental rights such as human dignity, physical integrity, or personal freedom. Therefore, not every abuse can be regarded as exploitation. There

must be an excess, constituting a serious violation of fundamental rights. However, this may also be the case with an accumulation of less serious infringements (Appellate Court Leeuwarden 2009). The fact that this provision is not intended for all abuses of a labour or service relationship is also clear from the placement of the article in the Dutch Criminal Code, namely in Title XVII –Crimes against personal freedom, before the article on slave trade (Article 274 Penal Code) as well as the punishment, consisting of a prison sentence of no more than twelve years (Domestic Court The Hague 2008).

Finally, there does not seem to be much confusion and uncertainty about the first element: the actions. Paragraph 1, subsection 1 of Article 273f of the Dutch Criminal Code lists the following actions: recruiting, transporting, transferring, housing, and recording. These actions are punishable if they are carried out through the use of a coercive means and for the purpose of exploitation. The actions each have a neutral and factual meaning and can be understood through everyday language. They should, therefore, be interpreted broadly (Domestic Court The Hague 2018).

Methods

This paper is based on an analysis of three different sources: investigative case files from the labour inspectorate and the Public Prosecutor's Office, reports from the labour inspectorate, and case law.

The first part of the analysis is exploratory. The nature of registered labour trafficking in the Netherlands is scrutinised, building on an exploratory analysis of investigative case files and reports on labour trafficking. Investigative case files from 2011 to 2016 on labour trafficking from the Dutch Labour Inspectorate and the Public Prosecutor's Office were analysed. For the years 2007 to 2010 and 2016, the analysis builds on reports and analyses conducted by the labour inspectorate in the National Threat Assessment context. From the overall study period, 83 criminal investigations were analysed. As noted, the analysis is exploratory, meaning that the case files and reports were scanned for descriptive information about the sector in which the exploitation took place, the number of victims and suspects, and the background characteristics of the victims and suspects.

To answer the second research question, case law was analysed to understand the relatively high number of acquittals. Case law was retrieved from a publicly available database at www.rechtspraak.nl/. This database contains all case law in the realm of criminal law in the Netherlands. In principle, every criminal law verdict is anonymised and published there. Only in very exceptional cases is

a verdict not published there.[2] Labour trafficking is not a keyword in the database that easily extracts verdicts on labour trafficking. Therefore, the database was searched using the keyword '273f', referring to the Dutch Criminal Code article on human trafficking. This yielded an enormous amount of hits, as the results included case law on sex trafficking. The verdicts were scanned to see if they could qualify as labour trafficking. When they did, they were inserted in our Atlas.ti database. The definition of labour trafficking we used was that it incorporates human trafficking in work and employment, apart from the prostitution sector. We also excluded forms of labour that took place on the criminal market, such as work in the manufacturing or processing of drugs. In the Netherlands, this form of human trafficking is considered criminal exploitation. As the last case law study performed by the Dutch National Rapporteur analysed case law from 2009 to 2012, we chose 2013–2019 as the timeframe.

The documents were subsequently read and coded by the second author, using an elaborate code book that was developed in the context of a different study. The acquittals were identified and taken together in a document group for further analysis. All verdicts contain a section in which the decision is explained. In cases of acquittals, it is elaborated upon why the judges decided to acquit the defendant. Our analysis entailed an analysis of how these reasons provided in the verdicts were related to the legal framework, specifically to the acts, the means, and the purpose of exploitation. These three codes were applied to the material, and where relevant, further sub-coding was used.

Exploring registered labour trafficking in the Netherlands

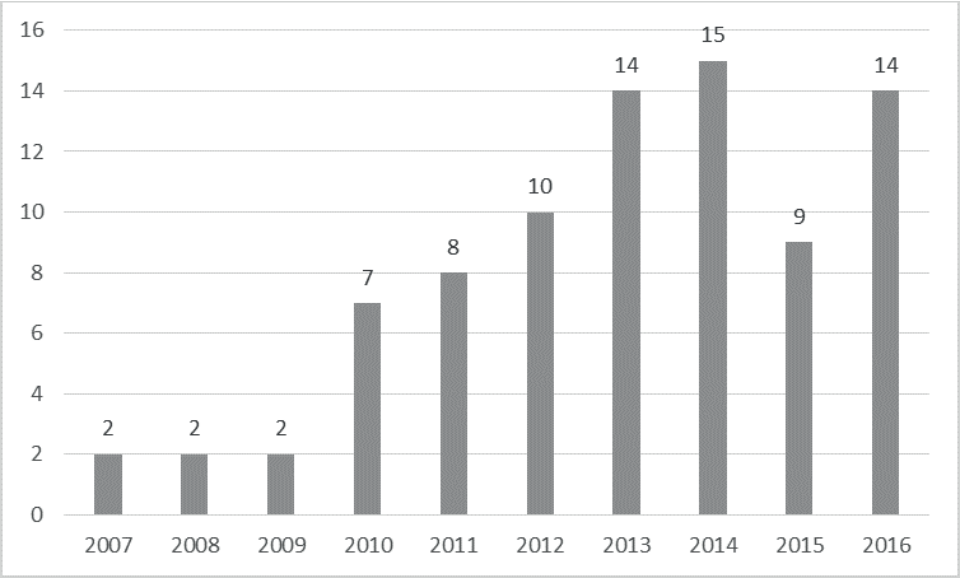
In this section, we explore the case files on labour trafficking. As said, the first cases of labour trafficking began to be investigated in 2007. Before that, there were a few cases of labour trafficking, but they were not systematically recorded by the labour inspectorate at that time. The Dutch Rapporteur indicates four criminal investigations into labour trafficking that appeared before the court from before that period (6th Report). One case concerned Bulgarians who cut marihuana. Another one concerned the exploitation of Polish domestic cleaners. The Chinese restaurant workers' case resulted in the Supreme Court ruling discussed above. The lower courts acquitted all three cases. Only a fourth one, concerning the domestic work of illegally residing Indian immigrants, one of whom started work as a minor, led to a conviction. We were unable to establish whether there were any investigations

[2] We know that the database on human trafficking at www.rechtspraak.nl is complete. The Dutch National Rapporteur has access to other sources to retrieve case law and used this website in their reports on case law in the Netherlands.

during that time that did not go to trial. Therefore, these four cases are not included in our exploratory analysis presented below.

In the years shortly after it was criminalised, the number of investigations remained relatively low. We have seen a steady rise in more recent years, and the number seems to have stabilised at around 10–15 per year since 2012 (see Figure 1).

Figure 1. Number of labour trafficking investigations per year



Source: iSZW case files and reports

The businesses

The sectors where exploitation occurs resemble what we know from the literature on labour trafficking (Table 1). The literature suggests that labour trafficking takes place in sectors where there is a high demand for low-skilled cheap labour (van Dijk, Ungureanu 2010). The catering industry stands out, and what is particularly striking is the high number of Chinese restaurants within this category. Van Meeteren and Wiering (2019) elaborated on the exploitation in Chinese restaurants in the Netherlands, linking it to vulnerabilities created by a special temporary migration scheme for Asian restaurants.

Table 1. Labour trafficking investigations per sector

Sector	Number of investigations	Per cent of total
Catering	18	22%
Retail	13	16%
Agriculture/horticulture	12	14%
Domestic work	7	8%
Transportation	7	8%
Employment agencies	6	7%
Factory work	6	7%
Cleaning	3	4%
Construction	3	4%
Other	8	10%
Total	83	100%

Source: iSZW case files and reports

The retail sector usually involves small businesses. Small textile and laundry businesses particularly stand out in this category. These are largely businesses operated by people with a Moroccan, Turkish, or Pakistani background who employ immigrants from Morocco or South Asia. In most cases, it concerns immigrants without a legal residence status. Agriculture very often concerns horticultural work in greenhouses. In the Netherlands, this industry is notorious for relying on immigrant labour, especially from Eastern Europe (Strockmeijer, de Beer, Dagevos 2017). The case files largely concern businesses owned by the native Dutch who employ immigrants from Eastern Europe working and residing in the Netherlands legally.

The number of victims per investigation seems to be rather limited in most cases. Only in 21% per cent of the cases was there a large number of victims. More than half of the cases concerned just one or two victims. This is probably the result of the type of businesses that were under investigation. These are often small businesses with only a handful of employees. This is especially true for the catering, retail, and domestic work sectors. The number of victims was larger in industries such as construction or agriculture. For example, in two cases involving strawberry production, there were 42 and 21 victims. A case that involved mushroom cultivation had 38 victims. Other cases with such high numbers of victims involved Filipino workers in the inland shipping industry. Moreover, employment agencies tend to be associated with larger numbers of victims as well.

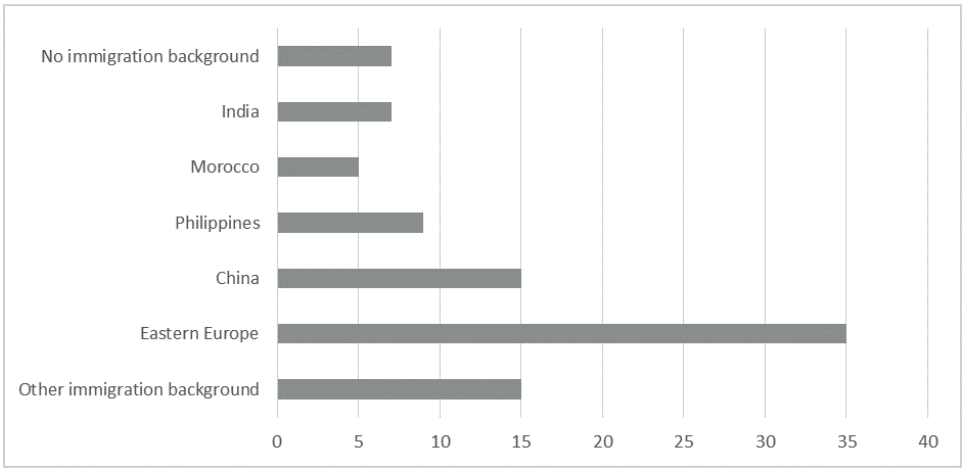
The nesting of these firms in legitimate business markets is obvious. The exploitation largely takes place to save on labour costs and to make the business more competitive. The employers usually have not been involved in crime before; only in a few cases did the employers have previous criminal records. The employers mostly commit these crimes individually or in pairs, and not in groups, let alone as organised crime groups. In a few cases, three or more people were involved, but the bulk of the businesses were small and hence owned by a single employer or, for example, by a partnership between husband and wife. Only one case was connected to drug trafficking. In other cases, the suspects were also suspected of other crimes. These were usually crimes closely linked to the core crime of labour trafficking, such as the illegal employment of immigrants, document fraud, or human smuggling.[3] Therefore, it seems that labour trafficking does not appear to be committed by organised crime groups, but rather by employers in otherwise legitimate businesses.

Victim and offender background and immigration

If we look at the victims, we see a clear mix of both male and female victims, with slightly more male victims. However, although there were not that many women in the early years, the share of female victims seems to be rising, and there are also more cases in recent years with both sexes present. Looking at the immigration background of the victims mentioned in the file (Figure 2), we see that victims with an immigration background are severely overrepresented compared to victims without an immigration background (who have a background in the Netherlands). Eastern Europe also comes up often as a geographical origin. Whereas the Dutch victims usually had problems with drug addictions or cognitive disabilities that made them vulnerable to exploitation, the victims with immigrant backgrounds all suffered from migration vulnerabilities. They do not speak the Dutch language or know the rights they have in the Netherlands. Their social networks are usually small and confined mainly to the work environment. In almost all cases, these immigrants invested heavily in their migration but found themselves deceived and exploited.

[3] In the Netherlands, helping someone reside illegally also qualifies as human smuggling. Employing someone is considered helping. This is why many suspects are also charged with this crime.

Figure 2. Victims by immigration background



Source: iSZW case files and reports

Among the suspects, the percentage of people without an immigration background is somewhat lower than for the victims, but the bulk of suspects also have an immigration background (Table 2). The country of origin is not necessarily the same for both the victim and the suspect, but it is similar in geographical, sociocultural, or linguistic ties; for example, we find Pakistani employers exploiting Indian employees. As stated above, many of the Dutch suspects own a business in agriculture or horticulture and employ workers from Eastern Europe. Dutch people were also mostly responsible for the situation with the Filipino workers in inland shipping. Apart from one man exploited by his Turkish boss, all the Dutch victims were exploited by a Dutch employer. This means that most of the labour trafficking in the Netherlands is intra-ethnic. It is perpetrated by people who, because of sociocultural or linguistic similarities, know precisely the vulnerabilities of these immigrants and how to best lure and keep them in an exploitative situation. Furthermore, because the perpetrators usually have Dutch nationality or permanent residence and because they know their way around Dutch society, as demonstrated by their longer stays and ability to start their own businesses, they have a considerable power advantage over the immigrants.

Table 2. Immigration backgrounds of suspects in the files

Immigration background	**Backgrounds mentioned**	**Per cent of the total**
Eastern Europe	16	17%
China	15	16%
Morocco	8	8%
Turkey	6	6%
South Asia	6	6%
Western Europe	4	4%
Philippines	3	3%
Other immigrant background	9	9%
No immigrant background (Dutch)	29	30%
Total	96	100%

Source: iSZW case files and reports

In line with this idea, it is evident from the files that the coercion used in labour trafficking cases is subtle. It generally involves the abuse of these power dynamics. Although physical violence was also reported in a few cases, this is exceptional and seems to be associated more with Dutch victims than victims with an immigrant background.

Furthermore, a trend can be observed in the case files that has to do with immigration and immigration policies. In the older cases, the victims mostly did not have a legal residence status. However, in more recent cases, the bulk of the victims reside in the Netherlands legally. Either temporary employment schemes are abused, or it involves immigrants from Eastern Europe who have the right to stay and work in the Netherlands legally thanks to the free movement of workers in the European Union. This is likely because hefty fines have been imposed on employing illegal workers. Employers have now found ways to recruit cheap labour through legal means. This way, they appear to be doing everything correct vis-a-vis the Dutch government. However, in practice, the working conditions and the pay workers receive are much worse than stated in the official contracts on which their visas were granted. Therefore, it indeed seems to be the case that labour trafficking goes hand in hand with migration and labour policies that curtail migrant workers' rights and bargaining power (Bélanger 2014; Doyle et al. 2019). Furthermore, workers who do not need a work permit are usually promised something different

from what they find on arrival. For these workers, their situation can indeed be understood as systematic exploitation of the vulnerabilities inherent in migration.

Understanding unsuccessful prosecutions

From 2013 to 2019, 77 verdicts appeared on labour trafficking. Those verdicts referred to 41 cases. The larger number of verdicts is explained by the fact that several suspects were involved in some cases. Of the 77 judgments, 28 resulted in acquittal. This means that approximately 64% of the labour trafficking verdicts analysed herein resulted in a conviction for human trafficking. As indicated above, the conviction rates for sex trafficking in the Netherlands tend to be much higher. How, then, can we understand the relatively higher numbers of acquittals in labour trafficking? To answer this question, we have analysed the 28 verdicts in which the suspect was acquitted. Our analysis first looked at the motivation that judges gave for the acquittal and related this to the legal framework. In other words, we analysed whether judges refer to the 1) acts, 2) the means, or 3) the purpose of exploitation as motivation for acquittal. Table 3 presents the results of this analysis. Because multiple reasons for acquittal are stated in some verdicts, the total number reported below exceeds the total number of acquittals (28).

Table 3. Reasons for acquittal mentioned in the case law

Reason for acquittal	**Number of times mentioned**
Acts	5
Means	9
Purpose	28

1) The acts

In some cases, the acts as described in subsections 1 and 4 of Article 273f of the Dutch Penal Code could not be established. However, this was always accompanied by an inability to prove the purpose of exploitation. In addition, in two cases the causal relationship between the acts and the purpose of exploitation could not be established. For example, in a 2017 judgment, there was insufficient evidence to establish a causal relationship between the act of recruiting and the purpose of exploitation (Domestic Court Rotterdam 2017).

On their own, the acts described in subsections 1 and 4 of Article 273f of the Dutch Penal Code did not constitute grounds for acquittal in any of the 28 acquittals. The acts, therefore, cannot be considered a major obstacle in reaching a guilty judgment.

2) The means

On its own, the inability to prove the means was never a reason for acquittal. As was the case regarding the act, the inability to prove the means was always in combination with the inability to prove the purpose of exploitation. Usually, the court acquitted because the causality between the means and the purpose could not be established. In other words, the judges did find evidence for means being used, but none that the means were intentionally used for the purpose of exploitation.

An example of this was found in 2014, where the suspect was charged with labour trafficking. The suspect and the victim, both male, lived together. The suspect made the victim do all the household chores and treated him like a household slave. He used a lot of physical violence – to the extent that he beat the victim to death. The suspect was therefore not only facing charges of human trafficking, but also assault and homicide. The suspect was convicted of assault and homicide but acquitted for labour trafficking. The judges argued that

> it can be concluded that the suspect used physical violence against [the victim]. However, based on the information in the file, it cannot be established that [the victim] was forced to work because of this physical violence. To the contrary, there seems to have been a reverse causal connection, where violence was used as a punishment for not doing certain chores correctly (Domestic Court Noord-Holland 2014).

It can be concluded that the absence or inability to prove coercive measures in itself rarely leads to an acquittal. Only in combination with the lack of sufficient legal and convincing evidence for the intent of exploitation or exploitation itself can the absence of proven coercion lead to an acquittal. Even if the coercive measures could have been proven in these cases, a conviction could not have occurred. This is probably because, as indicated above, abusing a vulnerable position is one of the means that can relatively easily be established: all it takes is the suspect's awareness of the vulnerable position of the victim. As a result, the standards in themselves do not constitute an explanation for the relatively high number of acquittals.

3) The purpose of exploitation

Table 3 indicates that the judges' primary reason to acquit a suspect stems from the lack of sufficient evidence of the purpose of exploitation. This was decisive in 25 of the 28 acquittals analysed herein. According to our analysis, this category can be divided into two situations. In the first situation, there is insufficient evidence available to confirm the facts as outlined in the charges, and therefore the purpose of exploitation cannot be proven. There is simply not enough proof. Cases in which there is only the testimony of a victim but no other evidence or testimonies do not lead to convictions. In other cases, there was enough proof that

there was exploitation and that another suspect was responsible for it, but there was not enough evidence to demonstrate that the suspect being charged had the purpose to exploit. In other words, the role of the suspect in the exploitation was not large or intentional enough to be able to speak to the purpose of exploitation, and hence of labour trafficking.

Other examples of the first situation can be found in cases where the exploitation had not taken place yet. This was found in a case concerning a Spanish mother who was suspected of trafficking her underage children to the Netherlands to work in the meat industry. When the children registered in the local municipality, the authorities noticed that their identity papers were forged to indicate that they were adults. As the children had not yet done any work and there was no information about the meat processing plant where they were meant to work, the employment agency that would have been the intermediary, the wages they would have received, the number of hours that they were meant to work, or the kind of work they would have done, the purpose of exploitation could not be established (Domestic Court Overijssel 2019).

In the second scenario, the judge rules that the charged facts *can* be legally and convincingly proven, but this does not automatically mean that the court can reach a proven guilty judgement. In these situations, the judge reviews whether the threshold for speaking of exploitation as human trafficking is met. As mentioned in the legal framework of human trafficking in the Netherlands, meaning is given to (A) the nature and duration of the employment, (B) the actual limitations for the victim(s), and (C) the economic benefit that is gained by the employer. There must also be a serious violation of physical and/or mental integrity and/or personal freedom. There must be an excess, which can also be an accumulation of less serious infringements.

One case from 2016 is a good illustration of not meeting the threshold for the nature and duration of the work. The workers were kept in a coercive and dependent situation because the employer did not provide them with enough work to make an independent living:

> The court concludes from [the Filipino workers'] statements that they were not dissatisfied with the working conditions and wanted to work more than they did. Therefore, the core of the accusation is not that [the accused] let the Filipinos work, but that he provided them with too little work, with all its consequences. […] This has led to very adverse consequences with regard to the Filipinos, for which the defendant may be held liable under civil law. In the opinion of the court, however, it cannot be judged that there was a situation of (labour) exploitation, as referred to in Article 273f of the Dutch Penal Code (Domestic Court Den Haag 2016).

Because of their vulnerable situation as illegal migrants, the victims felt they had no choice but to stay in this situation. Nonetheless, because the nature and duration of the work was not excessive, the court ruled that this could not be termed exploitation.

Another case provides an excellent example of where the threshold for neither the nature and duration of the work nor the employer's benefit were met. This case concerned three victims (two men and one woman) who worked for a male suspect in an extremely hot kitchen where roti, baras, and banana chips were made. The court considered that the defendant had violated many rules in various areas, including regulations on hygiene, working conditions, minimum wage, contributions, and illegal employment of foreign nationals. Although hefty fines can be imposed for these violations, this does not automatically mean that the suspect meets the threshold of labour trafficking. Instead,

> [the court] finds that the circumstances under which [the illegal workers] worked were difficult, especially in Delft, but that the duration as it could be determined was not overly long (on average 9 hours including breaks [for meals]). […] And although the defendant has enjoyed an undeniable economic benefit by illegally paying the declarants below the minimum wage, the hourly wage received by the declarants (around €6.25) is not so low in relation to the minimum net wage that this puts in place decisive weight (Domestic Court The Hague 2018).

As quoted below, the court also referred to the restrictions on freedom of movement. In this case, a man from Great Britain was acquitted of human trafficking. This is explained in the following way:

> the victim declared that he was able to leave but that he did not because the suspect owed him money. Furthermore, he declared that he eventually left because he was fed up. The court distils from this that the victim was not limited in his freedom to act (Domestic Court Midden-Nederland 2015; emphasis added).

This is something that appears more often in verdicts. Restrictions on the freedom of movement are taken quite literally. If the victims are in chains or locked up, this is a clear sign of restriction of their freedom of movement. Judges find it more difficult to interpret situations where victims feel they have no other choice but to remain as a restriction on their activity.

In the previous cases, one or two out of the three elements (A, B, and C) did not meet the qualifying threshold as excessive enough. There are also cases where the acquittal is not explicitly related to elements A, B, or C, but that the whole situation was deemed not excessive enough. An example of this was found in a case from 2017. It concerned a Moroccan man who had paid smugglers to take him across the Mediterranean in a rubber boat to search for a better life as an illegal immigrant in the Netherlands. After a period of homelessness, he found work on a farm with the suspect. The suspect knew of his precarious situation and let him stay on the farm to do cleaning chores. The work he did on the farm was dangerous, and he did not have proper training or protection. This ultimately resulted in a serious

accident with steam. He went into a coma and when he awoke in the hospital, half of his body was covered with severe burns. The court ruled that

> although it can be said that there was a socially undesirable work situation, the circumstances mentioned above did not yet constitute an infringement of the physical and mental integrity and personal freedom of [the victim] in the present case. […] The file reveals a picture of a suspect who has crossed the boundaries of being a good employer. Although this is morally wrong, it cannot automatically be regarded as exploitation in the aforementioned sense. That this work situation ultimately resulted in an accident with severe consequences for [the victim] does not change the above (Domestic Court Overijssel 2017; emphasis added).

This means that although a work situation can be considered harmful, morally wrong, and socially undesirable, the threshold for making this labour trafficking is tested against the bar of human rights infringements. The court of The Hague explains how it interprets the threshold for exploitation amounting to human trafficking:

> it is tested whether there are degrading conditions in which human rights are fundamentally violated. Because of this indicator, not every abuse in a labour or service relationship falls within the scope of human trafficking. Forced labour or services and slavery or practices comparable to slavery fall under human trafficking when someone works under significantly worse conditions or at a considerably lower wage than that of empowered employees, while there is no freedom of choice to stop. That the article is not intended for all abuse of a labour or service relationship is also clear from the placement of the article in the Criminal Code, namely in Title XVII – Crimes against personal freedom, before the article on slave trade (Article 274 Penal Code) and also from the punishment consisting of a prison sentence of no more than twelve years or a fine of the fifth category (Domestic Court The Hague 2018).

It appears that this subjective threshold is often not met in cases of labour trafficking. When it comes to sex trafficking, physical integrity violations are much more easily assumed because victims' bodies are involved in the work. In labour trafficking cases, it has become a threshold that is not easily established, as the guidelines for interpretation are much more diffuse.

All in all, it has become clear that problems with establishing the acts and the means are not reasons that help us understand the relatively high number of acquittals. They only play a decisive role in establishing the purpose of exploitation when the causality between the acts or the means and the purpose of exploitation cannot be proven. The primary explanation lies with problems in establishing the

purpose of the exploitation. The Supreme Court has provided clear guidelines, stating that the nature and duration of the work, the limitations for the victim, and the benefit for the employer must be weighed. However, the underlying yardstick against which these elements are measured constitutes a relatively high threshold for human rights violations and infringements of the personal integrity and personal freedom of the victim. Proving that the personal integrity or a victim's freedom is violated is difficult, whilst in sex trafficking cases it is more readily assumed.

Conclusions

Twenty years after labour trafficking's insertion in the Palermo Protocol, and 15 years after its criminalisation in the Netherlands, the time has come to take stock of labour trafficking in the Netherlands. Through the explorative analysis of over 80 investigative case files and reports in the Netherlands, we have been able to contribute to the limited, yet developing body of knowledge on the nature of labour trafficking. Focussing on two debates in the scholarly literature, we found that the involvement of organised crime groups in labour trafficking is limited. Our results are in line with those of van Meeteren and Van der Leun (2020), who argued for a distinction between the labour exploitation arising from economic opportunistic motives on the part of businesses and the labour exploitation that occurs in criminal environments. It seems that the bulk of labour trafficking in the Netherlands is nested in legitimate markets and committed by legitimate businesses and their owners for economic opportunistic motives. A corporate crime approach to labour trafficking, as advocated by Davies and Ollus (2019) may indeed help us understand if and how market processes create opportunities for labour trafficking.

The other scholarly debate that fed into the analysis was on the relationship with immigration. Our analysis showed that immigrants make up the vast majority of labour trafficking victims, but also a large share of the perpetrators. We argue that labour trafficking should largely be understood from the power differentials that result from labour migration and immigration policies. Our results provide support for scholars who argue that labour trafficking should largely be understood as a product of labour migration. We agree with van Meeteren and Bannink (2019), who made a plea for adopting a (transnational) social field approach to the study of labour trafficking that would enable us to better understand how vulnerability is created in a globalised world. A transnational social field approach would provide us with the opportunity to see how criminal employers operate in markets that are 'inherently tied to social inequalities associated with the negative impact of globalisation' (Marmo, Chazal 2016: 94).

In a recent systematic review, Bryant and Landman (2020: 17) concluded that 'nearly 20 years on from the ratification of the UN Trafficking Protocol, we do not

have concrete answers to the question what works to combat human trafficking.' When it comes to labour trafficking, there is an even greater lack of convictions and of knowledge on what explains why prosecutions are relatively unsuccessful. In this paper, we analysed unsuccessful prosecutions of labour trafficking. In doing so, we were able to generate knowledge on unsuccessful prosecutions that can assist in the future combat of labour trafficking. It turned out that proving the acts or the means was not found to be problematic. The primary reason to acquit suspects had to do with the purpose of exploitation. In some of these cases, there was insufficient evidence available to confirm the facts as outlined in the charges, a common problem that occurs in all kinds of criminal cases. However, we also found cases in which the charged facts could be legally and convincingly proven, but that the threshold for equating exploitation with human trafficking was not met. We showed that even though case law provides clear guidelines, the subjective threshold with regard to human rights violations is not as easily surmounted in labour trafficking as it is in sex trafficking. Whereas physical integrity violations can be assumed for sex trafficking, as it involves the body, it is much more difficult to determine when violations in other sectors of the labour market are 'bad enough' to be able to speak of human rights infringements.

NGOs and other organisations have done a tremendous job in calling attention to the crime of human trafficking. In doing so, they have usually pointed out the worst cases and argued that human trafficking should get the attention it deserves because it is a human rights violation. The crime has indeed internationally become recognised as a human rights violation and it is now high on all manner of policy agendas. However, the paradoxical outcome for the prosecution of labour trafficking is that it also entails a threshold against which abuses in the labour market are tested and often found not excessive enough. Coghlan and Wylie (2011: 1513) argued that anti-trafficking measures have the undesirable consequence of drawing a line between the 'deserving' and the 'undeserving' exploited. The result is that justice is denied to many migrant workers.

It is not our intention to argue that the threshold for labour trafficking should be lower. However, we do observe that it is too high to be met for many of the cases analysed herein, which do not originate from organised crime networks and where the means of coercion are related to power differentials stemming from the vulnerabilities inherent in immigration. For these cases – and they are plentiful – a human trafficking approach is probably not suitable. The problem is that there are not very many alternatives. In the Netherlands, and in many other countries, there appears to be a lack of sufficient legislation that specifically targets these cases of severe labour market abuses which are not severe enough to qualify as a violation of human rights. It certainly seems that states need to work on closing the gap between labour market violations punishable under administrative law and the crimes qualifying as labour trafficking.

Declaration of Conflict Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of the article. The author(s) received no specific funding for this work.

References

Bélanger D. (2014). 'Labor migration and trafficking among Vietnamese migrants in Asia'. *The ANNALS of the American Academy of Political and Social Science* 653(1), pp. 87–106. Available online: https://doi.org/10.1177/0002716213517066.

Bryant K. and Landman T. (2020). 'Combatting human trafficking since Palermo: What do we know about what works?'. *Journal of Human Trafficking* 6(2), pp. 119–140. Available online: https://doi.org/10.1080/23322705.2020.1690097.

Cockbain E. and Bowers K. (2019). 'Human trafficking for sex, labour and domestic servitude: How do key trafficking types compare and what are their predictors?'. C*rime, Law and Social Change* 72(1), pp. 9–34. Available online: https://doi.org/10.1007/s10611-019-09836-7.

Cockbain E., Bowers K. and Dimitrova G. (2018). 'Human trafficking for labour exploitation: The results of a two-phase systematic review mapping the European evidence base and synthesising key scientific research evidence'. *Journal of Experimental Criminology* 14(3), pp. 319–360. Available online: https://doi.org/10.1007/s11292-017-9321-3.

Coghlan D. and Wylie G. (2011). 'Defining trafficking/denying justice? Forced labour in Ireland and the consequences of trafficking discourse'. *Journal of Ethnic and Migration Studies* 37(9), pp. 1513–1526. Available online: https://doi.org/10.1080/1369183X.2011.623625.

Davies J. and Ollus N. (2019). 'Labour exploitation as corporate crime and harm: Outsourcing responsibility in food production and cleaning services supply chains'. *Crime, Law and Social Change* 72(1), pp. 87–106. Available online: https://doi.org/10.1007/s10611-019-09841-w.

Dijk F.H. van and Unguraenu R.N. (2010). *Labour exploitation in Europe*. The Hague: SIOD.

Doyle D.M., Murphy C., Murphy M., Coppari P.R. and Wechsler R.J. (2019). "I felt like she owns me': Exploitation and uncertainty in the lives of labour trafficking

victims in Ireland'. *The British Journal of Criminology* 59(1), pp. 231–251. Available online: https://doi.org/10.1093/bjc/azy025.

Dwyer P., Lewis H., Scullion L. and Waite L. (2011). *Forced Labour and UK Immigration Policy: Status Matters?*. York: Joseph Rowntree Foundation.

Esser L.B. (2019). *De Strafbaarstelling van mensenhandel ontrafeld. Een analyse en heroriëntatie in het licht van rechtsbelangen* [Disentangling the criminalisation of human trafficking. An analysis and reorientation in light of legal interests]. Boom: Den Haag.

Esser L.B. and Dettmeijer-Vermeulen C.E. (2016). 'The prominent role of national judges in interpreting the international definition of human trafficking'. *Anti-Trafficking Review* 6, pp. 91–105.

Farrell A., Bright K. and Vries I. de (2020). 'Policing labor trafficking in the United States'. *Trends in Organized Crime* 23(1), pp. 36–56. Available online: https://doi.org/10.1007/s12117-019-09367-6.

Farrell A., DeLateur M.J., Owens C. and Fahy S. (2016). 'The prosecution of state-level human trafficking cases in the United States'. *Anti-Trafficking Review* 6, pp. 48–70. Available online: https://doi.org/10.14197/atr.20121664.

Gadd D. and Broad R. (2018). 'Troubling recognitions in British responses to modern slavery'. *The British Journal of Criminology* 58(6), pp. 440–1461. Available online: https://doi.org/10.1093/bjc/azx082.

Goodey J. (2008) 'Human trafficking: Sketchy data and policy responses'. *Criminology and Criminal Justice* 8(4), pp. 421–442.

Kangaspunta K. (2015). 'Was trafficking in persons really criminalised?'. *Anti-Trafficking Review* 4. Available online: https://doi.org/10.14197/100.

Kaye J., Winterdyk J. and Quarterman L. (2014). 'Beyond criminal justice. A case study of responding to human trafficking in Canada'. *Canadian Journal of Criminology and Criminal Justice* 1, pp. 23–48.

Keo C., Bouhours S., Broadhurst R. and Bouhours B. (2014). 'Human trafficking and moral panic in Cambodia'. *The ANNALS of the American Academy of Political and Social Science* 653(1), pp. 202–224.

Marmo M. and Chazal N. (2016). *Transnational Crime & Criminal Justice*. London: Sage.

Matos M., Gonçalves M. and Maia Â.(2018). 'Human trafficking and criminal proceedings in Portugal: Discourses of professionals in the justice system'. *Trends in Organized Crime* 21, pp. 370–400. Available online: https://doi.org/10.1007/s12117-017-9317-4.

Meeteren M. van and Bannink S. (2019). 'A transnational field approach to the study of labor trafficking'. In J.A. Winterdyk and J. Jones (eds.) *The Palgrave International Handbook of Human Trafficking*. Cham: Palgrave MacMillan, pp.1751–1763 .

Meeteren M. van and Leun J. van der (2021). 'How organized is labour trafficking? On the involvement of organized criminal groups in labour exploitation'. In A.M. Rodrigues and M. João Guia (eds.) *New Forms of Human Trafficking*.

Springer, forthcoming.
Meeteren M. van and Wiering E. (2019). 'Labour trafficking in Chinese restaurants in the Netherlands and the role of Dutch immigration policies. A qualitative analysis of investigative case files'. *Crime, Law and Social Change* 72(1), pp. 107–124. Available online: https://doi.org/10.1007/s10611-019-09853-6.
Roosblad J., Ganzinga M., Plooij P. and Scholten T. (2017). *Nationaal Dreigingsbeeld 2017. Mensenhandel - Arbeidsuitbuiting, criminele uitbuiting en gedwongen dienstverlening* [National Threat Assessment 2017. Human Trafficking – Labour exploitation, criminal exploitation and forced services]. Den Haag: iSZW.
Skrivankova K. (2010). *Between Decent Work and Forced Labor: Examining the Continuum of Exploitation*. York: Joseph Rowntree Foundation.
Strauss K. and McGrath S. (2017). 'Temporay migration, precarious employment and unfree labour relations: Exploring the 'continuum of exploitation' in Canada's temporary foreign worker program'. *Geoforum* 78, pp. 199–208.
Strockmeijer A., Beer P. de and Dagevos J.M. (2017). 'Mobiliteit binnen de perken. Zeer geringe positie-verbetering van werknemers uit Midden- en Oost-Europa bij een langer werkverleden' [Mobility with limits. The very limited improvement of the position of labour migrants from Central and Eastern Europe with a longer work history]. *Tijdschrift voor Arbeidsvraagstukken* 33, pp. 384–400. Available online: http://hdl.handle.net/1765/123351.
Tallmadge R. and Gitter R.J. (2018). 'The determinants of human trafficking in the European Union'. *Journal of Human Trafficking* 4(2), pp. 155–168. Available online: https://doi.org/10.1080/23322705.2017.1336368.
Tyldum G. (2013). 'Dependence and human trafficking in the context of transnational marriage'. *International Migration* 51(4), pp. 103–115.
Verhoeven M., Gestel B. van, Jong D. de and Kleemans E. (2015). 'Relationships Between Suspects and Victims of Sex Trafficking. Exploitation of Prostitutes and Domestic Violence Parallels in Dutch Trafficking Cases'. *European Journal on Criminal Policy and Research* 21(1), pp. 49–64. Available online: https://doi.org/10.1007/s10610-013-9226-2.
Verhoeven M.A., Gestel B. van and Jong D. de (2011). *Mensenhandel in de Amsterdamse raamprostitutie. Een onderzoek naar aard en opsporing van mensenhandel* [Human trafficking in the Amsterdam red light district. A study on the nature and criminal investigation of human trafficking]. Den Haag: Boom Juridische Uitgevers.
Viuhko M. (2018). 'Hardened professional criminals, or just friends and relatives? The diversity of offenders in human trafficking'. *International Journal of Comparative and Applied Criminal Justice* 42(2–3), pp. 177–193. Available online: https://doi.org/10.1080/01924036.2017.1391106.
Vries I. de (2019). 'Connected to crime: An exploration of the nesting of labour trafficking and exploitation in legitimate markets'. *The British Journal of Criminology* 59(1), p. 209–230. Available online: https://doi.org/10.1093/bjc/azy019.

Weitzer R. (2014). 'New directions in research on human trafficking'. *The Annals of the American Academy of Political and Social Science* 653(1), pp. 6–24. Available online: https://doi.org/10.1177/0002716214521562.

Internet sources

Dutch National Rapporteur (2021). Dadermonitor Mensenhandel 2015-2019, Nationaalrapporteur.nl. Available online: https://www.nationaalrapporteur.nl/publicaties/rapporten/2021/01/21/dadermonitor-mensenhandel-2015-2019 [23.03.2021].

Court decisions

Appeal Court 's-Hertogenbosch, 30.01.2008. ECLI:NL:GHSHE:2008:BC2999 and ECLI:NL:GHSHE:2008:BC3000.
Appeal Court Leeuwarden, 6.10.2009. ECLI:NL:GHLEE:2009:BJ9385.
Domestic Court Den Haag, 8.03.2016. ECLI:NL:RBDHA:2016:2367.
Domestic Court Midden-Nederland, 14.07.2015. ECLI:NL:RBMNE:2015:5690.
Domestic Court Noord-Holland, 5.06.2014. ECLI:NL:RBNHO:2014:5212.
Domestic Court Overijssel, 16.10.2017. ECLI:NL:RBOVE:2017:3888.
Domestic Court Overijssel, 20.05.2019. ECLI:NL:RBOVE:2019:1658.
Domestic Court Rotterdam, 28.07.2017. ECLI:NL:RBROT:2017:6451.
Domestic Court The Hague, 19.10.2008. ECLI:NL:RBDHA:2018:12549.
Domestic Court The Hague, 23.03.2018. ECLI:NL:RBDHA:2018:3905.
Supreme Court, 27.10.2009. ECLI:NL:HR:2009:BI7097 and ECLI:NL:HR:2009:BI7099.