

# Flesh and Money

*trafficking in human beings*

Petrus C. van Duyne, Jon Spencer (eds.)



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# **The traded human body: The ultimate commercial option?**

*Petrus C. van Duyne and Jon Spencer*

## **Some historical roots**

The concept of trading in human beings is not an economic aberration. Historically the abolition of slavery is not so far behind that it allows us to speak of ‘grey history’, or that with which we have nothing to do. In 1863 slavery was abolished in the US and the Dutch colony of Surinam, the last slave exploiting states. Prior to 1863 slavery, which had a long and enduring history, was the reality of socio-economic relationships that allowed for the ownership of one person’s physical being by another. This meant that the ‘body’ had an economic value, but the owner of the body was allowed no autonomy over his or her own existence.

Such socio-economic relationships resulted in the ‘body’ being commodified and therefore available to be traded or used as collateral. For example, when one’s luck ran out or when one’s resources had been depleted, all that was left of value was one’s physical existence. Hence, debtors could become the legitimate slave of a creditor: they became a physical property either set to work for the new owner or traded off for money or another commodity. This custom became obsolete during the Middle Ages. Instead, bad debtors could be imprisoned and kept hostage, which ultimately implied that one exchanged one’s physical freedom, a body, against the sum money owed. However, this is not physical *ownership* but a measure to exert pressure on the debtor, which has been strictly regulated in the Civil Code.

In ancient times wars were also a source of slavery. This changed in the medieval warfare: warriors were captured to be traded trade against a ransom. The expectations about the potential ransom were decisive for life and death of the defeated: a noble ‘captured body’ had potential value; the humble

footman was slain without much ado as he had no economic value, other than as a slave.

War and debts were not the only causes of a body becoming a tradable commodity. There is evidence that capturing humans as a 'commodity' was not uncommon. Not only were the population of sub-Saharan Africa victimised by (indigenous) hunters but they were sold by their captors into the flourishing human slave trade to the Americas. In the 17<sup>th</sup> Century, entrepreneurial seamen of the Barbary coasts were pirates capturing ships and their (Christian) crew but additionally they also raided coastal villages in the Northern Mediterranean. They sailed even as far as Ireland to hunt for human booty. The Algerian historian Ahmed bin Mohammed Al-Maqqari speaks of a 'sea jihad' (Tinniswood, 2011). The trafficking in human beings found many justifications; it was religiously justified by Muslims and Christians alike on the grounds that those trafficked were non-believers.

By the 19<sup>th</sup> Century the idea of 'hard-core' slavery in the sense of legally *owning* a human person had become offensive to European sensibilities and so disappeared during the 19<sup>th</sup> Century with economic conditions and the tireless abolitionist zeal of Wilberforce (Simpson and Hill, 2008) hastening slavery's demise, first in the UK (1833: but with the exception "of the Territories in the Possession of the East India Company," the "Island of Ceylon," and "the Island of Saint Helena", to protect commercial interests). As remarked above, the Netherlands and the US were the last civilised modern countries to abolish slavery and its abolition was not economically unproblematic. For the plantation economies the freed slaves fled from the hated plantations leaving them unattended. Facing a serious labour shortage, the authorities of the colony needed to recruit contract-labourers from India and Java. Though these were legally free, they worked under conditions which did not much differ from the conditions of slavery. However, the one significant difference was that the plantation owners did not *own* the contract labourers, but they had direct jurisdiction over all they did. The plantation owners exercised what they viewed to be their implied right to punish the workers without resorting to the courts, for example, for breaking the very loosely interpreted labour contract. This exploitative, near-slavery, system, remained in force until abolition in 1947 (Gobardhan-Rambocus and Hassankhan, 1993).

However, the contract labour system was not limited solely to the Dutch colonies. Many modern developing countries used a system of luring the

destitute and desperate with all kinds of promises. Once arrived at the destination the promises were not kept: labour conditions and payment proved to be poor, legal protection against abuse absent and the terms of contracts unfulfilled. Indeed measured against our present standards this way of handling labour would, without a doubt, be considered as human trafficking. It is not difficult to find other historical examples of the movement of humans for their labour: the slave trading of Africans (Pope-Hennessy, 1967), the indentured labour to the US, or Russian farmers on the noble estates (Hoetzsch, 1973). So, what has changed? We think that there has been considerable change but within a context of continuity, so we witness the recurrence of similar patterns but within a contemporary context.

## **New Patterns**

In the waters east of Somalia the main intention of the pirates is to capture humans for ransom, comparable to the Barbary piracy. However, the Barbary corsairs operated from fortified towns with a proper administration, but the Somalian pirates now operate from a destitute country without a functioning administration and in waters that used to provide a proper livelihood before being emptied by western factory fishing boats. The international response is different too as in the 17<sup>th</sup> Century admirals from the seafaring nations were occasionally sent with a fleet of gunboats to the North African coast to sink private boats or bombard strongholds without any other ‘rule of engagement’ than that to liberate captured Europeans and hang the pirates (zu Monfield, 1971). Now there is little to bombard in Somalia while the jurisdiction over the captured pirates is uncertain and delicate, and an unpopular matter because of jurisprudence uncertainties.

As far as coveted – cheap – labour is concerned we meet old patterns in new contexts. Contract labour organised by nation states has disappeared and cross-border mobility has been curbed in a way which is incomparable to the 19<sup>th</sup> Century when passports, as an interstate instrument, were gradually being introduced. In Western Europe after the Second World War, the recruitment of foreign labour became a critical element in the post-war reconstruction. In particular between 1950 and 1970 tens of thousands of migrant workers from the Caribbean and Asia were encouraged to move to the UK and ‘gastarbeiter’ (guest workers) were recruited from the Maghreb countries and

Turkey for other European countries. This was a regulated inflow based on permits and licences and wages were supposed to fall under the normal labour conditions. However, with the 1980 recession, less foreign labour was required in the European labour markets. However, the supply from the low-wage countries, such as those in the Southern Mediterranean countries, remained high. This encouraged illegal mobility where new migrants found work in the poorly regulated economic sectors which still could employ (cheap and unrecorded) labour. Depending of the strictness of each country's border controls, on occasions some clever organisational skills were required to get people into the country of destination. Whether this movement of people illegally is be defined as 'organised crime' or human trafficking is elaborated in the chapters of this volume.

There is, of course, a gendered element to this labour mobility and this has been an enduring feature of migratory flows. For example, in the last decades of the 19<sup>th</sup> Century, and during the hyperinflation of the 1920s, and during the Great Depression (1929-1933), many unmarried German women migrated to neighbouring countries to find domestic work in households. The traditional good commercial relationships between Germany and the Netherlands meant that the Netherlands was popular destination country for such young women. Work was easy to find because of a shortage of young Dutch women prepared to undertake such work, for their preference was to work in factories instead of the low paid jobs under a bullying "lady of the house". However, for some young German women the experience proved to be not as anticipated and so some German female luck seekers engaged in prostitution in one of the big Dutch cities, particularly Rotterdam, as it was the main transit port to Germany (Henkes, 1995).<sup>1</sup> In our contemporary context this would be counted as human trafficking for sexual exploitation.

## **New contexts of human trafficking**

This leads us to ask if the context of 'human trafficking' has significantly changed over the years. One of the themes of this collection is that while there may be similarities in the patterns the context has changed substantially because of the increased scale. This approach is elaborated in the section of

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<sup>1</sup> [www.vijfdecuennmigratie.nl/dienstboden](http://www.vijfdecuennmigratie.nl/dienstboden). Accessed: 23-3-2011

this volume. Both the chapter of *B. de Ruyver, K. van Impe, and J. Meese* of the Ghent University and that of *K. Aromaa and M. Lehti* of HEUNI (Helsinki), argue that the supply side of women, whether or not voluntarily willing to provide sexual services in another country, has significantly increased. Historically, they argue, there has been a continual inflow of women from Africa (south of the Sahara), the Caribbean region and Southeast Asia. One of the outcomes of the change to the socio-political structure of Central-Eastern Europe after 1989 was increased migration, male and female, from the previous socialist countries of Eastern Europe. However, all writers note the importance of the social conditions in the home country as a push factor in migration. When reading the list of the origin countries it is like reading a rank order of low income countries, particularly concerning Eastern Europe. At the time these chapters were written (2001 and 2007) the low-income country list was headed by Moldavia (as it still is) where living standards and economic prospects provided the push for economic migration.

Aromaa and Lehti argue that many of the undocumented migrant workers are engaged in 'normal' labour. The economics of such labour is explored noting that cheap tomatoes in supermarkets may be picked by underpaid and badly housed undocumented migrants recruited by illegal labour intermediaries: the ubiquitous *koppelbaas* (Van Duyne and Houtzager 2005). This 'modern *lumpenproletariat*' may experience more consistent and extreme exploitation than those undocumented migrants engaged in the sex industry. So, not all of the organised smuggling of humans and not all of the luck seekers can be fitted into the definition of trafficking as defined in the Palermo protocol. The economics of migration no doubt result for many in misery but, not all of it stems from criminal activities or coerced sex-workers.

The cross border flow of migrants has not only its local roots in unemployment and lack of economic prospects but also in social upheaval caused by war or (violent) change of regime. An elaboration of this mixture of push factors is presented in the chapter of *Vesna Nikolić-Ristanović* who describes the situation of the Balkan region in the last decade of the 20<sup>th</sup> Century. There were many good reasons to leave the devastated and war torn 'economic pastures' of this region. On the other hand, there is also an inflow of women (and children) for sexual exploitation into the region itself (Nikolić *et al.*, 2004). However, the author also notes the pull factors, especially that in many destination countries the hidden economy had increased in size



(Schneider, 2003) thus providing a kind of economic ‘welcome’ or lure. For example, these economies placed an increased demand for workers both in the construction industry and the agricultural sector in Germany and Austria. The perennial market for sexual services continued unabated and as always there was a demand for ‘new faces and new flesh’. Statistics seem to lend support this assumption (Kangaspunta, 2004), despite the large range of uncertainty of official data (Di Nicola and Cauduro, 2007). Indeed, the mounting foreign supply of sex workers appeared to expand in the Balkan region as well as in Western Europe.

The attitude to the sex market remains a constant issue because at the least it is ambiguous if not incoherent. On the one hand, there is the official policy to decriminalise prostitution as a normal ‘craft’ or service. On the other hand, a negative attitude still prevails from which a strong official association is formed between ‘organised crime’ and ‘foreigners’, as observed in the first chapter by *Jon Spencer*. The author observes that the media play an important role in presenting an image of the sex market with sinister ‘organised crime’ figures when the more probable structure is of a criminal network of *ad hoc* cooperating entrepreneurs. The cross-border element naturally brings in the migrant as the ethnic ‘other’, particularly if they are constructed as the perpetrators of ‘trafficking’. From there it is a small step to the more threatening phenomenon: ‘transnational organised crime’. Though this imagery is to a large extent inappropriate, the authorities do not distance themselves from it. Instead, they endorse it as a means of emphasising sex work oriented migration as the usual pattern. This is reflected in the official language within which the underlying reality is described. This creates a distorted reality which is used to replace the daily and mundane on-going dealings of entrepreneurs with the deceived, exploited as well as fully self-conscious luck seekers.

## **Organised crime?**

Is the whole representation of human trafficking in general and women trafficking in particular a matter of a conceptual reconstruction of the facts to fit a popular organised crime imagery? The closing of the first section seems to hint at that. However, the next two chapters written respectively by *Miroslav Scheinost* and *Almir Maljević* seem to falsify this hypothesis. Scheinost

describes the illegal migration and human trafficking against the background of tumultuous changes at all societal levels which took place after the 'implosion' of the socialist regime. Informal and formal controls changed or partly disappeared, while the law enforcement agencies had to be reformed.

Let us first look at Scheinost's study of the Czech Republic. As a small country, the Czech authorities and population faced a substantial increase of cross-border mobility, of which a considerable part proved to be illegal. Most of this mobility was transitional with the richer EU Member States as destination countries. However, there was also a migratory flow into the Czech Republic thus leaving enough migrants, as far as the commercial sex service industry was concerned, to replace the indigenous sex workers who had taken the opportunity to migrate to other European countries. However, with increased border controls and the supervision of illegal/sex labour, the situation of individuals randomly roaming around seeking their luck could not continue. What the author suggests is a growth in organisations for recruiting, transporting and 'handling' young women, deceived about either the nature of their work or the conditions in which they have to work, to maintain the supply of new faces to the market.

Predictably, regions which are in a state of violent social and political upheaval are fertile breeding grounds for underground economic activities, whether consisting of prohibited commodities, services or migration of various kinds. While the situation in the Czech Republic was peaceful, the crumbling Yugoslavian state during the 1990s was a scene of war and crime (Glenny, 1999). The protracted war in Bosnia-Herzegovina can be considered as one of the culminating points of violent political disintegration of this region. After the Dayton Agreement (1994) the new federal state law enforcement agencies presented anything but a bulwark against crime while such agencies and other state institutions were plagued by widespread corruption. *Almir Maljević* depicts this disharmonious background against which to project female smuggling and trafficking arguing that: "Lack of unified political leadership, of harmonised criminal legislation, of state-wide law-enforcement agencies and of judicial and police cooperation" all contributed to the opportunities available for the illegal movement of people across borders (See Spencer *et al.*, 2010).

No surprise that crime-entrepreneurs took advantage of this situation, particularly in the illegal movement of people sector with 90% of the identified victims coming from Moldavia, Russia or the Ukraine. About two third were

recruited by friends or acquaintances. Of course, poverty and unemployment were important push factors, but these got only a decisive weight if combined with fractured families or other personal difficulties. The author argues that only a small minority were aware of being recruited for sex work with approximately one third of the women being subjected to physical violence. However, more than a quarter declared to receive friendly treatment and a decrease in personal violence and better treatment correlated with less complaints to the police which may or may not, falsely, indicate less trafficking. The popular myth that foreign peace keeping forces create a market for sexual services appears refuted when near to 80% of the sex workers' clients were local.

A lively description of local as well as of Europe wide sex service organisations is given in the chapter on prostitution in Bulgaria by *Philip Gounev, Tihomir Bezlov and Georgi Petrunov*. The findings of their research reflect the cross-border complexities of the recently emerged Bulgarian sex industry. It developed from a virtually non-existent, or a denied, sex market to an internationally extensively varied sexual services industry. The push factors of unemployment, destitution, fractured families recur here. But that is not the whole story as a climate of more liberal attitudes to sex means that voluntary entry into the sex market is no longer an exception. This implies that not all engagements in the sexual service industry are to be considered as tantamount to victimisation, unless one equates commercial sex *per se* with victimhood.

The study of the Bulgarian sex market indicates that elaborate organisations succeed in maintaining control over the market. What have to be controlled are the various layers of the market, from sex-workers with their pimps at the lowest level to club managers employing 'elite' sex workers. The sex business in Bulgaria has to proceed smoothly and efficiently. For example, it has to follow the rhythm of the tourist seasons: from ski resort in winter to the seaside resorts in summer and back again. According to the authors, this market management ranges from the one-man entrepreneur/pimp supervising his whole business, to hierarchical organised enterprises, supervising various levels of the chain of the business at a distance. Such enterprises are usually considered 'real' organised crime which exist alongside a multitude of enterprises which hardly merit this qualification.

## **Informal Economy**

In describing human trafficking as embedded in an informal economy, Vesna Nikolić-Ristanović takes us to Serbia after the last Balkan wars at the beginning of this Century. It is a country, socially and economically still licking its wounds, while many try to eke out a meagre living in the informal or even ‘underground’, criminal economy. In such an economy switching from informal (but not prohibited) to underground criminal enterprises is not a big step. Some may not even perceive it as such or find sufficient rationalisations to salve their conscience. Of course, the war has contributed to what the author calls ‘structural victimisation’ which induces people to criminalise themselves. While engaging in the criminal migration business, whether human trafficking or just smuggling people over the borders, a division of labour and leadership developed: guiding migrants over the frontier, organising hiding places, taking care of transport and on top of this overseeing the whole procedure. In short, a form of ‘organisation of crime’, which provides the needed income to impoverished households. Whether the schoolboy who guides migrants over the border for € 25 should be considered as a victim, as the author suggests, is a matter of evaluation. We would not blame the kid for thinking differently and for looking forward to a regular flow of ‘victims’ who need to be guided over the mountains or through the woods. Indeed, who is victim?

While the previous chapters provide a human trafficking picture of three Balkan countries, the following chapter by *Anna Markovska* and *Colleen Moore* elaborates two widely removed countries: The UK and the Ukraine. We may oversee the connection if we neglect the fact that one country delivers the ‘victims’ or luck-seekers while the other is for many the coveted destination, even if Ukrainian women may also choose perhaps the less rewarding Sarajevo brothel as we have seen in the chapter on trafficking in Bosnia. Apart from that, the situation is different because the Ukrainian victims have to cope with a criminal law system they have reason not to trust. In the UK it is argued the situation is different because there can be trust in the legal system as the Courts are functioning without the reputation of corruption. Nevertheless, conviction rates in the UK are equally low, which may indicate that victims who are required to function as witnesses do not invest much trust in the UK authorities either, particularly law enforcement officers. This reluctance to trust is due to law enforcement professionals lacking the skills in

dealing with such victims and lacking experience as well as prejudice against the victims.

The previously noted incoherent mixture of conflicting notions recur again: the 'foreignness' of the victims, the incomprehensible 'voluntary' status of some of them, because sex workers are assumed to be forced into their victimhood, the view of the perpetrator as the 'folk devil' or the rational calculating criminal actor, the 'incarnation of evil', when for many their role was confined to that of travel agent. Add to this the usually inflated statistics plus the organised crime imagery and we have the ingredients for a moral panic which is focussed on 'big crime' while neglecting the undercurrent of the informal/underground economy of this sector.

Moral panic subverts open-minded observations and creates a distance between 'the righteous' citizen and the to-be-rescued victims. Often victims of so-called sexual trafficking have a different opinion about how to further their own interests, being quite aware that this is matter of *their* 'flesh and money' from which they do not want to be rescued. Given that their choices are the less attractive economic options, they do not perceive themselves as 'fallen women' but exploit the commercial opportunities with which they are presented, sometimes with daring perseverance and spirit. This is described by *Dina Siegel* who recounts the 'adventurous' ways in which Russian women try to enter the Israeli sex market. Clearly these enterprising women challenge the prevalent victim image in skilfully circumventing the visa barriers against their entry in Israel: they do not enter Israel directly but take their way through Egypt and then through the Sinai desert to be smuggled into Israel. Why this detour?

The answer lies again in the difference of perception: for the Israeli Customs officer at the airport an unaccompanied Russian woman is a suspicious prostitute, while in Egypt she is a tourist bringing in money. And in Egypt she can be tourist as well as sex worker (earning back the travel expenses) or (subsequently) find contacts for a smuggling route with Bedouins through the desert. This is facilitated through contacts of acquaintances that preceded her. The Bedouins who have at least one side-business consisting of smuggling commodities into Israel are amenable to extra income with human smuggling. They can spend their small windfall on increasing their prestige by buying/marrying more women, which is their way of laundering money (as there is no Egyptian FIU which will monitor 'suspicious' marriages to check for laundering). This side-business does not exclude 'hardcore' trafficking but

demonstrates the variety of structures. There is also most certainly for some women hardship or a social or economic tragedy behind their rational choices.

So the market of ‘flesh and money’ is not only filled with ‘tears and tragedy’. While recognising the misery and debasement of human dignity, the last chapter by *Jon Spencer* makes clear that the imagery is to a large extent determined by those stakeholders or ‘problem owners’ who define the problems – often to their own moral satisfaction or to further their bureaucratic status. Often times these definers are the ones who provide victims with access to support or who enforce the law, and this is not always the same. He argues that the process of defining is not a one-dimensional process, because other interests and agendas tend to interfere and one of these agenda issues is ‘organised crime’.

Though the chapters in this volume have provided sufficient examples of the organisation of voluntary as well as forced ‘sex service mobility’, one-man enterprises next to hierarchical structures, drawing in the ‘organised crime’ theme encourages the use of a whole range myths surrounding such an activity. The problem with the focus on organised crime is that it fails to bring clarity to what is a complex and multilayered issue. What the focus on organised crime does achieve is to move the illegal movement of people across borders and commercial sex enterprises to a higher political priority. In addition, it pretends a semblance of ‘understanding’ that something more serious is going on than just the basic predicate offences. The latter can range from ‘travel services’ (forged papers, addresses for the migrant) to providing brothels as intended places to work. Sometimes, and more seriously, this is clearly against the will of the imported sex-workers or the work must be done under dire and humiliating conditions they would never have accepted when they were recruited. However, compounding these various services with the qualification of ‘organised crime’ leads to an illogical composition of different dimension.

There is evidence in this collection that we should view ‘human trafficking’ differently and ask searching questions. If we understand it as organising the movement of people illegally and legally across borders we can conceptualise it as a form of management. We may also have to accept that, as indicated again in this collection, that such an activity does not necessarily lead to more harm and it can even result in less harm. The people movers want to ensure

that the person is moved efficiently over the border without delay or accidents because this minimises their risk of apprehension. Brothel keepers want to run an efficiently managed brothel as it is more profitable and is likely to be appreciated by the women and the men who look for such a service. And what of violent coercion, particularly exerted against the weaker female victims? There is no doubt that some women are subjected to horrendous levels of personal violence by some of the ‘traffickers’ but this is not necessarily the norm. Running a crime-enterprise with violence is rarely a sign of good management: it often leads to the undoing of the entrepreneur and in his chapter Almir Maljević observes that many sex workers were treated decently by their ‘owners’, resulting in less complaints and criminal cases and so increased profits, satisfied customers and satisfied workers. Such an approach does not suggest a lack of organisations but rather that those involved realised what their trade is all about and that essentially organising illegal commercial sex services is about ‘flesh and money’

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“Cross-border mobility of people in Europe continues to worry the authorities, particularly when this leads to illegality and the exploitation of people, whether in the sex service, construction industry or agriculture. Much of the mobility concerns human trafficking, often women smuggled over the borders for exploitation in the sex industry. However, not all sex workers are dragged into the sex service industry against their will. Even if it is only an economic option of last resort, for many women it is a real (temporary) job for which they are prepared to be smuggled under dangerous condition. This can even imply being smuggled by Bedouins on a camel through the desert into Israel. Other girls get in the grip of Bulgarian organised crime syndicates which stretch their control over their European sex lines from the streets in Sofia to top brothels for elite prostitutes in Berlin and London.

This volume contains the reports and studies of expert European researchers in the field of human trafficking. It covers a decade of trafficking and law enforcement in which the effects of globalisation are still being felt by those who are forced into debasing working conditions or roam around in the European continent looking for a better existence.”



CROSS-BORDER CRIME  
COLLOQUIUM

MANCHESTER  
1824

