

# Wanted: Partners

## The Challenges of Pioneering a Novel Approach to Fighting Human Trafficking in the Netherlands

Martijn Groenleer & Jorrit de Jong

### Summary

The Dutch Public Prosecution Service has embarked on a journey to find better ways to fight trafficking in human beings. This case follows special prosecutors Gert Veurink and Warner ten Kate as they develop and implement an unorthodox approach focused on weakening the ‘enablers’ of sexual exploitation and forced labor. While struggling to secure the support of current and future partners, they face a variety of strategic and operational challenges. Through cumulative learning from a series of high-profile cases — from Eastern European women coerced into illegal hotel prostitution to Philippine sailors ‘enslaved’ in inland shipping — the fundamental dilemmas gradually reveal themselves: How can we change public perceptions about the problem in order to garner political support? How can we engage private-sector stakeholders without having to coerce them? How can we balance prevention efforts with the effort to prosecute perpetrators and protect victims, especially under resource constraints? How do we measure success? And, finally, how can we equip the new generation of public prosecutors with the skills to operate innovatively in an increasingly complex law enforcement environment?

### Disclaimer

This case study was written by Dr. Martijn Groenleer (Delft University of Technology) and Dr. Jorrit de Jong (Harvard University’s John F. Kennedy School of Government). The research underlying the case was funded by the Dutch Public Prosecution Service and the Netherlands Ministry of Foreign Affairs. The case was developed for discussion and educational purposes. It is not intended to be an illustration of effective or ineffective actions of any of the stakeholders mentioned in the text. No official positions can be derived from the case. While the case is based on factual research and interviews, it is a stylized version of what happened, designed to focus group discussion on the most salient challenges and dilemmas. The actual names of some of the key players have been changed.

## Veurink's Challenge

### *A Serious Setback*

On the evening of April 10<sup>th</sup>, 2012, Gert Veurink, a Dutch public prosecutor in charge of fighting human trafficking,<sup>1</sup> experiences a major setback. Hours before the launch of an action that has taken months of planning and coordination with public and private stakeholders, the police threaten to withdraw their support.

The goal of the action is to see whether a number of selected hotels adequately pick up on signals of what is known as 'illegal hotel prostitution', which appears to be associated with human trafficking. Despite a set of guidelines and repeated training by the Dutch Hotel and Restaurant Association and the police on the basis thereof, many Dutch hotels still fail to recognize and report prostitution on their premises. Under Veurink's authority, a special team of police detectives has devised an operation involving actresses pretending to be prostitutes and police officers acting as clients.<sup>2</sup> The plan is for hotels that fail to notice conspicuous activity to be publicly 'named and shamed' through the news media mobilized by Veurink's team.<sup>3</sup>

But now, on the evening before the operation, the police suddenly have second thoughts: Is this really an appropriate role for them to take on? How will the public respond to such a deviation from conventional investigation and prosecution? Could the media exposure hurt the police's day-to-day relationships with the hotels? And is it necessary to do all this? Does illegal hotel prostitution really constitute human trafficking?

### *From Prosecution to Prevention*

Veurink's action is part of an ongoing effort by the Dutch Public Prosecution Service to rethink and reshape the fight against human trafficking as a modern form of slavery, shifting the focus from prosecution to prevention. A highly motivated team of law enforcement professionals has come up with dozens of strategies and tactics to disrupt the support system for human exploitation activity in organized crime. All these methods involve working with — or through — other organizations. But innovation does not come easy. While the new approach may better fit the nature of the problem, the 'solutions' are not yet evidence-based and require a significant effort

from many stakeholders whose primary responsibility is not the prevention of human trafficking.

*Nobody wants to be seen as an enabler of human trafficking.*

Veurink's setback is emblematic of the opposition he and his colleagues at the National Prosecutor's Office face.<sup>4</sup> In theory, the new approach seems sound and sensible; in practice, Veurink has been grappling with a significant number of strategic and operational issues. He needs support from key stakeholders in the public sector (such as the police and other agencies as well as local government) and in the private sector (such as hotels, telecom providers, and abortion clinics).

### *Increasing Pressure*

One way to get these stakeholders to commit and cooperate is to raise public awareness and increase pressure on them through the news media. Nobody wants to be seen as an enabler of human trafficking, after all. However, in order to get media exposure, Veurink has to have a

compelling story to tell, and what may be compelling to the news media and the public at large may deter and alienate the very partners he depends on for sustainable success. Still, without media coverage, Veurink's innovations may not be sustainable either — in order to legitimize the alternative use of prosecutorial resources and institutionalize the new way of working, he needs more than lukewarm political support. "Limiting ourselves to a court case would almost certainly not have been enough to make people feel the urgency," he says in the spring of 2013, almost a year later. He still wonders: What means are both effective and legitimate given the overall aim of the new approach? Veurink knows he is re-inventing more than operations: he is trying to change *perceptions* about the human trafficking problem and the best way to fight it.

## Early Beginnings

### *The Dark Side of the Red-Light District*

After reading the U.S. Department of State's 2005 *Trafficking in Persons Report*, Herman Bolhaar, head of the Dutch Public Prosecution Service,<sup>5</sup> and Warner ten Kate, senior prosecutor and national coordinator for human trafficking, decided to step up their game. The report had the Netherlands complying with "the minimum standards for the elimination of trafficking," but made it clear that the country could do much more, especially for its 25,000 commercial sex workers, of whom an estimated 50 to 80 percent were trafficking victims.<sup>6</sup> Discussing the report and some unsuccessfully prosecuted cases from recent years,<sup>7</sup> Bolhaar and Ten Kate pondered the situation: Why had their efforts to tackle the human trafficking problem been so inadequate?

*"Prostitutes may be smiling behind their windows, but they are often forced to do so."*

Some, often international, observers have argued that the problem is strongly linked to the legalized commercial sex industry in the Netherlands.<sup>8</sup> Ten Kate acknowledges: "Prostitutes may be smiling behind their windows, but they are often forced to do so. If they don't, they do not attract any clients, make no money and are beaten by their pimps."<sup>9</sup> However, the links between legalized prostitution and trafficking were, and still are, practically and politically complex. According to Bolhaar and Ten Kate, the root problem was never prostitution, which is legal and generally accepted in the Netherlands, but the sexual exploitation of women and girls, which is universally considered a grave offense. To fight the latter while respecting the former, Bolhaar and Ten Kate initiated a campaign in 2006 that hinged on using news media to reframe the problem of human trafficking in the public debate.<sup>10</sup>

### *Erecting Barriers, Weakening Enablers*

At the same time, Bolhaar and Ten Kate realized that wider recognition of the real problem and increased public and political support for intensifying remedial efforts was only a first step. They explored measures beyond the repression repertoire. Ten Kate: "We found that a host of public and private parties, either consciously or unconsciously, facilitate human trafficking." In practice, there were so few checks on trafficked sex workers entering the country, registering with municipal governments, and obtaining work permits that the responsible government agencies could be called enablers of human trafficking. In addition, hotels, landlords, tax consultancies, physicians, and other private sector parties all played a facilitating role in the business of human exploitation, through

rendering their services to traffickers.<sup>11</sup> Ten Kate believed that erecting barriers to human trafficking and weakening enablers might be a better use of resources than investigation and prosecution alone; this required a novel, integrated approach, based on close cooperation with a variety of parties and intensive information exchange.<sup>12</sup>

To put this approach into practice, Ten Kate focused on an investigation that had already taken years of relatively unsuccessful police work: the ‘Sneep’ case.<sup>13</sup> An organization of Turkish-German criminals was suspected of running a ruthless and violent trafficking enterprise with over 120 women in Dutch red-light districts. Women were raped and coerced into breast enlargement or abortion; when they refused, wanted to escape, or failed to bring in enough money, they were intimidated or beaten.<sup>14</sup>

At an unusual meeting with high-level representatives of a variety of law enforcement agencies,<sup>15</sup> in May 2006, Ten Kate and his team presented shocking photos and stories from the Sneep criminal file; municipalities were not involved at this stage, neither were private sector parties.<sup>16</sup> The attendees, who bore responsibilities varying from border control to investigating social benefits fraud, had no idea of the seriousness of the human trafficking problem — let alone their potential role in fighting it. Besides raising awareness and creating commitment, the meeting was aimed at stimulating operational cooperation between the Public Prosecution Service and the investigation partners. In February 2007, after several months of coordinated information gathering and joint operational investigations, the first arrests were made.<sup>17</sup> Six defendants were eventually found guilty of human trafficking, receiving sentences varying from eight months to eight years.<sup>18</sup> News media, pro-actively approached by Peter Jebbink, spokesman for the National Prosecutor’s Office, covered the case extensively.

*Under what conditions would companies and local governments be willing to cooperate?*

#### *Unresolved Issues*

While the Sneep case success boosted enthusiasm for future joint efforts, several unresolved issues required Ten Kate’s attention. First, an evaluation of the pilot found that the new investigation partners did not exactly know what their new roles entailed and quickly returned to old ways of working.<sup>19</sup> Also, the partners felt that when Ten Kate’s team came in, it would take over, create a lot of fuss, and then leave it to others to clean up the mess — a strategy pejoratively referred to by some partners as ‘Operation Dust Cloud.’ Moreover, some partners had doubts about the use of news media. The level of openness about the criminal file raised concerns about the prosecution’s chances of success in court. Ten Kate shrugs off these concerns, saying: “We consciously sought the attention of the media, using the publicity generated to put the human trafficking problem on the political agenda, and incentivizing anyone who had a role in this to cooperate.”

While the media exposure had a strong impact on setting the political agenda, particularly in a number of major Dutch cities,<sup>20</sup> it was unclear whether the use of the media helped or hurt collaborations with current and future partners. With the Sneep case, partnership had mainly been limited to fellow law enforcement agencies, which shared intelligence *about* enablers of trafficking. The more difficult challenge would be to create conditions under which the *actual* enabling organizations, including private sector parties and local governments, would be willing to collaborate. Would they appreciate the media exposure and feel incentivized? Ten Kate, and his newly appointed colleague Gert Veurink, would soon find out.

## Raising the Stakes

### *Illegal Prostitution in Hotels*

When, in 2009, a woman was found screaming in the hallway of a Rotterdam hotel and subsequently reported to the police that her pimp forced her to do things that she did not want to do, a team of police detectives proceeded as usual: they interrogated the victim and wiretapped the suspect. During the investigation, police stumbled upon Irina.com, a website that many Eastern European women, including the victim, used to offer their services.<sup>21</sup> The organization behind Irina.com was suspected of exploiting women in hotels in the Netherlands and other European countries. After a year of investigation, the Rotterdam detectives had failed to produce sufficient evidence and the woman's pimp, an alleged member of the organization, was acquitted.

"That is where we came in," says Gert Veurink. "It always starts with a case." The special police team under his authority<sup>22</sup> had also discovered Irina.com and now saw an opportunity to zero in on extra-brothel prostitution. "A phenomenon that seemed to occur more often, but of which the magnitude was yet unknown," Rebecca de Zwart, a detective on the team, explains. "What we did was trace the process from recruitment in their home countries to exploitation in Dutch hotels." Leo Straathof, the leader of the police team, adds: "That is different from what was done before. The question was not only how to dismantle the organization behind Irina.com, but also how to raise awareness of the problem, especially among clients and the hotels on whose premises exploitation occurs."

*"It always starts with a case."*

Neither Veurink nor Straathof were afraid to stir things up. Throughout the investigation dubbed 'Fitzroy', they met weekly to discuss ways to "throw grit into the machine" of the criminal organizations behind illegal hotel prostitution and to use the specific case of Irina.com to draw more general lessons about 'facilitators' of this form of trafficking. Their first move, on January 11<sup>th</sup>, 2011, was to take down the website, which involved some unusual steps. Because the organization governing the domain name was based in the U.S., and the FBI could not act in the absence of a conviction, disabling the website required Straathof's team to physically confiscate a server located in the Netherlands.<sup>23</sup> They arrested two men suspected of belonging to the organization behind Irina.com on the premises.

### *Naming and Shaming*

On the same day, more controversially, Straathof's team sent an SMS alert to 1,300 clients of Irina.com, or rather to 1,300 phone numbers, mostly in the Netherlands and often work-related. "The question was whether you could send all those people an SMS, since you are violating their privacy," Veurink explains. "The answer, according to us, depended on what we put in the message." After lengthy discussions, Veurink and Straathof agreed on the language, intended to raise awareness as well as ask for help, which was cleared at the highest levels of law enforcement:

*"This cell phone number has contacted Irina.com. This website probably offers victims of human trafficking. Police are asking for your help."*

Reactions to the SMS alert were mixed: many people were furious, but some — often ashamed — contacted the police to report suspicions of abuse.

The new information and insights generated by the Fitzroy investigation prepared and emboldened Veurink and his team to take on the hotels that still allowed prostitution on their premises. Already in 2009, hotels were provided with guidelines – on the initiative of the Dutch Hotel and Restaurant Association<sup>24</sup> – and in collaboration with the police, hotel staff were trained in dealing with signs of illegal prostitution since.<sup>25</sup> But Veurink was not at all impressed with the hotels' efforts: "These hotels didn't do anything! So we said, 'How are we going to make them feel the urgency? How are we going to make sure that they take responsibility?' We figured that we could go pretty far, given that hotels clearly weren't willing to act."

And that was how the idea for the operation with the actresses was born. While Veurink's team began developing the operation, Peter Jebbink started informing selected news media. After months of designing the plan, building support, and fine-tuning the collaboration, all systems were go — until the police withdrew their support. Their last-minute reluctance came as a surprise to Veurink, but less so to Straathof: "There was a risk that hotels would report signals to the regional police and that the regional police would fail to act on those signals because internal processes in the police organization were not optimally coordinated yet. And this would all be aired on television." After the top-level officials of the police and the Public Prosecution Service came to the agreement that the police organization would not be evaluated as part of the action, the police re-affirmed their support in the eleventh hour. Veurink was back on. The action could continue.

#### *Clean Towels and Used Condoms*

For three days, actresses and pseudo-clients sent signals of illegal prostitution,<sup>26</sup> such as making repeated requests for clean towels and leaving multiple used condoms in the waste bin.<sup>27</sup> When the news media reported that none of the hotel personnel recognized the signals or reported them to the police, the hotels reacted angrily, in part because they felt betrayed by their own sector association, which knew about the action and actively supported it. Ward Veldman, spokesman for the Dutch Hotel and Restaurant Association, says: "The media strategy provoked an enormous amount of resistance among hotels, which I had not foreseen." Veurink smiles. "We could only win. If the hotels responded to the signals, we would say that it was the result of our training; if they didn't, we would say that they still weren't doing enough to combat illegal hotel prostitution."

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make them feel the urgency?'"*

But one of the hotels, the Dutch Dieleman hotel on the A4 highway, claimed that it had actually invested a great deal of time and energy in building up relations with the regional police and that the action had damaged these relations.<sup>28</sup> Dieleman refused to cooperate with the police going forward. Veurink is ambivalent: "On the one hand, that is something we of course did not intend, but on the other hand, what use are such relations if they do not result in a decrease in the problem?"

Another hotel, Arly, part of the international Corda group, was also not amused, particularly with the press's oversimplified reporting.<sup>29</sup> Ellen Kooij, adjunct director of the Arly hotel at Amsterdam Airport explains: "Of course we do not want illegal prostitution in our hotels, but our core business is rendering hospitality services, not fighting human trafficking. With over 600 rooms, we are one of the largest hotels in the Benelux, which makes it impossible to control everything."

Moreover, Arly argued that the signs of human trafficking were not obvious and therefore difficult to recognize. The situation was further exacerbated by the low level of commitment and the high

turnover rate of, particularly, housekeeping staff hired through temporary employment agencies.<sup>30</sup> Most importantly, Arly claimed that the regional police, supposedly one of the Public Prosecution Service's allies in the fight against human trafficking, were not delivering on their promise of assistance. "When we did call, they wouldn't come. It simply didn't appear to be a priority for them," says Kooij. Veldman concurs, adding: "And when the police came, they didn't do anything. They didn't make any arrests."

### *Unexpected Results*

Despite the fact that their 'partnership' started off on the wrong foot, Arly was willing to cooperate with Veurink's team — under one condition: that law enforcement officials would be placed in the hotels, as interns.<sup>31</sup> Harold van der Pas, one of the detectives concerned, thinks this was a great idea: "It allowed us to get an even better understanding of the possibilities for erecting barriers to illegal hotel prostitution. Very much depends on combining signals picked up by different departments within the hotel. And we learned that cleaning companies contracted by the hotel also need to be engaged."<sup>32</sup>

*Uncovering a reality few people had imagined: slavery in the Netherlands.*

Fostering mutual understanding between the partners eventually paid off. Arly, the Hotel and Restaurant

Association, the police, and the Public Prosecution Service went on to develop, in close cooperation, an instructional video for other hotels to be first aired during a jointly organized symposium.<sup>33</sup> And the hotel sector itself, through its association, publicly announced that it would fire hotel managers who continued to condone illegal hotel prostitution.<sup>34</sup>

By the end of 2012, the signs of illegal hotel prostitution had subsided. An enabler had been weakened and a barrier had been erected. But extra-brothel prostitution has allegedly continued, for instance in holiday resorts, where it is more hidden than in hotels, and across the border in Germany, the UK, and other European countries. Whatever Veurink's team effectively suppressed has popped up in other places. Meanwhile, new forms of human trafficking have come to light. The public prosecutor's heightened sensitivity and novel intelligence approach began to uncover a reality few people had imagined: modern slavery in the Netherlands.

## **New Frontiers**

### *Enslaved Philippine Sailors*

In 2011, following up on reports and signals that Philippine seamen working on Dutch ships were being exploited, water police and the labor inspectorate began a joint investigation, called 'Cornwall.'<sup>35</sup> The investigation revealed that some men were indeed working long hours without days off for weeks and even months on end, unable to leave the ship because their passports had been taken. At the center of the investigation was PMS Crew, a Dutch temporary employment agency for sailors from the Philippines,<sup>36</sup> which was suspected of forging applications for labor contracts and residence permits.<sup>37</sup>

Although the investigation into PMS Crew began under the authority of the National Public Prosecutor's Office for Fraud, Gert Veurink was soon asked to take over. He explains: "It was not just

underpayment; it involved abuse. Otherwise we would not have become involved.” A first look through the criminal file startled Veurink. “I didn’t get it. There were numerous occasions in the process for people to stop this practice, but for some reason everybody, including government agencies, looked the other way. Whereas private partners cannot easily be forced into compliance, government agencies should not be able to evade their responsibilities.”

It started with the Dutch Embassy in Manila, where traffickers obtained visas for the sailors. “We had been confronted with an enormous increase in the number of visa applications since 2010,” says Ruth Emmerink, Deputy Head of Mission. “Therefore, our main focus was on the swift granting of visas. Delay could have negative economic effects for the Dutch maritime sector.” In addition, the Social Security Agency (UWV) had issued work permits based on misleading labor contracts. “One phone call could have clarified that something was wrong,” says Veurink. And because the Dutch Immigration and Naturalization Service based its decisions on intelligence from the Embassy and the UWV, PMS Crew was able to carry on unimpeded.

### *The Media, Again*

When, on October 5<sup>th</sup>, 2011, the water police and labor inspectorate, under Veurink’s authority, boarded a large number of ships for a comprehensive, unannounced inspection<sup>38</sup> with a variety of law enforcement agencies,<sup>39</sup> the news media had received advance notice – a now well-established practice within the Public Prosecution Service. This irritated Steven Meijer, leader of the police team: “I could hardly do my job. Imagine all those journalists hanging around the entire day waiting for a quote or a picture of an exploited Philippine sailor.” That same day, the premises of PMS Crew were searched, eventually leading to the arrest of several of its employees, including the director, in April 2012.

No enslaved Philippine seamen were found during the inspection; the ship owners were irate.<sup>40</sup> Some “categorically rejected” the notion that exploitation of personnel was widespread in the sector. They scolded the media for inaccurate and simplistic reporting. The police were quick to create a hotline for ship owners and sailors who wanted to voice their concerns or provide input to the investigation. The volume of calls was overwhelming, but Meijer was satisfied with the quality of information generated through the hotline. “Clearly, this was also the result of the media strategy,” he acknowledges: “I was not in favor of this strategy and am still skeptical, but this was certainly a positive side effect.”

*“Everybody, including government agencies, looked the other way.”*

### *Groundbreaking*

The case against PMS Crew will soon be heard in court. “Regardless of the verdict,” says Dirk Peeters, a detective at the labor inspectorate involved in the investigation, “the case is groundbreaking, because it really tackles the problem at its roots in Manila and throughout the different stages of the process.” Emmerink can attest to that: “I have the impression that we, as an Embassy, have failed in the past and that we to some extent have facilitated human trafficking.” Now aware of its crucial role in the process, the Embassy has made tackling human trafficking a key priority and is working closely with Philippine authorities as well as government agencies in the Netherlands, implementing and advocating an integrated approach against trafficking. This also means that when there are signals of trafficking a visa is refused.<sup>41</sup>



Unlike the hotel industry, however, the inland shipping sector has not become an active partner to law enforcement. While signals of exploitation have dropped, there seems to be no real sense of urgency in the sector around trafficking. Representatives downplay exploitation, simply calling it “underpayment,” thereby framing it as unfair competition, and avoiding the term “trafficking.” They seem to wonder what the problem is: Haven’t these Philippine seamen come here voluntarily, and aren’t they still making more money than they would at home?<sup>42</sup>

### Making Progress?

Seven years after taking the first steps toward a new approach to fighting human trafficking, Ten Kate and Veurink reflect on the results. “I think it is fair to say that there is much more awareness of the human trafficking problem than before we stepped up our efforts,” says Veurink. Politicians and the public at large have come to realize that legalized prostitution and sexual exploitation may be two different things, but that there is a link; and that other forms of modern slavery, ranging from enslaved sailors to exploited au pairs and agricultural workers, also occur in the Netherlands.

Also, to further develop and institutionalize the novel approach, a National Task Force on Human Trafficking was created in 2008, with Herman Bolhaar, the Head of the Public Prosecution Service as its chair. The Task Force includes the National Rapporteur on Human Trafficking, multiple ministries and law enforcement agencies, major municipalities, and other major stakeholders, such as the Chambers of Commerce. In its struggle to secure the support of these and other parties, the Public Prosecution Service has dramatically pushed the envelope, with prosecutors often taking on responsibilities far beyond their traditional prosecutorial role.

Clearly, the journey to find better ways to fight trafficking has not ended. One question in particular keeps puzzling Ten Kate and Veurink: “Without a clear baseline measurement, how do you gauge progress?” There is data showing that human trafficking in the Netherlands is better recognized<sup>43</sup> and reported with each passing year: the number of reported victims increased from 716 to 1,222 per year between 2007 and 2011.<sup>44</sup> But prosecutors and the public are left with many unknowns:

Does the increase mean that the effort to shed light on the seriousness of the trafficking problem has been successful, or that there is simply more trafficking going on?

*“We shouldn’t forget our core business. Without convictions, we lose a lot of credibility.”*

The number of prosecutions has remained constant: 220 per year, on average. Does that mean that prosecutors have maintained their level of performance, despite the allocation of considerable resources to prevention? Or is this number disappointing in light of the higher volume of reported victims? Of the reported cases, perpetrators are actually indicted for trafficking about 70 percent of the time, and around 50 percent of the cases brought before the court lead to convictions.<sup>45</sup> Even if this is a satisfactory number, it is still uncertain whether it has been accomplished as a result of or *despite* the new investigatory and prosecutorial practices.

Although these evolving practices have painted a much clearer picture of the seriousness of the problem, it has become less clear how the performance of prosecutors, increasingly engaging in preventive efforts, can be measured. And while public perceptions of the problem have changed, performance indicators for police and prosecutors have not. Ten Kate is very much aware of this:

“We shouldn’t forget our core business as a Public Prosecution Service. Without convictions, we lose a lot of credibility.”

### *At a Crossroads*

In 2013, the Dutch Public Prosecution Service has reached a crossroads when it comes to human trafficking. Much has been learned about the victims, perpetrators, and enablers of trafficking. Even more has been learned about engaging public and private partners and about the role of the news media as a double-edged sword: exposure can help but also hurt the cause and requires careful handling. Prosecutors have acquired new skills and developed a different attitude generally to dealing with a highly elusive problem.

But all of that, says Veurink: “is of course not a goal in itself.” The signs of illegal hotel prostitution have subsided, but sexual exploitation continues, perhaps even more disguised than before. And the numbers of Philippine sailors being trafficked into the Netherlands have decreased, but there are signs that sailors have gone to other countries instead, perhaps to be exploited there.<sup>46</sup> Veurink realizes this but does not allow such thinking to depress him. His is the mindset of an optimistic pragmatist, believing in small-scale change: “If at least some barriers have been erected and some enablers have been weakened, I am convinced we have made important progress.”

## **Questions for Discussion**

Please reflect on the questions below, based on your assessment of the case and your own knowledge, experience, insights, and ideas.

1. Was there anything in this case that surprised or disturbed you? If so, can you explain why?
2. What would you consider to be meaningful results in the fight against human trafficking? Why?
3. In the case, Ten Kate and Veurink struggle to gain and keep support from organizations in their environment. What would you have done similarly and what would you have done differently, had you been in their position?
4. Veurink and Ten Kate have limited capacity at their disposal. How would you have divided your time and resources between prosecuting suspects and sabotaging facilitators of human trafficking? Why?
5. What are Veurink and Ten Kate trying to accomplish with the new approach? And how do they determine whether the new approach actually works?

## Appendices

### Appendix 1: Timelines (selected events)

#### *Sexual Exploitation in Red-Light Districts and the ‘Sneep’ Investigation*

1998	Turkish-German organization of brothers B. sets up shop in the Netherlands, soon conducting business in several red-light districts
1998-2005	Several unsuccessful investigations into organization of brothers B., allegedly engaged in trafficking of women
October 1 <sup>st</sup> , 2000	Lifting of the general ban on brothels in the Netherlands, legalizing prostitution
April 2006	Start of ‘Sneep’ investigation into organization of brothers B., using a program-based approach and making use of the barrier model
May 2006	Meeting with high-level representatives of a variety of law enforcement agencies, rallying support for human trafficking problem and the fight against it
April 2006-February 2007	Information gathering on earlier investigations, operational investigation, and first arrests in Sneep case
July 2008-September 2012	Six defendants, including the brothers B., eventually found guilty of human trafficking, receiving sentences varying from eight months to eight years

#### *Illegal Hotel Prostitution and the ‘Fitzroy’ Investigation*

2009	Woman in hotel reports sexual abuse by pimp, triggering an investigation by the Rotterdam police which stumbles upon Irina.com
November 2009	Dutch Hotel and Restaurant Association, police and Public Prosecution Service agree on guidelines about how to respond to signals of ‘illegal hotel prostitution’
2010	Start ‘Fitzroy’, general investigation into phenomenon of hotel prostitution, and specific criminal case against Irina.com
January 2011	Website shut down and two suspects arrested, eventually receiving sentences of 3 and 6 months; and, on the same day, SMS alert to 1,300 clients of Irina.com
March-April 2011	Workshops organized by police to train hotel personnel using specially developed ‘signal card’
April 2012	Actresses play prostitutes conducting illegal business in selected hotels, to test whether hotels act on signals
August-November 2012	Pilot project with Arly, in which police detectives are placed in hotel as interns
May 2013	Instructional video and symposium, jointly developed and organized by Arly, Dutch Hotel and Restaurant Association, police and Public Prosecution Service

### *Enslaved Philippine Sailors and the 'Cornwall' Investigation*

Second half 2010 onwards	Increase in visa applications at Dutch Embassy in Manila due to strict implementation of the Schengen Visa Code
September 2010	Labor inspectorate starts to work on fraud case against PMS Crew on the basis of signals and reports
August 2011	Embassy starts collecting suspicious visa applications and other signals of human trafficking
September 2011	Case against PMS Crew and investigation into human trafficking are combined into 'Cornwall' investigation
October 2011	Comprehensive, unannounced inspection of inland ships, dubbed 'Vigilant'
October 2012	Follow-up inspection of inland ships
2013	Court case against PMS Crew pending

### **Appendix 2: Key players in the case study (in order of appearance)**

<b>Name</b>	<b>Position</b>
Gert Veurink	Senior public prosecutor in charge of fighting human trafficking and innovation at the National Prosecutor's Office ( <i>Landelijk Parket</i> ) of the Public Prosecution Service ( <i>Openbaar Ministerie</i> )
Herman Bolhaar	Procurator-general at the Public Prosecution Service
Warner ten Kate	Senior public prosecutor and national coordinator for human trafficking at the National Prosecutor's Office
Rebecca de Zwart	Police detective at the National Police Services Agency ( <i>Dienst Landelijke Recherche</i> )
Leo Straathof	Team leader at the National Police Services Agency
Peter Jebbink	Spokesman for the National Prosecutor's Office
Ward Veldman	Spokesman for the Dutch Hotels and Restaurant Association ( <i>Koninklijke Horeca Nederland</i> )
Ellen Kooij	Adjunct Director of the Arly hotel at Amsterdam Airport
Harold van der Pas	Police detective at the National Police Services Agency
Ruth Emmerink	Deputy Head of Mission at the Netherlands Embassy in Manila, Philippines
Steven Meijer	Team leader at the National Police Services Agency
Dirk Peeters	Senior detective at the labor inspectorate

### **Appendix 3: The program-based approach and the barrier model in a nutshell<sup>47</sup>**

In recent years, a novel approach to fighting organized crime, often referred to as the 'program-based' or 'programmatic' approach, has been implemented in the Netherlands. The approach highlights the importance of interventions aimed at the underlying 'opportunity structure' of crime. According to this approach, the investigation and prosecution of suspects in specific criminal cases

are accompanied by a search for solutions to more general problems, as well as realizing structural and possibly policy changes.

Much attention is paid to public bodies and private parties that facilitate crime – consciously or unconsciously – in a structural manner. The idea is that, in addition to a repressive approach, structural barriers to organized crime must also be erected. For this purpose, it is necessary that investigative authorities cooperate closely and exchange information with each other and with other relevant parties, including administrative partners.

In choosing partners to involve in the program-based approach, the so-called ‘barrier model’ is used. The barrier model was initially designed in 2005 by the Social Security Information and Investigation Service (SIOD) with the objective of mapping the opportunity structures in illegal employment. In 2006, the model was extended and applied to tackle human trafficking.

The model identifies five barriers that have to be overcome by a trafficker to employ a victim, namely: admission, housing, identity, labor and financial flows. Each barrier depicts a moment of interaction between traffickers and/or their victims on the one hand and facilitators (knowingly or not) on the other, and thus a possible moment in which facilitators can frustrate the trafficking process (see also Appendix 4).

**Appendix 4: Barrier model**

Barrier				
Admission	Housing	Identity	Labor	Financial flows
Criminal activities				
Document fraud, transportation, payments, residence permits	Prostitution scene, dangerous living conditions, buying real estate	Marriage of convenience, social security number, employee certificate, passport, identity card	Extortion, exploitation, coercion, violence, low wages, long working hours, handing in of documents	Illegal money flows, money laundering, taxes, assets
Core of criminal organization				
	← core members → exploiters		← core members → exploiters	
First shell of deliberate facilitators				
People smugglers, (lorry)drivers	Rack-renters	Forgers	Illegal labor subcontractor	Underground banking, money courier
Second shell of deliberate facilitators with limited criminal offences				
Taxi drivers	Landlords/landladies, room brokers		Tatoosts	Money changers
Third shell of unaware (non-criminal) facilitators				
Customs, embassy staff	Municipality staff, housing corporations, real estate agents	Municipality staff	Chamber of commerce, tax authorities, medical insurance companies, banks	Banks, insurance companies, lawyers
Partners in approach				
Border police, city council, INS, local police, aliens police	City council, local police chamber of commerce, fiscal investigation service	City council, INS, local police, aliens police	Social investigation service, labor inspectorate, fiscal investigation service	Social investigation service, labour inspectorate, fiscal investigation service

## Appendix 5: Key figures on human trafficking in the Netherlands<sup>48</sup>

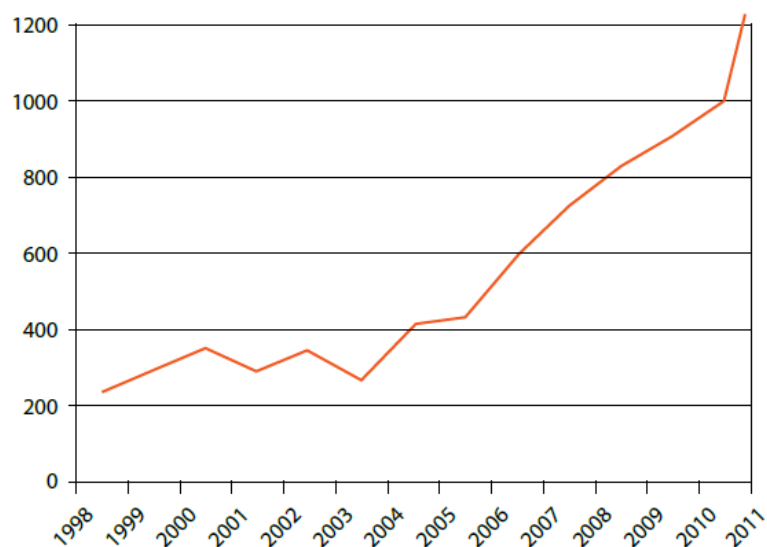


Figure 1. Total number of reported trafficked persons per year

2009		2010		2011	
Netherlands	240	Netherlands	315	Netherlands	337
Nigeria	101	Nigeria	130	Nigeria	134
Romania	89	Hungary	56	Hungary	120
Hungary	47	Romania	49	Poland	104
Bulgaria	39	Bulgaria	46	Bulgaria	73
China	37	Slovakia	39	Sierra Leone	62
Guinea	35	Sierra Leone	36	Guinea	58
Sierra Leone	35				
Ghana	23	Guinea	26	China	40
				Romania	40
Poland	19	China	23	Angola	19
Indonesia	17	Ghana	21	Uganda	14

Figure 2. Country of origin of reported trafficked persons (top ten only)

<b>Sexual exploitation</b>	
Prostitution*	132
Escort	11
Private home	6
Brothel/club	5
Window prostitution	4
Internet	1
Private company	1
<b>Total</b>	<b>160</b>
<b>Other exploitation</b>	
Drug trafficking	4
Other**	3
Criminality	2
<b>Total</b>	<b>9</b>
<b>Not worked (yet)</b>	<b>57</b>
<b>Unknown sector</b>	<b>17</b>

\* CoMensha records 'prostitution' if the form of prostitution is unknown

\*\* CoMensha records 'other' if the client is the victim of other forms of exploitation and the specific sector is unknown

Figure 3. Sector worked in by reported trafficked persons (2011)

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## Notes

<sup>1</sup> Hereafter, every time the term 'human trafficking' is used, it is meant to include all kinds of exploitation of vulnerable people for financial gain, including sexual exploitation and forced labor – in accordance with the 2011 EU anti-trafficking directive and the UN protocol on trafficking in persons (also known as the 'Palermo protocol').

<sup>2</sup> This was not a so-called 'sting operation': it was not aimed at catching the traffickers committing a crime, but on testing the vigilance of unknowing enablers of trafficking. While sting operations are common in many countries, including the U.S., they are not allowed in the Netherlands.

<sup>3</sup> The term '(news) media' as used in this case primarily refers to national television broadcasts and newspaper coverage, and much less so to the use of social media or local news reporting.

<sup>4</sup> The National Prosecutor's Office is a department of the Public Prosecution Service focusing on international forms of organized crime, including human trafficking and people smuggling.

<sup>5</sup> Bolhaar's official title is 'Procurator-general'.

<sup>6</sup> U.S. Department of State (2005), *Trafficking in Persons Report 2005*, U.S. Department of State Publication 11252, Office of the Undersecretary for Global Affairs.

<sup>7</sup> Frequently, potential cases were not even selected for investigation, as the available information on the criminal activities or organizations was considered insufficient to do so.

<sup>8</sup> The general ban on brothels was lifted on October 1<sup>st</sup>, 2000. In line with a shared liberal view, voluntary prostitution by adults was no longer prohibited. In recent years, and especially in recent months, debate has arisen about the reported abuses in the commercial sex industry and the lack of regulation. New legislation to regulate the sector and to address such abuses is currently pending in the Dutch Parliament.

<sup>9</sup> See also Italianer, A. (2009), Lachende meisjes. Sneep-zaak, *Opportuun*, January.

<sup>10</sup> See also Italianer, A. (2007), Mensenhandel bij de kern aanpakken. Herman Bolhaar gelooft in "bestuurlijke adviezen" aan gemeenten, *Opportuun*, November.

<sup>11</sup> KLPD-DNR (2008), *Schone Schijn: de Signalering van Mensenhandel in de Vergunde Prostitutiesector*, Driebergen. See also Appendices 3 and 4.

<sup>12</sup> The new approach to fighting organized crime is often referred to as the 'program-based' or 'programmatic' approach. See Appendix 3.

<sup>13</sup> After the Dutch term for the common nase, a European fish, and in line with other investigations also named after fish, such as the 'Koolvis' (pollock) investigation into the trafficking of asylum seekers from Nigeria.

<sup>14</sup> See the verdict in the Sneep case, LJN: BD6972, Almelo District Court, 08/963001-07.

<sup>15</sup> Including the Royal Netherlands Marechaussee (KMar), the Fiscal Intelligence and Investigation Service and Economic Investigation Service (FIOD-ECD) and the Social Security Information and Investigation Service (SIOD).

<sup>16</sup> Gestel, B. van & M.A. Verhoeven (2009), *De Praktijk van de Programmatische Aanpak Mensenhandel: Plan- en Procurevaluatie van een Pilot*, Cahier 2009/7, The Hague: WODC (with English summary).

<sup>17</sup> Sooner than planned, however, because the suspects had learned about the inquiry into their financial doings.

<sup>18</sup> Partly as a result of the formulation of the indictment, defendants were partially acquitted on this point. Five defendants were also found guilty of participation in and/or leading a criminal organization. One of the defendants, Saban B., convicted for attempted murder and human trafficking, managed to escape to Turkey during parole granted to visit his newly born baby.

<sup>19</sup> This also had to do with the case itself, which encouraged investigations into individual suspects, rather than into the more general phenomenon of sexual exploitation and the underlying facilitators.

<sup>20</sup> While this situation has changed in cities such as Amsterdam and Alkmaar, human trafficking is still not considered a problem by many other Dutch towns. The National Rapporteur on Trafficking in Human Beings and Sexual Violence Against Children notes in a recent report: "Not all municipalities seem to realize the usefulness and necessity of pursuing a trafficking policy. Some local governments believe trafficking in human beings does not occur within their municipal boundaries. Recent cases, however, show that the phenomenon is widespread." See Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (2012), *Mensenhandel. Effectieve aanpak op gemeentelijk niveau. Lessen uit de praktijk*, The Hague: BNRM, p. 10.



<sup>21</sup> The actual name of the website has been changed.

<sup>22</sup> This special police team, or 'Team of the Future', is part of the National Police Services Agency (*Korps Landelijke Politiediensten*) and comprised of detectives developing and implementing innovative investigation methods, especially – but not only – in the fight against human trafficking.

<sup>23</sup> The court has not yet ruled on the legality of this method.

<sup>24</sup> See the information for hotels on illegal hotel prostitution available at the website of the Restaurant and Hotel Association, <[https://www.khn.nl/content-template/-/asset\\_publisher/qJ4e/content/tips-en-adviezen-bij-mensenhandel-en-illegale-prostitutie-in-hotels/](https://www.khn.nl/content-template/-/asset_publisher/qJ4e/content/tips-en-adviezen-bij-mensenhandel-en-illegale-prostitutie-in-hotels/)>.

<sup>25</sup> *Volkscrant* (2011), In actie tegen hotelprostitutie, 24 February. It should be mentioned that only 300 people, of the approximately 300,000 employees of hotels and 45,000 employees of restaurants in the Netherlands, received such training.

<sup>26</sup> Not necessarily implying that the women were trafficked, however.

<sup>27</sup> Examples of other signals include: 'single woman makes room reservation for multiple days', 'Eastern European looks', 'many men visiting one particular room', and 'display of lingerie or sex toys'. See the card with signals developed by the Dutch Hotel and Restaurant Association and the police.

<sup>28</sup> The actual name of the hotel has been changed.

<sup>29</sup> The actual names of the hotel and the international group have been changed.

<sup>30</sup> Usually, housekeeping staff are temporary workers from Eastern Europe, primarily Poland, who are only in the Netherlands for a short period of time and for the sole purpose of making money.

<sup>31</sup> See KLPD-NR (2012), *Factsheet – Pilot bestrijding illegale hotelprostitutie en mensenhandel*, August.

<sup>32</sup> Arly/KLPD-NR (2012), *Samenwerkingsverband Arly Schiphol Airport – Bevindingen participerende observatie*.

<sup>33</sup> See KLPD-NR Unit Randstad Noord (2012), *Factsheet - Borging van de bestrijding van hotelprostitutie*, November.

<sup>34</sup> *Nu.nl* (2012), Hotelketens ontslaan managers bij toelaten prostitutie, 7 September.

<sup>35</sup> Inspectie SZW, *Proces-verbaal Cornwall. Algemeen dossier*, Directie Opsporing, Kantoor Arnhem, Dossierno. 6640-2011-000295, p. 15.

<sup>36</sup> The actual name of the company has been changed.

<sup>37</sup> See a presentation by Gert Veurink, Ard Huisman and Dirk Peeters on the Cornwall investigation held at a meeting with the Philippine authorities in Manila.

<sup>38</sup> Called 'Vigilant'. A follow-up inspection took place in October 2012.

<sup>39</sup> Including the Royal Netherlands Marechaussee (KMar), the Social Security Information and Investigation Service (SIOD) and the non-governmental Coordination Centre for Human Trafficking (CoMensha).

<sup>40</sup> Expressing their anger in interviews or on the website of *Schuttevaer*, a key source of information for the inland shipping and maritime sector. See, for instance, *Schuttevaer* (2011), Justitie nog weken druk met "uitbuiting in de binnenvaart", 12 October.

<sup>41</sup> Even before the start of the Cornwall investigation, the Embassy decided to collect suspicious visa applications and other signals of human trafficking, which continued to grow throughout 2010, 2011 and 2012.

<sup>42</sup> This mentality was not limited to sector representatives: according to Steven Meijer, some water police officers posed similar questions.

<sup>43</sup> As victims often do not report to the police themselves, one objective of the innovative methods applied by the Public Prosecution Service and the police is to achieve a better identification of victims.

<sup>44</sup> Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (2012), *Mensenhandel in en uit beeld. Cijfermatige rapportage (2007-2011)*, The Hague: BNRM. See also Appendix 5.

<sup>45</sup> Imprisonment seldom lasts longer than 4 years; acquittal is usually due to lack of evidence. As a result, prosecution often does not represent a substantive risk for traffickers. Erecting barriers and weakening enablers may, however, help to revert the risk-reward equation for traffickers, that is, increasing the cost of their 'business.' See further Kara, S. (2010), *Sex Trafficking: Inside the Business of Modern Slavery*, New York: Columbia University Press.

<sup>46</sup> Thus highlighting the importance of international cooperation in the fight against human trafficking.

<sup>47</sup> Based on Van Gestel & Verhoeven (2009), p. 7; KLPD-DNR (2008), pp. 28-31.

<sup>48</sup> CoMensha (2012), *The Story of CoMensha. Annual Report 2011*, Amersfoort, pp. 11-14.