



**The Paradox of Dutch Anti-Trafficking Policy:
An Ethnographic Approach to how the B8 Scheme is
Placing Foreign Survivors of Human Trafficking in a
Perilous Situation**

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List of Acronyms

In order of appearance:

ISS	Institute of Social Studies
IND	<i>Immigratie en Naturalisatie Dienst</i> (Immigration and Naturalisation Service)
GRETA	Group of Experts on Action against Trafficking in Human Beings
INTERVICT	International Victimology Institute Tilburg
OM	<i>Openbaar Ministerie</i> (Public Prosecution)
DT&V	<i>Dienst Terugkeer en Vertrek</i> (Repatriation and Departure Service)
EU	European Union
VVD	<i>Volkspartij voor Vrijheid en Democratie</i> (People's Party for Freedom and Democracy)
CDA	<i>Christen Democratisch Àppel</i> (Christian Democratic Appeal)
PVV	<i>Partij Voor de Vrijheid</i> (Party for Freedom)
ROS	<i>Rotterdams Ongedocumenteerden Steunpunt</i> (Fulcrum for Ondocumented Persons in Rotterdam)
NGO	Non-Governmental Organisation
SOMIK	<i>Stichting Opvang voor Mensen in Knelsituaties</i> (Foundation for Persons in Difficult Situations)
CoMensha	Coördinatiecentrum Mensenhandel (Coordination Centre for Human Trafficking)
PMW	<i>Prostitutie Maatschappelijk Werk</i> (Prostitution Social Work)
BNRM	<i>Bureau Nationaal Rapporteur Mensenhandel</i> (Bureau for the National Reporter of Human Trafficking)

Abstract

There are foreign women in the Netherlands who are vulnerable because they are survivors of human trafficking. They have often been traumatised by their experiences, cannot go back to their country of origin, and require help. However, current Dutch policy is putting them in an even more vulnerable situation, as policy is focused more on the security of the state than the security of the survivor. As soon as a survivor is not qualified as a victim, they are labelled as an illegal immigrant who needs to be repatriated. There are persons who have been exploited during the migration process who need help. Right now help is not based on what these survivors need, but on what the state needs. This research paper will use an ethnographic approach to look at the mechanisms and the implications thereof on particular survivors; to how they are being put in this more vulnerable, and so perilous, situation. It is paradoxical, as Dutch anti-trafficking policy is actually harming survivors of human trafficking.

Relevance to Development Studies

It is a common misconception that development only takes place in developing countries, and that developed countries do not need to develop anymore. The Netherlands is counted as a developed country, and is recognised worldwide as one of the leaders in the international field of human rights. Yet on a national level there seem to be quite some problematic policies concerning immigration and survivors of human trafficking which need to be put under a critical loop. It is an issue of social justice.

Keywords

Human trafficking, Dutch anti-trafficking policy, Dutch immigration policy, Victim/criminal paradigm, Ethnographic, NGOs

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Chapter 1 Introduction



(Figure 1) "This is the front door."¹

1.1 Introduction & Research Question

There are foreign women in the Netherlands who are vulnerable because they are survivors of human trafficking. They have often been traumatised by their experiences, cannot go back to their country of origin, and require help. However, current Dutch policy is putting them in an even more vulnerable situation, as policy is focused more on the security of the state than the security of the survivor. As soon as a survivor is not qualified as a victim, they are labelled as an illegal immigrant who needs to be repatriated. There are persons who have been exploited during the migration process who need help. Right now help is not based on what these survivors need, but on what the state needs. This research paper will use an ethnographic approach to look at the mechanisms and the implications thereof on particular survivors; to how they are being put in this more vulnerable, and so perilous, situation. It is paradoxical, as Dutch anti-trafficking policy is actually harming survivors of human trafficking.

The word 'perilous' is chosen as it is defined as full of danger or risk, and is often used in a context of a journey. For example: "A perilous journey

¹ The pictures inserted at the beginning of each chapter are taken by the survivors of human trafficking who participated in the participatory photography method of interviewing outlined in the chapter dedicated to methodology: Chapter 4. The pictures do not always necessarily correlate with the chapter.

through the mountains; a perilous journey down south." Survivors of human trafficking are also in a route of migration, a journey. The antonyms are safe and secure.

It seems Dutch policy is placing survivors of human trafficking in a perilous situation: but how exactly does it do this? And what kind of implications does this have on the survivors who are impacted by Dutch policy?

Therefore, the main research question I will aim to answer in this research is:

**HOW DOES DUTCH POLICY CONCERNING FOREIGN
SURVIVORS OF HUMAN TRAFFICKING REPRODUCE
EXISTING DICHOTOMIES,
AND HOW DOES THIS PLACE MANY OF THESE
SURVIVORS IN A PERILOUS SITUATION?**

1.2 Grace: Introducing the B8 Scheme

A Nigerian woman by the name of Grace, came to the Netherlands to work as au pair. Upon arrival however her passport and belongings were confiscated from her. Those who had posed to give her a job as au pair turned out to be traffickers. She was locked up in a room in The Hague and exploited for sex. Three weeks had passed and Grace grabbed the opportunity to escape. She approached a woman on the street standing by her car and rode with her to a police station in Groningen. There she was questioned. She did not have many details concerning her entrapment and escape. She only had a name of one of the perpetrators, which most likely was not his real name. She did not even have a house number. The police inquired about the time she fled, to which she replied around five. But because she arrived in Groningen at six, the police found her story to be unconvincing as Groningen is a far drive from The Hague. Grace did not have a watch to at any occasion to make note of the time. It was here that she applied for a temporary residence permit given to survivors of human trafficking. Her temporary residence permit was revoked on the ground of there being too many discrepancies and lack of evidence in her story. She hereby also lost her right to shelter and help, and was notified that she had 28 days to leave the country. When Grace heard this she went into psychosis. The reason Grace went into a psychosis is because she is afraid to go back home to Nigeria. She is afraid of the reprisals of her traffickers and of her community, who claim they will cut off her breasts because of her past in prostitution.

This temporary residence permit Grace applied for is known as the B8 scheme². As part of the Vreemdelingenwet (Dutch immigration law), the permit is granted to witnesses or survivors of human trafficking who are not in possession of legal documents to stay in the Netherlands. It is the only piece of

² During the course of this research paper, the B8 will be referred to as the B8 scheme, the B8 procedure, the B8 regulation, etc. To avoid confusion, it is important to note that the B8 is indeed a scheme which encompasses a set of practices. It is a procedure connected to policies, laws and regulations.

legislation specifically for undocumented survivors of human trafficking. With this residency status, all of the doors are opened to trajectories which provide help. Victims or witnesses of human trafficking can report the case to the police after which the IND (Immigration and Naturalisation Service) gives the victim or witness a temporary residence permit for the duration of the investigation and/or the prosecution. The permit is on the basis of temporary humanitarian ground (Vreemdelingen-circulaire, 2000). The catch however is that the regulation is constructed specifically to keep survivors in the Netherlands to aid in the persecution of the trafficker. This has also been explicitly stated by the previous Minister of Justice, Teeven explained that the primary goal of the residence arrangement within the B8 is that the victim is available for trial (Teeven, 2014: p3). As soon as a case is shelved, which is usually due to lack of substantial information, the residency permit is revoked. Moreover, even if a case is successful, and the trafficker(s) is/are convicted, the permit ends as well. Either way, aid is cut off and the survivor faces repatriation.

The first issue of the B8 arises here: Because the condition of participating in the persecution of the trafficker is attached to the regulation, it is a criminal approach. The focus is on the judicial procedure, not on the survivor. This has already been commented on by international and national bodies like INTERVICT (International Victimology Institute Tilburg) and GRETA (the human trafficking expert committee of the Council of Europe). They have all advised not to let the protection and help of survivors be dependent on the investigation and prosecution (Teeven, 2014: p4; Dijk, 2009). Despite this, the EU directive 2004/81/EG and the Convention of the Council of Europe to combat human trafficking leaves enough room to maintain this link (Teeven, 2014: p4).

This is problematic as survivors of human trafficking, like Grace, want to stay in the Netherlands for particular reasons. Many survivors of human trafficking cannot call their homeland home anymore. Often family has been involved in their trafficking, or the trafficking networks will find them again. Shame can also play a big role as well as survivors often left to earn money for the community they live in, and do not want to return empty-handed or with a story of prostitution. One has to keep in mind that many of the cultures trafficking survivors come from are based on shame and honour. At the end of the day, if a trafficking survivor were to return to their country of origin, they would return to the same situation which drove them into trafficking in the first place.

Research indicates re-trafficking is a serious issue as a consequence of repatriation (Shelley, 2010: p215). Organisations like La Strada have approximated half of their identified victims of human trafficking to have been re-trafficked after repatriation (Shelley, 2010: p215). Of course there are safe-return projects but their success is quite debatable. Some researchers argue that survivors are limited and restricted in assistance programs due to their being pathologised for migrating and entering prostitution (Brunovskis, 2008). Others argue that there simply are no long-term community-based approaches and real livelihood alternatives (Lisborg, 2009: p2).

In theory, the B8 provides an opportunity for survivors like Grace to stay in the Netherlands and receive help to overcome their trauma, even if it is temporarily. Unfortunately research has indicated that this looks different in

practice. On the contrary, it is national policy to explicitly discourage survivors to stay (Dutch Federation of Shelters, 2014).

The amount of persons applying to the B8 regulation had increased over the years (in 2011 it was estimated to be 400). This is because registration and access has been made easier, and the Dutch government has intensified their trafficking approach. However, the rise in applicants combined with requests with no or barely any prosecution prospects led to suspicions of misuse with parties directly involved in the execution of the B8. Those directly involved are the IND, OM (Public Prosecution Service), DT&V (Repatriation and Departure Service), and the police. To decrease the chances of abuse, shorten procedures, and with that shorten the stay of a survivor in the Netherlands, the previous cabinet, also known as the 'First Rutte' cabinet, had introduced to revoke the residence permit as soon as a case is shelved (Regioplan, 2013: p23, p78).

1.3 Dutch Political Context: Introducing the Dichotomies

Since the Maastricht Treaty in 1992, Europe has opened its borders to each other for people and goods to travel uninhibited. Along with the Schengen and Dublin Conventions, immigration policies tightened their grip by "sanctioning the militarisation of external borders, the immediate expulsion of illegal migrants, or their temporary custody in detention camps. Within 'Fortress Europe' questions of asylum and migration became a matter of 'security' more than human rights and citizenship" (Giordano, 2008: p592).

It was the 14th of October, 2010, when the 'First Rutte' cabinet was instated in the Netherlands. This coalition is made up of the People's Party for Freedom and Democracy (VVD) and the Christian Democratic Appeal (CDA). The centre-right coalition is supported by the Party for Freedom (PVV). The PVV is notorious for its leader Geert Wilders, who is famous for his anti-Islam and anti-immigration plights. To gain the majority of the votes, the coalition needed the PVV (Staring, 2012).

The PVV and its leader have taken the limelight in debates, both in and outside of Parliament, about freedom of speech, freedom of religion, immigration and integration (Olujic, 2011). "Wilders even used the court as a public stage where he [was] being prosecuted for discrimination and inciting hate against Muslims and Islam" (Olujic, 2011; p2).

In the coalition agreement constituted at the beginning of their run the upcoming approach to immigration was covered with antecedents of harsher immigration and integration policies. Work and marriage immigration, integration and attaining a Dutch nationality was made more difficult with extra restrictive and demanding legislation (Olujic, 2011). There were debates about the criminalisation of illegal stay which was announced by the state early July 2012, "Illegal stay will be discouraged by criminalising it and, in addition, it should contribute to the fight against organised crime. Human trafficking and the abuse of residence regulations by victims of human trafficking will be dealt with more severely" (Staring, 2012; p60). However, the law was not put

through, but according to a press release of the minister of Immigration and Asylum, “illegal stay will be labelled as a misdemeanour and not as an offence, meaning that apprehended undocumented aliens can be fined and incarcerated in anticipation of deportation” (Staring, 2012; p69).

An increasing overlap has developed between fighting human trafficking and controlling irregular immigration in Dutch policy. The chance of being arrested or reported raises the threshold for survivors to report their incidence of human trafficking to the police as survivors will not only be treated as a *victim*, but also as a potential *criminal* (Staring, 2012). This is an introduction to the ‘dividing practices’ taking place in Dutch policy which objectivise the survivor.

Three dichotomies have been produced in the case of the B8 and the Dutch context. Firstly, the victims are divided from the criminals/“illegal” immigrants³—victim versus criminal/illegal immigrant dichotomy. Secondly, this means state security has been raised above human security—state security versus human security dichotomy. Thirdly, the deserving of help are separated from the undeserving on the basis of being a non-national and not receiving citizenship—deserving versus undeserving dichotomy. The B8 scheme, which works with this dichotomous logic, creates a perilous situation for the survivors. The survivors are objectivised as they are divided from others, just as happens in the divisions between “the mad and the sane, the sick and the healthy, the criminals and the good boys” (Foucault, 1982: p777)⁴.

1.4 Problem Statement & Relevance

What I see in practice is vulnerable women enter the B8 trajectory, and coming out even more vulnerable. First of all, the B8 has become so strict and coloured by suspicion that actual victims of human trafficking are filtered out during various testing points in the procedure of the B8 scheme, as they are not signalled or identified as victims (Lettinga, 2013: p16). However, even when a person is acknowledged as a victim of trafficking, the survivor does not receive a permanent residence permit anyway. The discourse of “misusing” the scheme is problematic to begin with. The problem is people who need help are not getting help, at least not based on what they need.

My personal interest to write this research paper is that I work with a non-governmental organisation called 2BFree who helps survivors of human trafficking, no matter what their legal or illegal status is. We deal a lot with the B8 regulation and find that many of those under our wing cannot be helped due to lack of evidence or ambiguities in their story. I personally know these survi-

³ “Illegal” has been put in quotation marks as in essence the survivors have not done anything wrong, it is the state who declares them illegal. They simply crossed a territory, often even by force, which is marked by a state as a border.

⁴ Foucault’s idea of ‘dividing practices’ will not be elaborated on in the course of this paper, it is merely to indicate that the division creates a process of objectivisation.

vors, like Grace, through working with this organisation. The Dutch government wants to send them back to their country of origin, but they literally rather stay under a bridge or go back into prostitution than return. This is something which needs to be taken under the loop.

1.5 An Ethnographic Approach

To illustrate the full picture of ‘perilousness’ and the effects of the B8 scheme’s procedure on the survivors, I would have to systematically follow all the all of the survivors from the moment their case is reported to their life after repatriation. However, I am not able to do this as I am limited due to lack of means and time: I cannot follow the survivors who are repatriated; I cannot follow the women into illegality. Therefore this research will have an ethnographic approach, meaning a particular population is looked at in detail from their perspective, and the perspective of persons who have a close relationship with them. This also means I will not be testing a hypothesis, but rather induce from a collection of descriptive details general patterns or explanatory theories. These will be accumulated in the form of interviews taped and later transcribed to avoid interruptions by the act of note-taking. This data is complemented by secondary research and document analysis.

What I can provide is a small sample of women who were willing to participate in this research, and who are in the very end of the B8 procedure, or are already undocumented. I can document part of the lives of these women in their precarious situation. This means I can only show the effect of the scheme on a particular population. This small percentage of the population is situated in Rotterdam and is in the last section of the B8 procedure, or have already finished, meaning they are already undocumented, or are about to become undocumented.

To compliment this, I also look at the procedure through the eyes of the social workers who are in close relationship to the women. From my experience at 2BFree I found that there are women who have been so traumatised by their past and by the procedure that they are not able or wanting to participate in an interview with me. It can be re-traumatising for the women to talk about their experience, a risk I do not want to take. For example, one of the survivors is still recovering from a psychosis and does not want to be interviewed by me. Another survivor, I did not even ask as she has lost her voice because of the stress she is experiencing. For most of the survivors the procedures are still very fresh. These “type” of survivors, those who have been very traumatised, tend to only trust an extremely little amount of people. The survivor who lost her voice, she only really trusts one person: the social worker who has been assigned to her case. Hence, the social worker’s experiences are essential to this research.

In the course of this paper, I will first clarify the B8 procedure and faults that have already been found by other researchers. Then the existing objectivising dichotomies which the policy re-produces will be looked at in detail. After this the methodology I used to conduct the interviews with survivors of trafficking and social workers who are in close relation with survivors of trafficking will be explicated. This will be followed by my findings and analysis thereof, after which this research paper will be concluded.

Chapter 2 The B8 Scheme



(Figure 2) *“I came here. I said I am a woman and I come from the street. They gave me tea, I sat on the couch, they told me it was okay. They checked and I was allowed to stay. I was allowed to rest.”*

2.1 Defining ‘Human Trafficking’ According to the B8

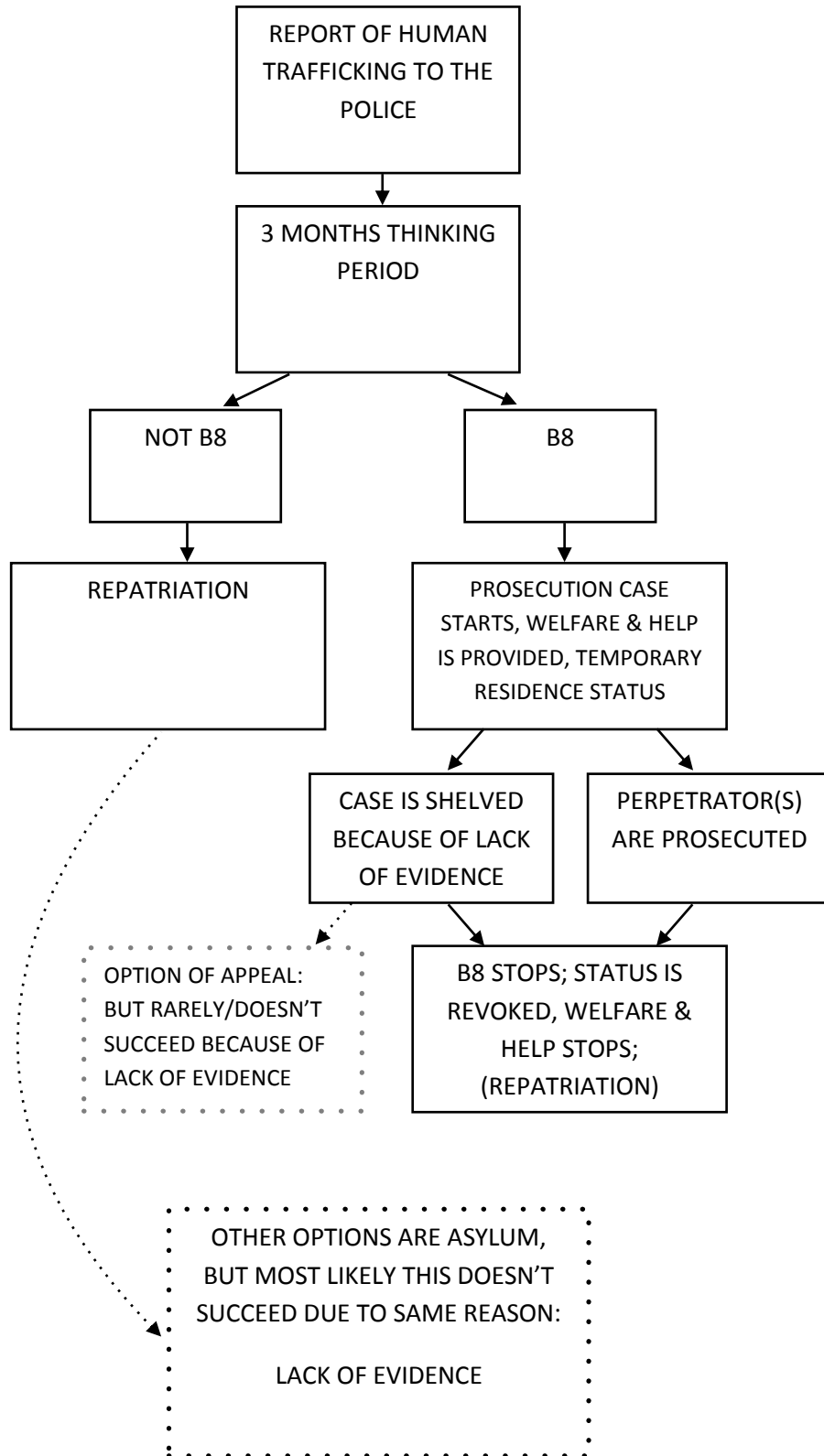
The B8 uses the definition of human trafficking as noted in the United Nations Palermo Protocol 2000:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

It is necessary to define human trafficking due to discussions surrounding the matter concerning the thin line between human trafficking and smuggling. A critique which has been given on the Palermo definition is that the focus of the definition is on the movement of the person, rather than the exploitation (Shelley, 2010). In practice this means that if a person is smuggled and exploited, smuggling can trump exploitation. This happens in the case of Dutch policy as will be explained further on in this paper. It should not matter if a person was smuggled or trafficked, what is of importance is that the person was exploited, and therefore deprived of their human rights.

2.2 Outline of the B8

To clearly illustrate the B8 procedure I drew a diagram outlining the process the survivor goes through:



The first stage is that the trafficking survivor reports themselves or is reported to the police. The police is responsible for registering the survivor. As soon as this happens the survivor gets a period of three months to think about whether they want to take part in the prosecution of their traffickers. During this time the survivor does not get a formal residence permit, it is simply an abeyance of repatriation. The survivor does have the permission to stay in the Netherlands, and they can make a claim to welfare and health insurance. The police reports the granting of the ‘thinking period’ to the IND and DT&V. On top of this, the police or CoMensha organises shelter if necessary for the survivor. During this period the survivor is not allowed to work. The thinking period ends as soon as the survivor leaves the shelter, presents to not want to cooperate in the prosecution, or to cooperate (Vreemdelingscirculaire, 2000; Regioplan, 2013).

The survivor declaring that they want to cooperate in the prosecution case is seen as the official request of the B8. The research into creating a prosecution case starts.

If a case is successful in its prosecution of the trafficker or if a case is shelved (usually because of lack of evidence), the survivor can request an extension of their residence by applying for the B16 on humanitarian grounds (Vreemdelingscirculaire, 2000). However, these rarely lead to a positive case, as till now the identification of a ‘victim’ is attached to the prosecution of the perpetrator, in practice only the situation in the country of origin plays a role in the assessment (Lenferink, 2015: p14).

2.3 Faults in the B8

INTERVICT, a Dutch victimology research institute, critically looked at the B8 procedure and found several faults (Dijk, 2009). These faults are directly related to how the procedure puts survivors of human trafficking in a more perilous situation, and are found by other researches as well (Mierlo, 2009; Regioplan, 2013; BNRM, 2012). The faults they found are the following:

- The first point of contact with is the police: many of the survivors lack trust in the police due to experiences in their home country. Also, they are afraid of detention and repatriation if contacting the police.
- Despite the reflection period in theory being a time of rest, in practice it is a hectic period because shelter needs to be arranged, there is often moving around, and survivors are often contacted by the police for hearings and interrogations. Survivors have to appear at hearings more often. There are often signs of downturn when survivors have been in contact with police or OM: especially traumatising is when they are picked up in a police van and have to wait in a cell before the conversations take place.
- Insecurity about the residence permit creates stress for the survivor.
- There is a lack of attention to cultural diversity. There has been constituted a Western perspective on trauma and trauma relief. In other cultures these can take place in a different manner.
- There is no victim recognition.

- As soon as the judicial prosecution case is finished or shelved, all help is also terminated. Survivors are put on the street when the B8 ends.

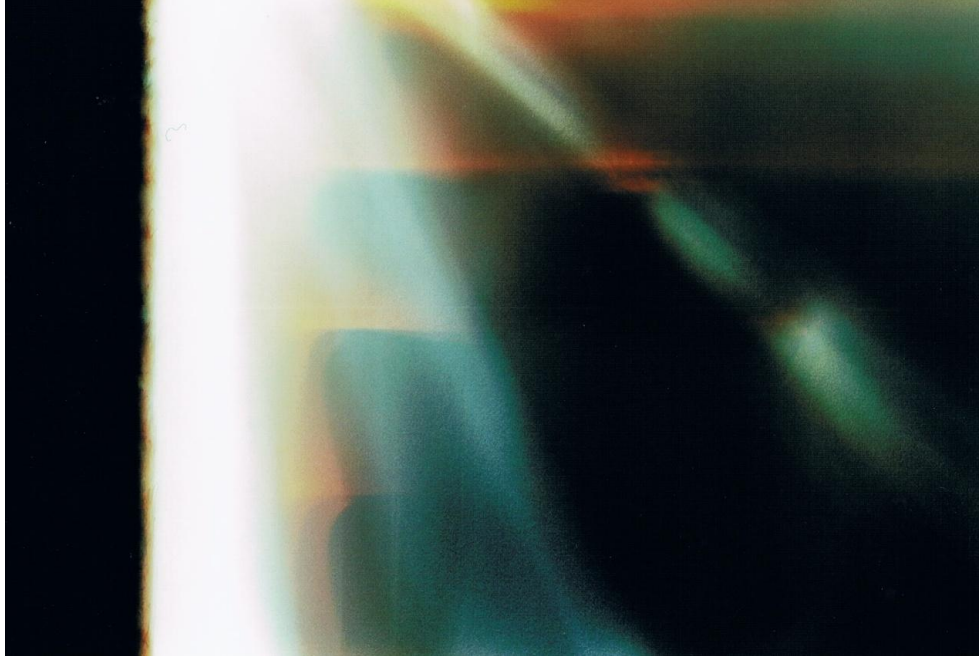
2.3.1 Suspicions of Misuse

Another important fault in the B8 which has been constituted is the suspicion of misuse. This is a fault which will be looked at in more detail, as basis and context for explaining the dichotomies and the implications they have on the survivor. Regioplan carried out a research in 2011, requested by the Ministry of Security and Justice, on possible misuse of the residence permit for trafficking survivors. They stressed in their report that actual misuse, a false declaration, has only been officially recorded in very few cases. Officials therefore speak of “gut feelings,” “an unlikely trafficking story,” “declarations without prosecution possibilities,” and “a hopeless case” (Regioplan, 2013: p25).

The research found that their suspicions of the story are fuelled by three factors: the story, the survivor, and the survivor’s circumstances. Features of the story include a lack of details, a lack of uniqueness, and a lack of consistency. These details can be, for example, that the survivor barely remembers anything about the perpetrator, the route that they took, or the sexual acts they had to perform (Regioplan, 2013: p26-27). It was also found that the applicant’s behaviour can lead to doubts of the veracity of the story. This can have to do with the intuition feeling a person brings up. However, it was emphasised that these factors are not considered as important indicators of a possible “untrue” story (Regioplan, 2013: p27). What was remarkable was that suspicions of misuse arose most often in West-African applicants. This is apparently because West-African reports often have less prosecution prospects, and a greater lack in details and uniqueness (Regioplan, 2013: p30). Other factors which fuel suspicions are features of the survivor’s circumstances surrounding the time and method of reporting. This can be that a person requests the B8 after another residency procedure has been closed (Regioplan, 2013: p28).

The conclusion of the report was that there cannot be created a measurement tool to measure the probability of misuse. They came to this conclusion as from interviews with social workers they found that all of the suspicions could be clarified and ruled off when looking at the perspective of the survivor. These include the roles of the lack of trust in the government; trauma and psychological complaints; culture and language; and fear and shame (Regioplan, 2013: p73). The Nationaal Rapporteur Mensenhandel investigated into all of the IND’s cases and also found that the suspicions of misuse are not supported by statistics (BNRM, 2012: p32).

Chapter 3 Analytical Framework: The Dichotomies



(Figure 3) *“I feel free when I am riding my bike.”*

This was supposed to be a picture of her bike.

As mentioned earlier, there are three dominant dichotomies produced in the Dutch anti-trafficking and anti-immigration policy

1. Victim versus criminal/illegal immigrant: the survivor is placed into a category which defines them, either victim or “illegal” immigrant. Based on this it is decided whether they receive a temporary residence permit, and therefore help.
2. State security versus human security: zooms out more to how and why Dutch policy does this, why and how the state places state security above human security as a policy choice.
3. Deserving versus undeserving: zooms out even more and reflects on how Dutch politics is coloured by anti-immigration discourse. It will be argued that this is a reflection of Dutch society who has voted for certain parties representing certain views. The “deserving” are filtered out on the basis of nationality.

3.1 Victim versus Criminal/Illegal Immigrant Dichotomy: The Identity of the Survivor

Researchers and activists have given rise to debates concerning the categorisation of the trafficking survivor into either the victim or the criminal/illegal immigrant category. This dichotomy has overtaken policy approaches dealing with their status and presence in a country (Crowhurst, 2012). The picture of the victim seems to have been sketched out and posted up for wanted. If a

survivor fits this sketch, they are qualified for help; if they do not fit the sketch, they are labelled as an “illegal” immigrant (Staring, 2012). The victim is preferably not supposed to have had any agency in their path towards victimhood. In a research carried out in the United States, it was found that “officials subscribe overtly or covertly to unhelpful myths about the nature of victims and criminals” (Haynes, 2007: p349).

Haynes argues that through the law enforcement filter, the survivor of human trafficking can be seen as a criminal when they do “not fit into the expected mold of being rescued after being found chained to a bed in a brothel” (2007: p349). A Dutch research looking at the rise of suspicion of misuse of the B8 scheme found that those survivors who reported themselves were more likely to be suspected of misusing the B8 scheme. A respondent of the OM pointed to persons who arrive at Schiphol airport and report themselves as survivor of human trafficking, but do not have any guaranteed residency rights in the Netherlands, they are almost immediately placed into the “hopeless applications” pile. Survivors who are found during inspections are much less likely to be suspected of misuse. (Regioplan, 2013: p28).

According to Lobasz an unrealistic perception of victims is created “as innocent, pure, and sexually exploited” (2009) as “sex trafficking discourses emphasize elements such as sexual innocence and naïveté, kidnapping, and sexual brutality in order to produce a sympathetic victim who would be politically unpalatable to criminalize” (Lobasz, 2009). The result of this is the making of a “hierarchy of victims” where, according to her, women have chosen to work as sex workers, but not as sex slaves, do not garner the same kind of sympathy, and men and women trafficked for non-sex labour are easily relabelled “illegal immigrants” (Lobasz, 2009). Survivors are thus expected to fit into a victim-mold.

In return for fitting into the victim-mold, the survivor can possibly receive a residency permit (in the Dutch case of the B8 a temporary one) and therefore receive help. So in particular when benefits (like the temporary residency status) are attached to a legal condition (like the persecution of the trafficker) the trafficking survivor wanting to receive the benefit is expected to take on the victim role and tell the victim story. “The law itself forces the victim to offer herself up as an easily identifiable victim subject, without the clutter and complication of a story in which the victim also had some agency in her decision” (Haynes, 2007: p354). Jo Goodey clarifies in his research considering the EU’s trafficking approach that it is a “victim”-centred approach in the sense that a survivor mostly time only receive help in the form of being allowed to stay in the country when taking up the victim role and giving back crime-details to the justice system. “Given the insensitivity of many criminal justice practitioners to women’s experiences as victims of criminal offences in cases where women are seen as less than deserving victims, recognition of the individual’s status as a victim, as a result of a criminal offence, is desirable as long as it affords certain rights and other practical provisions” (Goodey, 2004, p34). Mertus and Bertone add that “these individuals stress that they were not always victims. At some early state, their involvement was completely willing, albeit tremendously ill-informed” (Mertus, 2007: p51).

The story of the survivor is translated into what suits the criteria of the state. Cristiana Giordano researched the process of translating the survivor’s story to “the languages of these institutions” in Italy (Giordano, 2008: p588).

She found that “the first phase of the testimony does not happen in translation but in the woman’s language. This testimony is lost in the process of making the account understandable in the bureaucratic language. This act of speech—which is not heard by the institution—constitutes one order of testimony that escapes translation and the reduction of the story to the language of the law” (Giordano, 2008: p599).

“Denuncia represents the possibility of telling a story that can be traded for recognition and inclusion, in other words, for a residency permit. It is the inscription of a truth and a presence, both partial and in tension with other truths and other ways of being present. It provides a narrative that is crafted through specific connections and chronological demands, aimed, ultimately, at forging connections between migrant women’s unstable and transitory selves. What concerns me in the case of “victims of human trafficking” who appeal to Article 18 is the fact that the institution of the subject as a subject of the law can only happen in translation. Within the police department, the testimony is received in translation that becomes the pact one makes with the state to subject oneself to its norms and rules in exchange for legal recognition. This recognition is granted on the basis that women adhere to the identities that are politically available within the receiving society, in this case the identity of the victim.”

(Giordano, 2008: p599)

This binary victim/criminal paradigm excludes any opening to understand the survivor as anything else than a victim, or a criminal (Crowhurst, 2012: p494). When presuming to help victims, Segrave explains that women are absent from this narrative as they are merely seen as victims. There is no room for the subjectivity or identity of the women as “their needs and desires may only be heard within the terms of what destination countries are willing and able to provide” (Segrave, 2009: p257).

As a consequence of little attention being paid to the persons exploited, “we will understand too little about the victims of human trafficking and fail to view them holistically as people with particular motivations to migrate and improve their lives” (Haynes, 2007: p53). The story that is expected of the survivor is one of exploitation and little agency, not welcoming motivations and desires to improve one’s life. This is problematic as this is a necessary puzzle piece to a trafficked person’s vulnerability to exploitation. The false dichotomy applied to trafficking survivors is that “one can either have some agency and improve one’s life *or* be exploited and thus be a ‘victim’ of trafficking, but not both” (Haynes, 2007: p253).

“Shying away from recognising a victim of human trafficking for fear of granting a benefit to someone who was not abused or exploited *enough*, or insisting on haggling over the often quite fine distinctions between smuggling and trafficking, only does a disservice to the population in need—that is, people exploited during the migration process” (Haynes, 2007: p364). Survivors who have not been “victimised” enough are therefore filtered out of the B8 procedure and do not receive help.

3.2 State Security versus Human Security Dichotomy: A Policy of Repatriation

The Dutch state made the choice to focus their policy in relation to the border instead of in relation to the survivor. As soon as a survivor does not qualify for the state's victim-role, they are labelled as an "illegal" immigrant who has to be repatriated. Once a survivor's B8 case is shelved, the survivor receives a 28 day notice to "voluntarily" leave the Netherlands.

According to Segrave and Haynes, "the border is a significant driving force in the design and operation of the policy" (Segrave, 2009; Haynes, 2004). Undocumented survivors of trafficking are firstly "identified as illegal non-citizens whose presence in the nation constitutes a disruption to the border regime" (Segrave, 2009: p254). Segrave points out in her paper *Order at the Border*, which looks at the repatriation of trafficking survivors, that there are two contesting objectives. One is the state's sovereignty deciding who can come in and stay within its territory; the other is the state's privilege to identify victims of trafficking and prosecute offenders (Segrave, 2009: p254). The focus on maintaining order points at policy being state-focused rather than survivor-focused.

"Where restriction of migration or combating organised crime is the primary policy concern, states will naturally focus on law enforcement, and they may accordingly limit their protective responsibilities. They will not focus on extending immigration protections to trafficked persons, because the emphasis is on the state's sovereign gate-keeping role. They even forgo extending non-immigration related protections unless the trafficked person agrees to testify or assist with prosecution."

(Haynes, 2004: p244)

First of all, in a policy declaration it is usually stated that there is a condition that the survivor "cooperates with law enforcement." In practice however this condition can be translated to mean "law enforcement decides to use the information provided by the victim" (Haynes, 2007). Because the focus is on the crime of trafficking rather than on the victim's rights, the small amount of victims who are identified as such are often *used* as sources of information for police, disregarding their "status as victims of severe human rights abuses" (Adams, 2011: p202).

Furthermore, those who cannot or are not able to "cooperate", often because of lack of evidence, are usually deported and denied victim services. The lack of support and treatment causes many victims to be re-trafficked or re-victimised (Adams, 2011: p202). Yes, trafficking survivors are often able to provide law enforcement with information like phone numbers, addresses, clients, etc., and this information can be valuable to an investigation (Brunovskis, 2012: p54). However, at the same time one has to keep in mind that it is the aim of traffickers to give away as little information as possible to their victims. The victims who are held under almost total control will have almost no insight into the dealings of their exploiters, and so will have a meager amount of evidence. Brunovskis argues that survivors under these conditions, with present policies, are the ones least likely to be able to receive social rights "simply

because they may be of limited use to law enforcement” (Brunovskis, 2012: p54). “The victim becomes merely an instrument, and the assistance trajectory and continued residence is based not on the victim’s needs, but those of the authorities” (Brunovskis, 2012: p54). According to Goodey, “trafficking victims, unlike criminals turned informants, are unlikely to be able to furnish investigative authorities with the necessary information to convict traffickers” (2004: p37). Furthermore, states that lay the focus on the prosecution of traffickers do not create a safe and inviting stance for survivors of trafficking to come forward (Haynes, 2004: p247).

Secondly, in relation the border, because foreign trafficking survivors are usually also undocumented immigrants, “order is restored through the twin processes of prosecution and the repatriation of women home that is, to where they belong” (Segrave, 2009: p255). In this story-line, “the broader issues that contribute to patterns of trafficking and the complex needs and desires of those who have been trafficked are effectively written out of this narrative” (Segrave, 2009: p255). “The victim status is always overridden by the women’s migration status” (Segrave, 2009: p256), leaving no room for the rest of her narrative.

This narrative has been greatly influenced by globalisation. Economic, labor and migration patterns have altered greatly and become more apparent. This includes the movement of women “across national and international borders and the feminisation of the lowskilled, low-wage workforce in both the Global North and the Global South” (Segrave, 2009: p255). “Within this context many factors have contributed to women’s opportunities, abilities and desires to migrate, and have given rise to contemporary gendered migration patterns identified globally” (Segrave, 2009: p255). These migration flows have gone hand in hand with escalating levels of coercion and exploitation (Segrave, 2009: p255). States’ increasingly restriction and regulation of inflow into their territory greatly influences the opportunities and the ways of migrating individuals (Segrave, 2009: p255). In fact, the tightening of the borders have actually increases opportunities for traffickers, as migrants are forced to seek other ways of escaping the situation they left.

According to Segrave, repatriation and reintegration processes are seen as the obvious outcome for the restoration of order in the framework of border-bound law and order. Within this context, repatriation “restores order within the country of destination by removing those who have no legal migration status in the country” and “it marks the end of the nation’s responsibility to victims” (Segrave, 2009: p256). The destination’s state’s obligation to help the survivor of trafficking ends. In this sense, the state can merely accommodate trafficking survivors within the status of *victim* and *other* (non-victim and non-citizen) (Segrave, 2009: p256). “The legal interventions in the lives of transnational migrants” are articulated and practiced “primarily from the perspective of the host country” such that “the perspectives of the migrant subject are omitted” (Segrave, 2009: p256; Kapur, 2005). “Prioritising the desires of victims of trafficking, particularly those who wish to remain in the destination country beyond the criminal justice process would disrupt the logic of law and order that frames the policy response, specifically it would throw the systematic operation of the border regime into chaos” (Segrave, 2009: p256).

Through the law and order lens order is restored when the trafficking victim/illegal migrant is returned to their country, and “the responsibility of the

state begins and ends at the border, where order is disrupted then restored and the journey is concluded” (Segrave, 2009: p256). Sadly enough, “this can be identified as an artificial ‘conclusion’ to the story” the return of the survivor is not the end of their story (Segrave, 2009: p256). Haynes remarks that “upon return, trafficked persons face real threats of retaliation from traffickers, as well as a host of problems stemming from social and economic exclusion” (2004: p262). When returning to their country of origin they are once again released into the circumstances that pushed them to go find luck elsewhere. Segrave explains that “there is a continuity between the issues and factors that contributed to their vulnerability to exploitation in any previous journey and the potential for abuse or exploitation to occur again in the future” (2009: p256). The cycle of trafficking and vulnerability is only repeated when a survivor is repatriated.

3.3 Deserving versus Undeserving Dichotomy: Non-citizens/nationals & Dutch Politics, a Reflection of Dutch Society

Those survivors who are labelled as “illegal” immigrants by the state are in fact not qualified, or undeserving, by the state for citizenship. Peano writes about the criminalisation of undocumented migration as a means to exert sovereignty. She follows Agamben and defines sovereignty as “the power to suspend the law: those belonging to criminalised classes can be denied the status of political subjects, of workers and citizens, and reduced to ‘bare life’, biological life as such, by means of that exclusion that ‘founds the city of men’” (Peano, 2012: p421). In the case of trafficking survivors who have been rejected by the B8, they are deemed unqualified and undeserving of help. But this is taken even further, as even if a trafficking survivor has had a successful case, where the trafficker is prosecuted, their residency permit ends as soon as the case ends and they are repatriated.

Nicholas De Genova wrote a very clear paper titled *Spectacles of migrant ‘illegality’: The scene of exclusion, the obscene of inclusion with a sarcastic undertone* about how illegal immigrants are actually undeserving non-citizens. He even takes it a step further and says that the current differentiation between ‘human trafficking’ and ‘migrant smuggling’ allows for a state to grant protection to “some of its migrant denizens, particularly women who must be rescued from the presumably intrinsic criminal excess of ‘illegal’ migration itself” (De Genova, 2013: p1191). Moreover, he claims that “the gendered discourse of ‘trafficking’ displaces the onus of ‘exploitation’ onto nefarious ‘foreigners’ and the ‘opportunistic’ infrastructure of undocumented migration itself, undocumented migrants are deemed to be in need of ‘protection’ from one another” (De Genova, 2013: p1191).

“Deportable non-citizens are pervasively subjected to myriad conditions of social degradation, globally. This is true whether the people in question are understood to be ‘merely economic’ migrants seeking employment, or as refugees seeking asylum and relief from any variety of natural, social and political calamities, whether as ‘illegal’ workers or the impoverished human refuse of ‘foreign’ disasters, pleading for clemency at the begrudging mercy of ever more austere social welfare bureaucracies. Indeed, the criteria for granting asylum tend to be so stringent, so completely predicated upon suspicion, that it is perfectly reasonable to contend that what asylum regimes really produce is a mass of purportedly ‘bogus’ asylum seekers. Hence, in systematic and predictable ways, asylum regimes disproportionately disqualify asylum seekers, and convert them into ‘illegal’ and deportable ‘migrants’. All such officially ‘unwanted’ or ‘undesirable’ non-citizens are stigmatised with allegations of opportunism, duplicity and undeservingness. The compulsive denunciation, humiliation and exquisitely refined rightlessness of deportable ‘foreigners’, furthermore, supply the rationale for essentialising the juridical inequalities of citizenship.”

(De Genova, 2013: p1181)

He continues on to agree with Balibar’s radical claim that “the management and policing of borders establish and maintain ‘a world apartheid’” (De Genova, 2013: p1192; Balibar, 1993/2002: p82). He explains that the terms of immigration and foreignness increasingly stand against national identity of ‘the natives.’ “Hence, racist far-right parties in Europe tend to articulate their reactionary anti-immigrant populism, not only in terms of a pluralistic and differentialist incompatibility between their putative ‘national culture’ and the foreignness of migrants, but also in the idiom of the purportedly legitimate (democratic) politics of citizenship. Hence, they promote the priority of ‘natives’ under the overt rubric not of racial supremacism, but rather of the presumptive birthright entitlements of ‘the nation’ or ‘the people’” (De Genova, 2013: p1192).

This might seem a very far stretch. Unfortunately, it is exactly what is happening in Dutch politics and society. The rise of the PVV, and the explicit anti-immigration policies that come with, and so what is meant by ‘the state’ is not merely the government. The state is not an isolated organ. It is embedded in a society consisting of Dutch nationals who “instate” the state. The government, in terms of democracy, is a reflection of society.

In the Netherlands a rising mistrust and bias against migrants, which is echoed in the public debates in the media and in the Parliament. Even the word *vreemdeling*—foreigner—has received a negative connotation writes Franka Olujić in her article titled *Current Human Rights Issues in the Netherlands*. “The word foreigner seems to have extended its meaning from (non-Western) immigrants, to people with double nationalities (including Members of Parliament) and to Muslims in general, which has left little room for facts and figures in politics and paved the way for politicians with extreme points of view, some of which are discriminating to foreigners” (Olujić, 2011; p2).

Right this moment, 2015, in the midst of the refugee crisis and refugees streaming into Europe, the PVV is breaking a record in the amount of votes they have gained according to polls on the internet (NOS, 2015). Commentators see the rise as a direct effect of the increasing numbers of refugees coming into Europe (NOS, 2015). The political climate in the Netherlands is one of distrust towards migrants, allowing room for radical anti-immigration and anti-trafficking policies, such as the B8, to continue to exist. Foreign survivors of human trafficking are directly affected by this as their “foreignness” and migrant-status deems them undeserving of citizenship, and therefore of help.

Giordano defines the having to file criminal charges as *denuncia*, which is “an act of translation in which migrants get caught as they attempt to make a space for themselves within the receiving society” (2008: p592). She explains that the filing of the criminal charges “is a form of social and bureaucratic confession that is strictly connected with the will to pay one’s debt to society” (Giordano, 2008: p597). In this perspective, the survivors can only earn their right to citizenship and help if they “cooperate” with the state and give them what they need. However, as soon as they done so and the prosecution case is finished, their right to staying in the Netherlands and receiving help is also finished.

Chapter 4 Methodology: An Ethnographic Approach



(Figure 4) “That is the hand of my friend.”

4.1 Research Question

As introduced in the introduction, the research question this research aims to answer is:

HOW DOES DUTCH POLICY CONCERNING FOREIGN SURVIVORS OF HUMAN TRAFFICKING REPRODUCE EXISTING DICHOTOMIES, AND HOW DOES THIS PLACE MANY OF THESE SURVIVORS IN A PERILOUS SITUATION?

- How do these existing dichotomies create perilousness for the survivors of human trafficking in the implementation of the policy?
- How is the current policy/jurisdiction restricting NGOs to help survivors of human trafficking?
- How do survivors of human trafficking experience the process they are in?

To answer the question of how Dutch policy concerning foreign survivors of human trafficking is placing these survivors in a perilous situation, I believe it is necessary to document the individual stories, and so do a qualitative research instead of a quantitative one. In other researches done on victims of

crime and violence, it was also found that a qualitative approach was more useful than the quantitative approach. One research found that “the idea that a satisfaction score measures the quality of services does not take all relevant aspects of the subjective experience of quality into account” (Mierlo, 2009). Another research found that the personal stories of ‘victims’ are the most important source of information (Dijk, 2009: p33).

It is of added value to the academic knowledge which exists surrounding Dutch anti-trafficking policies to take an ethnographic approach to the survivors of human trafficking in relation to these policies. Ethnographic research is designed to at least try to observe the subjects from their perspective. Also, as I am part of an NGO (2BFree) who supports survivors of human trafficking and personally know some of the survivors, I consider myself to already be situated inside the area of this research. I am part of the communication and fundraising team, and help out in activities like teaching the survivors to sew.

2BFree is a non-governmental organisation whose mandate is to support survivors of human trafficking. Their target audience is all survivors of human trafficking. This means that they provide help for those who have a legal status, and those who have an illegal status. Help is provided in all kinds of forms: from language courses, to clothing, to psychological guidance. 2BFree consists of only volunteers, nobody is hired on a paid basis. Currently the organisation has around 70 volunteers. The organisation works together with many other organisations and stakeholders who also help trafficking victims and survivors to share knowledge, experience, facilities, expertise, etc. These consist of organisations, organs and people like Leger des Heils, ROS, cabinet members, lawyers, police, ex-prostitutes, Scharlaken Koord, churches, psychologists, businesses, etc.

4.2 Survivors: Participatory Photography and Qualitative Interviews

To answer the question of how the situation of the survivors is perilous, I used the Participatory Action Research tool of photography. Using photography, I gave a couple of human trafficking survivors, who are in or have been through the B8 procedure, a disposable camera and asked them to capture their “home” in the Netherlands. I chose to give them disposable cameras as not all have a phone which has the ability to take pictures. As a researcher and an outsider, I change the scene by entering it. Hence the cameras are a tool to go places otherwise inaccessible.

I started with the idea to use Participatory Photography as a tool to interview. It is easier for the women to talk about their circumstances with the help of their pictures. However, what I found from my experience with working with trafficking survivors is that they want to be seen and treated as more than just victims. They long to have relationship and to be seen as a complete human being, not only the piece of their being which has been victimised. This was confirmed in the interviews with experienced social workers. One woman said, “What they need most is human contact. To talk with others about the same things like clothing, or to eat together. To talk about what they have experienced throughout the day. To be seen as more than a victim.”

Because of this I decided to use this paper not only as a platform to voice their issues, but as a platform to share their complete stories. By weaving the pictures and their daily lives through this paper, this paper is not only about their problems, but it is about them. However, because the pictures are personal, and include details of their surroundings, I have not included any further information with the pictures than what they chose to say with that specific picture. I have also not connected the pictures with the survivors. This is simply because it is about women who are first of all, in the Netherlands “illegally”, and secondly, might be searched for by traffickers. I want to avoid the possibility of this research paper putting them in danger.

4.2.1 Participatory Photography

PhotoVoice is a UK charity which uses photography to give those whose voice has been denied a chance. One of their projects is Voice of Freedom which is all about survivors of trafficking. The director, Leila Segal, explains in an interview with Huck Magazine that it is too often that victims appear in the media “as mute objects who can’t speak for themselves” (King, 2015). She explains how they are given the label ‘victim’ “whose complex problems are described by others in a one-dimensional narrative” which they rarely get to even express in their own terms (King, 2015). She remarks in the interview that for most of the women it was possible the first time they had the chance to speak up. She also found that photography unlocked as “a photo often leads to words: “women who may not be used to describing thoughts or experiences can represent them visually with greater ease” (King, 2015).

“The idea of voice is central to our work – whose voice is it? Whose voice will influence debate? In my mind, it should be the voice of the woman affected by the issues. It’s about creating empathy. Nothing breaks through prejudice and denial better than a human voice – not facts, dry figures, but an authentic voice.”

(King, 2015)

It is important that in the carrying out of the participatory photography exercise, that it is carried out with respect for the natural boundaries of each woman—“a level of disclosure about her story and her emotions that she feels comfortable with” (King, 2015). There also needs to be a “thorough consent process” where the photographs and information given will be discussed individually with each woman. Segal explains that it is necessary to let the woman decide “which of her photographs she is comfortable showing in public” and that she will “have read and edited her captions with her so that she is sure nothing is included that she does not want made public” (King, 2015). I have shared everything I wrote and concluded with them first before handing anything in or publishing anything.

I made a list of possible things to take pictures of⁵ that the survivors could refer to, including concrete suggestions like take a picture of your bed, your

⁵ Annex 1

kitchen, people you meet during the day, but also more abstract suggestions like your most precious belonging and something that makes you feel at home.

With the help of the pictures they took, I interviewed the women about where they feel at home⁶. The question of whether or not they feel at home in the Netherlands, and the reasons therefore, can give insight into the reproduction of the existing dichotomies and the implications on the survivor. These answers, with the pictures, will give a better description of the situation these survivors are situated in: what it physically looks like; how they experience the prospect of going home to their country of origin; their life of uncertainty.

I hereby look at the lives of the women who are at the moment finalising a procedure and who are either already illegal or are about to become illegal.

4.2.2 The Survivors

4.2.2.1 Recruitment

The participants concerning human trafficking initially were planned to be selected through 2BFree. This is because I already have a relation with the NGO and with some of the women, allowing the process of collecting data to go smoother. I will first discuss with the NGO the details of my research, after which they will approach the women to ask who wants to be involved. This is because 2BFree already has built up a trust connection with the women, giving them room to make a decision. From this outcome, and from the willingness of the women, it will be determined how many candidates can participate. It must be emphasised here that none of the women will be forced to participate.

After presenting my idea to the women of 2BFree, a person who works at Stichting ROS (an NGO focused on undocumented migrants) said I should come to ROS as well as there are persons who are in or have been through the B8 procedure. I ended up being able to hand out four cameras in total.

It must be mentioned that I did not want to exclude men from my research, but that I simply did not encounter any men who are or have been through the B8 procedure.

4.2.2.2 The Women

In total I was able to hand out four disposable cameras to four different women who have all been, or are currently in, the B8 procedure. I got back three of the cameras and was able to develop the pictures and interview the women.

One of the women is from Indonesia, she is currently in the last part of the B8 procedure, the grace period. She is staying in a small apartment because she is over 50 years old, and so was eligible for housing. However, she has to leave the Netherlands by the end of December. She has worked in Dubai, Singapore, and has now come to the Netherlands without any documents. She worked as au-pair, but was not paid for two years, and when she mentioned this she was hit. After a lot of doubt to report to the police because of fear of repatriation and love for the kids she was taking care of, she did make a report.

⁶ Interview guide used: Annex 3

The police came into the house she was working in and arrested her as an illegal immigrant.

Another of the women is from Somalia and has been in the Netherlands for eight years. She has gone through the B8 procedure but her case was shelved. She has tried to request asylum 11 different times. All of her family back in Somalia is dead.

Another survivor is from Eritrea. She is 24 years old. She is currently in the last part of the B8 procedure. She was married at around the age of 18 to an abusive husband. She escaped with help of a relative, and was smuggled through Italy, to France, to the Netherlands, where she reported her case. She once left by boat to England but they sent her back because her fingerprints were registered in the Netherlands.

The last woman is from Nigeria. When I presented my idea to the group of women, this woman helped me to explain my idea to the other women. She was the first to say that she would participate. She immediately said very firmly, "I will help you take pictures, but I am not going to give you any information." However, she has still not given me back the camera.

The interviews took place either at the survivor's house (those who still have a legal status), or at the shelter where they stay. We sat at a table, drank tea or coffee, and talked about the pictures that they took. The interviews lasted from about half an hour to an hour. This depended on how much the interviewees wanted to tell me. Some of the interviews were in Dutch, some were in English. None of the interviews were done in the mother-tongue of the survivors as unfortunately I do not speak those languages.

4.3 Social Workers: Qualitative Interviews

"This is what I see."

Quoted from one of the interviews with one of the social workers, when she is describing the visible effects of the stress and insecurity on the survivors of human trafficking.

The interviews with the survivors were amplified with interviews with persons who are in close relation with these women. This is because with the women I can only go into as much detail about their past and future as they are comfortable with. I cannot risk re-traumatizing them. Of course it can be important for them to talk about their experiences from a psychological perspective, but this is not my place and would even be unethical. So the interviews with those close to the survivors are to fill in the gaps and give me a deeper insight into why their situation is perilous, and how Dutch jurisdiction makes their situation difficult. These interviews are with social workers who see the women, or meet with them, on a daily basis.

In total I interviewed⁷ five social workers (all female). Some are psychologists by profession, but all of them guide the survivors of human trafficking in their daily lives and help them out where they can. All of the social workers are active in NGOs in Rotterdam like Leger Des Heils, 2BFree, and Stichting ROS—some are active in both 2BFree and another NGO. Leger Des Heils is an organisation who provides shelter and relief to the homeless. Stichting ROS is an organisation who specifically provides shelter and relief to undocumented migrants: as soon as survivors lose their residency status they can come here. SOMIK is an organisation which aims to provide for shelter for persons in a difficult situation.

In the research paper, the organisations will only be mentioned if it provides additional value. It is important to protect the interviewees and the organisation they come from where necessary.

All of the interviews took place over a cup of coffee either at the location of the organisation or the social worker's home. Some lasted only half an hour to an hour, while others were almost three hours long. All of the interviews were in Dutch.

4.4 Reflexivity & Positionality

The biggest issue in researching human trafficking is the sensitivity of the topic. Those who have been victims of human trafficking often experience shame and are traumatised. Through the organisation I work with, 2BFree, I have already built up a relationship of trust with some of the clients. Also, as a female researcher I am more approachable for survivors of human trafficking, who are also mostly female. They have often been confronted with and been traumatised by men. What I also found was that even though I am a Dutch and so Caucasian girl, I was not always perceived as such. When I stepped into Stichting ROS, where the people are not familiar with me, I was frequently asked where I was from. I believe it made a difference that I have a darker appearance (dark hair, dark eyes, olive skin). It definitely made a difference that I have lived in countries like Jordan, Indonesia, and Niger. When I first sat with two women from Somalia (including the woman that I interviewed) I was able to speak a few Arabic words with them and talk about Amman. This immediately created smiles on their faces and lowered a barrier between us.

Before asking them to take these pictures of their private lives, I showed them pictures of my private life. I went through the list that I made with possible things to take pictures of and took pictures of my living situation. Of the things on my nightstand, of my mode of transportation, of the person I share my room with. I did this so that it is not only their lives which are put under the loop. I wanted to share something with them before I asked them to share something with me. Also, this way I tried to further lower the barrier between us.

⁷ Interview guide used: Annex 3



“This is where I brush my teeth. As you can see by the amount of toothbrushes I share my bathroom with other people—four to be exact. It is quite a hassle to get anywhere in the morning and I sometimes wake up half an hour before everyone else to take a shower peacefully.”

At the same time, I understand very well that because I am Dutch, and an NGO worker, and I do have legal documents, that the survivors I interviewed have most likely told me a different story than that they would, for example, tell their friends or the police. There are multiple realities that exist concerning the stories the survivors tell me. This makes the information lacking many pieces and perhaps even formed their idea of what is important to tell me.

On the other hand, as Segal observes through her experience, “there is also the challenge of not giving in to expectation—that a photographic story from this project will be one of misery and pain,” as she remarks “our media is voyeuristic and sensationalised” (King, 2015). I hopefully was able to keep a distance from this narrative and like her “allow emotional subtlety, unexpected response and insight to be the narrative of the show” (King, 2015).

I was very dependent on the willingness of the women to participate. Taking pictures of your life is a very private request. I found that indeed the stories that were told to me by the social workers were much more detailed and also more useful, because they could tell me more about very sensitive and traumatising experiences. This makes a lot of sense, as the women who participated and were willing to more likely to have experienced less hectic situations. The stories told to me by the social workers are stories, of which some are very fresh, and are also very likely to be very uncomfortable and harder to tell to me—a stranger. These stories were either witnessed firsthand by the social workers, or were told to them after having had a close relationship with the survivor for quite some time. Survivors of who I know that have had hectic experiences in their procedure were unwilling to talk to me about them, and I

found it unethical to push them to do so. This also explains the modest amount of survivors interviewed.

This of course does create the problem that most of the findings gathered about the survivors is through the lens of the social worker, which can be problematic. However, due to circumstances, and the sensitivity of the topic, it could not have been abstracted any other way. Nonetheless, it is important to be aware of the existence of the lens.

As I presented my idea to the women to see who was willing to participate the first question I received was, “how is this going to help me?” To this I had to answer honestly, and reply that I hope that it will confront, or at least give insight to the government and other influential bodies as to how (or how not) to approach their (survivors of human trafficking) situation. But this does bring into perspective the very clear reality of the difference between the theory and practice of carrying out academic research. Sometimes the theories are so far from those the theory is about. Also the relationship between the researcher and the researched is clearly illustrated. This is one of the reasons I chose to use Participatory Photography, but at the end of the day, even that tool is based on theories. There is an exchange that takes place when the researcher and the researched gather together. The researched give the researcher knowledge and information with which he or she can publish a paper or book. There is an object-subject relationship: who is benefiting from the research? The people interviewed or the academic? I honestly felt uncomfortable as I thought to experience my position towards the women changed from having a relationship with them and because of that get to know much of their story and being, to needing answers from them for a research. It did not feel natural.

Participatory Photography was a great tool to use as it very well captures moments which are difficult to explain. Lastly, I want to reflect on having chosen to create a list of possibilities of things to take pictures of. This has of course influenced the outcome of the pictures. It simply takes away a part of the objectivity and spontaneity of the survivor’s pictures as they are steered towards potential answers. At the same time, I did find the list helpful as all participants came back to ask me what to take pictures of again, after which I could point them to the list. It worked as a reminder and instructions for when I was not there. Of course it could also because I did not explain the assignment clearly. Furthermore, the list steered to answers in the form of the pictures that they took, but not the stories and anecdotes that accompanied them. All of the survivors also took pictures of things which were not listed, of which one did not even use the list at all.

In an ideal situation I would have had more time to experiment more with them to create comfort with the camera, comfort with the idea of participatory photography, and comfort with me.

Chapter 5 Findings & Analysis Thereof: Undermining the Survivor's Struggle to Survive



(Figure 5) “Someone bought a train-ticket for me so that I could be at a protest in Amsterdam for zorg [healthcare] for the elderly.”

There are two kinds of abuses which have been created by the dichotomous Dutch policy. These are systemic and individual abuses. It is important to differentiate between the abuses which are part of the procedure and protocol, and are therefore systemic, and the abuses which are individual liberties state officials take. An example to illustrate is if an immigration officer were to treat a survivor with disrespect by yelling. This would be constituted as an individual abuse. It is institutional and systemic because the officer apparently has the freedom to do this without any consequences; however, it is not part of the procedure. The procedure states that a person should report even the *slightest signs* of human trafficking (Regioplan, 2013: p26).

The systemic abuses which take place and have been found in this research is that current Dutch policy is taking away the survivor's autonomy and making them dependent, which is detrimental for their recovery of human trafficking. They are being re-victimised by the current approach. NGOs who are trying to help these survivors are being restricted in aiding them due to lack of funding, and undocumented survivors being hesitant to approach these NGOs for fear of being repatriated.

There are also individual abuses which take place, where particular state officials treat the survivors with disrespect when questioning the truth of their story.

5.1 Systemic Abuse: The Survivor's Struggle to Survive

5.1.1 *The Survivor's Struggle*

5.1.1.1 The Undermining of Independence

When I first asked one of the survivors if I could interview her for my research concerning her situation, she replied, “But my house is really nice.” This is exactly what the victim versus criminal/illegal immigrant discourse does: it makes the survivors feel like they do not deserve help. She thought she was not victim enough to participate in my research. They are struggling between regaining some sort of independency for themselves, while at the same time this is constantly under attack as the Dutch state wants to repatriate them and forces them to be dependent.

All of the survivors I interviewed found ways to gain independence. All of them take part in language lessons organised by NGOs. One of the survivors showed me a picture of her bicycle which she had gotten from the shelter for undocumented persons she is staying at. She explained to me that she enjoyed riding her bike around the city and being able to go places by herself. “I feel free when I am riding my bike.”⁸

The Somalian survivor told me that the NGO organised swimming lessons once a week. This excited all of the women, giving them a welcome break in their days of waiting around. They are all waiting for something, a new procedure to happen, a new interrogation, a new judgment. A new batch of clothing had arrived at the shelter and coincidentally there were two bathing suits. The Somalian woman did arrange that she was able to swim with her clothes on because of her culture.

Another survivor excitedly showed me the picture she took of a protester: “Someone bought a train-ticket for me so that I could be at a protest in Amsterdam for the *zorg* [healthcare] for the elderly”⁹. She herself is older than 60 and is temporarily living in a nursery home. She mentions that other survivors consider her lucky to be older because of the upgraded living situation she received. “I have lots of activities here, like going to Volendam together with bus. But here this place everybody is already with, what do you call it? *Rolator*? So it is a little bit difficult. So it is only me, as volunteer for them, when I go out with them.” She laughed, and then turned serious again. “But you see, I am happy, I like that.” And then joked, “I am thinking, what if I become like that later?!”

These freedoms that the survivors gladly take signal a craving for independence and autonomy. This is an important part in recovery for survivors of human trafficking.

However, when I ask the survivors if they feel at home in the Netherlands they reply with a firm ‘no’.

The Somalian survivor told me she has been in the Netherlands “illegally” for 8 years: “I have been through 11 procedures, but every time I am put back

⁸ Figure 3: The picture can be viewed at the beginning of chapter 3.

⁹ Figure 5: The picture can be viewed at the beginning of this chapter.

on the street. And the street is difficult, especially for a woman.” She explained that the state needs a letter to prove that she is from Somalia, so she went to the embassy in Belgium and received this letter. She then returned to the IND, “and they said no”. When I asked her why they still refused she responded by shrugging her shoulders, “I don’t know. They do not believe me, even not with the letter.”

It seems that many of the survivors do not know why they are not allowed to stay, but also where in the procedure they are. One of the social workers who works at Leger Des Heils is currently attending to two survivors who are in the B8 trajectory. She explained that both of these survivors have all of their files and police reports neatly organised, but have no idea why they are not allowed to stay and in which stage of the B8 they are. They wait for the lawyer to give them instructions, to come to this hearing or bring that piece of evidence. This hints to a dependency which is created, and a piece of autonomy which is taken away.

The Somalian survivor also explained that because she has no ‘nationality’ she is not allowed to work. She is completely dependent on the shelter she is staying at for everything she needs to survive. This is the situation of all of the survivors whose B8 case has been shelved and whose status has turned into “illegal.” One of the social workers added that it creates desperation as they are not allowed to provide for themselves.

The Leger Des Heils social worker illustrated the idea of the survivors’ dependency. She has 20 clients who she attends to; of which two are survivors of human trafficking. She is currently on maternity-leave, and explained that none of her clients reacted as severe as those two survivors of human trafficking. One of the survivors has many physical complaints and had to be taken to the hospital to receive oxygen, but refused because her social worker was not there (despite there being a replacement and other social workers who she has known for a longer period of time). Another example is that as a consequence of the IND’s decision to revoke her residence permit, she does not have an income or health insurance. Leger Des Heils found a pharmacy which could give her medication for free. But before the survivor accepted the medication she first called her social worker, to discuss the situation.

This indicates to trust of the survivors in humanity being severely damaged because of their trafficking experiences, but also the extent to which they are dependent on help and those who offer it. The B8 scheme undermines their autonomy, and thereby their recovery because of the victim versus criminal/illegal immigrant dichotomy which is applied. During the B8 procedure they are treated as a victim and made dependent on the help that is offered, but as soon as their case is shelved they are labelled as “illegal” and lose all of the help they were so dependent on.

5.1.1.2 A Life of Uncertainty: The Prospect of Returning to their Country of Origin

The Indonesian woman, who currently still has a legal status and a ‘nice’ house because she is in the last part of the B8, said that the uncertainty is taking its toll on her: “Uncertain, everything is uncertain. For me for sure I can get three months, and after three months, I don’t know. That is why I want to buy something, rearrange something, I don’t know. It is difficult for me to de-

cide because uncertainty. I want to make nice my room, but I do not know when I need to go.”

Right now she is facing the prospect of going home as her trafficking case has been shifted to a smuggling case. Despite these definition technicalities, the reason she reported herself was because she was not paid for two years; when she threatened to report this she was beaten by her ‘employer’. When she reported her situation to the police, she was arrested and spent a night in a jail-cell. “This was very traumatic for me,” she said. The fact that she was exploited has been ignored and she has to leave the Netherlands. Her “illegal” status trumps her “victimhood.”

She left Indonesia because she is an older woman alone: she cannot find work at her age, nor can anyone take care of her there. “To be honest, I am so scared for my future. No money, no *pensioen*, no nothing.” The Somalian woman replies to the question why she does not want to go back to Somalia by saying she does not have a home there anymore: “No, my mother is dead, my father is dead. The country is not safe. No home. It is hard. I have not been there for eight years.” Out of desperation the survivors have chosen to leave their “home”-country, yet the Netherlands chooses to repatriate them.

Looking at the picture of the rainbow the Indonesian woman took, she gave me a glimpse into her situation: “Rainbows stand for hope. I always see: there are seven ways; there are seven colors in the rainbow. Maybe in the orange way, in the red way, in the yellow or the green way, so I can reach there. It means my destiny. The most important thing for me is wherever I stay it will be alright if we do it the right way. I don’t like to stay here and be *illegaal*. It has been enough, four years, it has really, really hurt me. I cannot go anywhere free, I cannot meet anyone free, I am always scared.”¹⁰

The Eritrean survivor tried to flee the Netherlands by boat to England when she first was declared “illegal” and threatened to be sent back. However, England returned her to the Netherlands as this was the place she was first registered.

The women have survived trafficking, but now they are still trying to survive in a system which is working against them and wants to repatriate them to their country of origin and the situation which they escaped from in the first place. It seems like the current policy is working against the recovery of the survivors. The system and its discourse keeps re-victimising them by taking away their autonomy and independence, while the survivors themselves are struggling hard to overcome their victimhood.

Because the survivors are only being looked at in the perspective of their victim-identity, and the Dutch state chooses to take a state security-centred approach above a human security-centred approach, their agency and the decisions that they made to come to migrate are not taken into consideration. This indicates that Dutch policy does not take a holistic approach to the issue of human trafficking and excludes vital information which could be essential for effective anti-trafficking measures.

¹⁰ Figure 6: Picture can be seen at the beginning of chapter 6

5.1.2 *The Relationship between the Survivor and the NGO*

NGOs are trying to help the survivors to recover from the trauma and still grasp these moments of independence, despite the system. However, the current discourse and policy is restricting them. First of all, the NGO is limited in their ability to help the survivors when they are dependent on state-funding and regulations. Secondly, a survivor who has an “illegal” status is hampered in contacting these NGOs for fear of being seen and repatriated.

5.1.2.1 **NGO → Survivor: The Influence of the Municipality and Their Funding**

It is remarkable how much influence the government has on non-governmental organisations. Organisations dependent on Dutch subsidies get into financial trouble if they do want to help “illegal” immigrants. If a person is in the B8 trajectory, they have a temporary residence status, giving them rights to welfare, and the government funds their trajectories in shelters. However, once their case is rejected the IND notifies the municipality of the survivor’s “illegal” status, the funding of that particular person is cut off. In the experience of the interviewed social workers, NGOs are forced to put the survivors on the street.

The Leger Des Heils social worker explained how the municipality in Rotterdam has quite some influence on NGOs. She reflected in the interview on how the NGOs have had to adapt to Dutch policy over time. She explained that the Netherlands has developed the tendency to exchange the story in terms of facts/reasoning for help. She has worked in a women’s shelter for five years and found that one could just ring the doorbell and if there was space come inside. Nowadays, this has transformed as the municipality decides who receives shelter and who does not. The very first step used to be that the person seeking help explains how it is that they need help—“nobody in the Netherlands simply loses the roof above their head, what happened?” This developed into noting down on paper the person’s entire history, *van nul tot nu*, in such a way that the municipality can judge whether there is enough reason and causation for a person to need shelter and the help trajectory that follows. She has experienced that plans were returned by the municipality where they said there were too many gaps in the story, and that it did not make sense.

She personified Dutch policy when she said: “We want a story, and if we find that story logical and it adheres to certain criteria, then it is feasible. Oh you are a bit dumb, a bit psychiatric, and you had a horrible youth? Then I understand that you became addicted. If you do not meet the criteria, enough, then you do not receive help, you have to figure it out yourself. We test everything.”

The social worker illustrated that in Rotterdam, if one becomes homeless, you have to report to a municipality window¹¹ where you are interviewed about your homelessness. There are very strict criteria which accompany the ticket which opens all doors as your trajectory is funded by the government. She stated that “one has to usually be either addicted, psychiatric, or have a low IQ to meet the criteria”. If you do not “qualify” for help, you have to figure it out

¹¹ Centraal Onthaal

yourself. This means that you do not qualify for regular paths¹² of getting help as most agencies in Rotterdam are dependent on the municipality. The municipality makes arrangements concerning funding every year, and decides, for example, how many survivors of human trafficking an organisation is given funding for to attend to. She elaborated that it used to be that an NGO could easily make exceptions, “Even if someone did not fit the criteria of the municipality but we saw that they were really in trouble, we could still help them. But now this has been made impossible.”

Municipalities in the Netherlands are organisationally and financially responsible for the care and shelter of all “legal” survivors of human trafficking (Lenferink, 2015: p8). Once the status of a survivor becomes one of “illegality” they no longer can appeal to services. If a housing property is property of the state, it cannot be assigned to an undocumented survivor by law (Lenferink, 2015: p16). Regular, as in state organised and financed, support can only be given to those survivors with a legal status, making it very difficult make use of regular services. Some argue that social care is “obstructed” by undocumented survivors of human trafficking who no longer have “the right” to social services and that municipalities and organisations should take up their responsibility to remove them and guide them to either care aimed for undocumented persons or a deportation centre (Lenferink, 2015: p18).

PMW has places available for survivors who are making use of the B8 scheme. In the contract the survivors sign it is stated that they have to leave as soon as their status changes to one where they no longer have the right to welfare (Lenferink, 2015: p19).

It is clear that the municipalities and certain organisations work according to the victim versus criminal/illegal immigrant dichotomy. As soon as a survivor is labelled as an “illegal” immigrant, they no longer deserve help according to this approach. This is a direct consequence of the Dutch immigration policy (Lenferink, 2015: p19), and therefore the choice to put the security of the state above the security of the survivor. Following the logic of the deserving versus undeserving dichotomy, undocumented survivors do not deserve help and are put on the street.

5.1.2.1.2 The Creativity of NGOs

NGOs have to be creative and many often find loopholes to continue to aid undocumented survivors. The Leger Des Heils social worker remarked that if the two women she is currently guiding lose their status she had already discussed with her manager that she would still attend to them under the name of 2BFree, as voluntary work. Another social worker elaborated on this, “Some [survivors] had gotten pregnant, or had a second child, or were very traumatised. In this way every possibility is scraped together to be able to get something out of it, and sometimes not. Even though some were very traumatised, even NGOs sometimes have to put someone on the street because they cannot support them anymore. Also men. *En dat is niet leuk, dat is echt niet leuk*¹³.”

¹² Including Leger Des Heils, Humanitas, De Onmoeting

¹³ “And that is not pleasant, that is really not pleasant.”

The Leger Des Heils social worker illustrated that both of the women she is currently attending to live in an apartment which is property of Leger Des Heils. The women who live there pay a bit of their welfare to the NGO. However, they are in the last possible stage of the B8 procedure. During this stage one still has “legal” stay, but the municipality can decide to shut down all aid, which they almost always do (Lenferink, 2015: p16). Because the building is property of the NGO they can arrange that they do not have to pay their own contribution anymore. But when the status of the women officially becomes undocumented, everything really stops. The social worker even tried to arrange food-bank for the survivors, but it was rejected as they do not have the “right” to welfare.

It appears that NGOs who are smaller or who do not only focus on survivors of human trafficking are more flexible in their creativity.

One of the social workers reflected on a smaller NGO she used to run compared to larger organisations, “At a certain point I thought *verdorie*¹⁴, we are both taking in the same people [but they are putting them on the street]. But I know that all of the larger organisations will put someone on the street if they do not receive funding for them anymore. I used to take care of them longer, because I thought there should be room for that. Sometimes I discussed it with everyone; sometimes I did not discuss it with everyone.” Weh Yeoh, an external NGO advisor, theorises that a reason for this could be because larger organisations have to apply for larger funds, and these larger funds usually reflect internationally recognised needs (Yeoh, 2014). The same logic can be applied to state funds: state funds are larger, but reflect state recognised needs. But “the choice this organisation made to pursue available funding affected its ability to be flexible and responsive to the population it serves” (Yeoh, 2014). Smaller organisations are more flexible in the sense that they are not dependent on state funds.

Another social worker added that an organisation like PMW only deals with survivors of human trafficking and so is more rigid. Leger Des Heils would be suppler as they only have five places for trafficking survivors—three in the shelter and two in ‘guided living’. She also added that she perceived tension between NGOs and the municipality surrounding spaces allocated to trafficking survivors as her manager had difficulty acquiring these places through the municipality. The five largest municipalities in the Netherlands do fund night-shelters, where help is separated from the victim/illegal immigrant status¹⁵. This insinuates the necessity to disconnect getting help from the trafficking procedure; it would at least keep a basic network in place.

This implies that the granting of financial and organisational support given by the state is based on state recognised requirements, not on survivor requirements. Help to the survivor is restricted as organisations dependent on state subsidies cannot structurally help undocumented survivors.

¹⁴ A Dutch expression of frustration, like ‘shit’ or ‘shucks’

¹⁵ Bed, Bad en Brood regeling; Amsterdam, Utrecht, Rotterdam

5.1.2.2 Survivor → NGO: Sheltering Under the Radar

The other side of the relationship is how the survivor perceives the NGO and is restricted in contacting for help by fear of being repatriated. This section is indicated by the expertise of social workers who have had a certain amount of experience in the field of helping trafficking survivors.

One of the ROS social workers explained that organisations providing shelter for undocumented persons have an eye on some of the trafficking survivors, but hypothesised that there are also many who are not seen. Some of the shelters have to register their guests at the local municipality. She sensed quite some distrust amongst those registered, “If the municipality knows of their existence, then the government also knows, which in their perspective means it is not 100% safe as there is always the chance of appearing on the radar and being arrested”.

The 2BFree social worker reasoned that if a person really does not want to return to their country of origin, and wants to minimize the chances of this happening, their best option is to go under the radar. When one is in contact with an NGO or one is registered there, it is clear they are still in the country and have not returned. This means that it can actually be dangerous for survivors to be in contact with an organisation that tries to help them. This is very problematic: for the survivors, for an organisation, and for the entire welfare system. This would mean that the fear of being repatriated is so big that the survivors are willing to return to their traffickers. The social worker said that statements like “I rather stay under a bridge in the Netherlands than go back to my country” and “I rather return into prostitution” are not uncommon. They need to earn money, but cannot when they are undocumented, making them more vulnerable to re-trafficking (Staring, 2012).

All of the social workers mention that there are women whose cases have been shelved and who have returned to prostitution. This has also been mentioned by other researches (Lenferink, 2015: p25; Regioplan, 2013). “It is a challenge for organisations to avoid a person returning into the trafficking scene”, explains one of the social workers. She said that in practice you see that persons *tussen wal en schip vallen*¹⁶. Another social worker induced that, “Definitely as a woman, but also as a man, the risk that one falls back into the hands of the traffickers is quite big. The women in the shelters are often phoned by their previous pimps, ‘*We know where to find you.*’” When the survivors are undocumented, and so “illegal”, they are unseen as they are not registered anywhere.

The SOMIK interviewee said that she knew of two particular women who fell back into the illegal prostitution sector. They still had contact with PMW for a bit, but that ended as well at a certain point. Another woman ended up living in the house of a very suspicious man. She added, “And then they will sink very deep into the sector, where the police cannot reach them. They are somewhere in a private house, and men will come to visit them. They might get 50 Euros from the one whose house they are in.”

¹⁶ A Dutch saying which literally means to fall between the wharf and the ship.

This was backed up by a social worker from 2BFree who explained that one of her clients who is a survivor of human trafficking told her that many of the undocumented survivors she knew at her previous shelter had returned to illegal prostitution.

“When they go into illegality, many move from address to address. Many stay in night shelters. An option is to find a Dutch partner, but this also makes one vulnerable to sinister characters,” a social worker elucidates. Recently I witnessed how one of the regular 2BFree activity visitor was “lost.” Two of the social workers who work at 2BFree and ROS discussed with each other where she could be and started calling shelters and friends to find out what happened. The survivor was later found at a night-shelter—her B8 had ended and she was put on the street.

Not much is known about what happens if a survivor goes under the radar, or how many do, as rarely anyone is in contact with them anymore. However, these stories indicate that many return to their traffickers or find other means of supporting themselves under the radar. What *can* be concluded is that NGOs are hampered by the Dutch policy in their ability to help the survivors.

It is here that the paradox of Dutch anti-trafficking policy reaches its peak: survivors of human trafficking are potentially forced by Dutch anti-trafficking policy to be re-trafficked. Because the anti-trafficking policy has such a great amount of overlap with the anti-immigration policy, trafficking survivors who are both a trafficking “victim” and an “illegal immigrant” are placed in an extremely perilous situation as the Dutch state chooses to place state security above human security.

5.1.3 Re-victimisation: A Trauma Upon a Trauma

All of the social workers who were interviewed unanimously said the survivors’ experience during the process, the uncertainty and everything, can be constituted as a trauma on top of a trauma they already had.

One of the social workers compared the effect of the process on the survivor as a gruesome open wound which is not allowed to heal because it keeps being poked at. She explained that psychiatrists suggest diverse treatments, but as long as new stress factors keep adding up, and as long as the survivors are kept in a situation of insecurity, trauma treatment is pointless. In her perspective, only when they have the right to stay and are able to create a safe space, recovery can begin. “And recovery can then still take years,” she said.

One survivor, too traumatised to be interviewed, has been in a state of stress since 2005 according to her social worker: “The kind where your body produces adrenaline; a constant survival mode for 10 years already. That is long. She sleeps about three hours per night. That has an influence on everything, if you have that kind of lack of sleep the entire world looks negative. And in those three hours she has nightmares. It has worked itself out physically: she has absolutely no appetite, she is extremely skinny. That does not help either, sleeplessness and a lack of vitamins. We just cannot get the circle broken. It is costing her everything, to take part in the procedures.”

It is clear that the B8 scheme has taken its toll on the survivors as the survivors. It can be considered that the way Dutch anti-trafficking policy is implemented right now, is at the cost of survivors of human trafficking. As a re-

sult of the dichotomous logic of the procedure the survivors are re-victimised as they become a victim of Dutch anti-trafficking policy.

5.2 Individual Abuse: The Freedom of State Officials

On top of the systematic abuses which are part of the protocol—taking away independence—it seems that the survivors are possibility being abused by individual state officials. State officials have the freedom to treat the survivors with respect, or lack thereof. One of the social workers noted that for the state there exist two categories: you have proof, or you do not. She explained that beneath the finding and testing of facts, there seems to be a strong underlining suspicion of “abuse of the system” which colours the approach towards the survivors during questioning. It is here were it becomes visible that mere static law is carried out by human beings with emotions, and where the abstraction process of the facts required to make up a credible story becomes ugly.

As Giordano remarks in her research: “The police office is not the space where the fear of going mad—that paralyzes some women as they tell the whole story—can be heard” (2008: p593). She notes about an interrogation that she witnessed of a Nigerian woman that “Joy’s hesitance and stuttering did not come through in the document. Joy’s trembling voice, broken sentences, and confusion were erased. Yet she had just performed the very act that granted her access to services and rights that allow her to become a visible and legal subject in Italy” (Giordano, 2008: p592).

A social worker alleged hesitantly that a police colleague of her in Rotterdam claims the police in The Hague are infamous for their treatment of trafficking survivors. She told the story of a woman who was taken by the police in the tram to point out where she had been held captive when she was trafficked. In the tram she had to throw up due to stress and fright, and ultimately was not able to point out the location, only the street. Her case ended up being shelved due to lack of information and was handed over to the IND. The social worker stated that they were simply waiting to receive the letter saying the survivor had to leave the country in the mail. They found the letter on the 24th of December on the doormat: “I remember thinking, oh we have mail! And she was right there, next to me, when I had the letter in my hands. It is not exactly great news on Christmas day.”

Another social worker, who recently guided two trafficking survivors through the B8 procedure (both women are about to lose their legal status) was shocked by what she witnessed in interrogations with the IND. The hearings took place with the survivor, a translator, the lawyer, and two IND interrogators. In one of the hearings concerning a survivor in her early twenties the hearing lasted an hour and 15 minutes. One of the interrogators asked the girl, who was already in an upset state, how many times she had been penetrated. The social worker hesitated before she let the words come out of her mouth, but labelled the hearing as “a sort of Gestapo interrogation.”

The other client of this social worker was transported from Germany to the Netherlands. She was asked questions like at which spot she crossed the border, and how long she was in the car—questions the survivor had difficulty answering. Because she could not reproduce such facts, she got sarcastic remarks thrown at her face like, “That is a nice story, but maybe it is made up.”

This survivor has a police report where her first encounter is documented: reaching the office distraught and covered in bruises. The social worker avers that the survivor, after having answered all of these very personal questions, despite her re-traumatisation because of reliving her past, the IND interrogator said to her, “If I wanted to stay in the Netherlands I would also make sure that I came to the police covered in bruises. Your story is not necessarily true to me.”

The social worker expressed a disturbing thought when she reflected on the current situation: “You almost want to go the countries of origin of these women and tell them, if you are ever to be trafficked somewhere, look at your watch about every fifteen minutes and try to remember details like how long you have been in the car and which route you have been taken. Remember these so that later you can reproduce the facts, because they are going to make the difference, if you can stay or not.” This is not far from the truth. Another social worker enforced this thought when she said that she had witnessed a positive B8 case where the survivor could provide enough evidence to prosecute her trafficker. Remarkably, the survivor had documented, risking being discovered by her traffickers, her entire journey. This included pictures and noted times and places.

Another hearing which the social worker remarked on, the interrogator did not even make eye contact with the survivor the entire duration of the hearing.

The social worker explained that she has also sat in a hearing where the interrogator, before asking an intense question like ‘how many times have you been penetrated’, would warn the survivor by saying, “I am about to ask you a very intense question, but I have to ask it.” This is at least a more humane way of treating the subject and illustrates the freedom the individual state officers have within implementing the protocol. In the interview with the Indonesian trafficking survivor, the survivor remarked that she had no hard feelings towards the police in the Netherlands, and in fact, that two officers still text her to see how she is doing. However she also added that she currently has a legal status and that perception of the police might return to fear when her permit expires. The survivor also followed the statement by saying that she did seem to be the exception as friends of her did not have similar experiences. These testimonies do indicate that not all state-officers treat the survivor with offense rooted in suspicion of misuse.

It was clear from the beginning that in the implementation of the B8 there is an evident suspicion of “misuse”. It is unmistakable that Dutch policy aims at discouraging migrants to stay in the Netherlands, as this has been explicitly stated. What is alarming from the stories the witnessing social workers give is the way that this manifests in the treatment by individual officers of persons claiming to be survivors of human trafficking.

It seems as if the border has been internalised by certain state officials who are directly responsible for carrying out the B8 scheme. De Genova writes in his paper that “the entirety of the interior of the space of the state becomes a regulatory zone of immigration enforcement, and as borders appear to be increasingly ungrounded both internalised and externalised the efficacy of the Border Spectacle in fact is merely intensified. As the border is effectively everywhere, so also is the spectacle of its enforcement and therefore its violation,

rendering migrant ‘illegality’ ever more unsettlingly ubiquitous” (De Genova, 2013: p1183). The protection of the border seems to cloud the mind of the official and directly re-victimize the survivor. The survivor is treated as a potential criminal who is undeserving of their help. But who protects the survivor?

They are re-victimised by certain government officials who suspect them of misusing the B8 because of their lack of ability to regurgitate wanted facts. Another issue here is that judicial victimhood (is the trafficker able to be prosecuted) and factual victimhood (is someone actually a victim of trafficking) overlap. Regioplan remarked in their research on another important friction point they observed in the B8, even though it was not the aim of the research. Namely, they found that the “prosecution apparatus” is confronted with many cases with which professionals involved cannot perform their job—prosecute. This is frustrating for police and OM, as their goal is to detect and prosecute perpetrators (Regioplan, 2013: p74). These frustrations coming out of the detection-lens of analyzing the survivors’ cases could perhaps also be a reason for the individual abuses taking place.

Chapter 6 Conclusion: ‘Victims of Dutch Anti-Trafficking Policy’



(Figure 6) *“Rainbows stand for hope. I always see: there are seven ways; there are seven colours in the rainbow. Maybe in the orange way, in the red way, in the green way, so I can reach there. It means my destiny. The most important thing for me is wherever I stay it will be alright if we do it the right way. I don’t like to stay here and be ‘illegaal’. It has been enough, four years, it has really, really hurt me. I cannot go anywhere free, I cannot meet anyone free, I am always scared.”*

6.1 “Onbekend is Onbemind”

“Onbekend is onbemind.”

A Dutch saying meaning literally ‘the unknown is unloved.’

It was quoted by one of the social workers in a discussion with one of the women about how she was sometimes approached with offense by elderly persons because of being from a foreign country.

There is a large barrier between the survivors of human trafficking, and the state and the society it is embedded in. This barrier is one of lack of relationship. There is a judicial and systematic process which takes place in the form of Dutch anti-trafficking policy like the B8. When foreign trafficking survivors encounter the external border of the Dutch state they are met as a problem that needs to be solved, not as a person who needs help, as state security

prevails over human security. The un-tangible internalised border of the country, nestled in its nationals, including state officials, is strengthened by this process, and the barrier between the authorities and the trafficking survivor, or better said, the gap between them, is filled with mistrust of each other. The unknown is only intensified.

The border exists in the micro- and macro-level where victim/illegal immigrant, human security/state security, and deserving/undeserving paradigms are instated. The current implementation of Dutch anti-trafficking policy, such as the B8 scheme, places survivors of human trafficking in a perilous situation because it works with the existing dichotomous discourse.

From the ethnographic research carried out on a particular group of survivors it was found that their struggle for survival and independence, critical for their recovery, is hampered by the policy, which deems to take away their independence and re-victimize them. They are faced with the prospect of having to return to their country of origin, leaving them in a state of uncertainty and stress. They seem to be consistently placed back into the role of the victim with no agency, while this is exactly the role they are trying to recover from by regaining their autonomy.

From interviews with social workers who are directly and closely related to the survivors it was noted that NGOs are trying to help the survivors recover, but are restricted in doing so by Dutch policy. The job of the NGO is made extra difficult as the system works against them. Because of lack of funding and municipality influence they are even sometimes forced to put survivors on the street. They have to be creative in continuing to support survivors who have lost their legal status. On top of this it has been noted by social workers that because of the fear of repatriation and being registered, NGOs only see the tip of the ice-berg when it comes to undocumented survivors of human trafficking. Stories suggest many undocumented survivors going under the radar and returning to their traffickers or other circumstances of exploitation out of desperation.

On top of these systemic abuses which are part of Dutch anti-trafficking policy, there are individual abuses carried out by state officials who are responsible for implementing the B8 scheme. It seems that individual state officers misuse their freedom to project their suspicion of survivors “misusing” the Dutch system, or perhaps their frustration of not being able to do their job of prosecution, on the survivors.

It is already known that Dutch anti-trafficking policy such as the B8 scheme is not suited to the needs of the survivors of human trafficking. But from the ethnographic data collected, it is possible to induce that on the contrary, the current policy is functioning *at the cost of* the survivors of human trafficking.

The survivors of human trafficking are re-victimised as they become a ‘victim of Dutch anti-trafficking policy’: the paradox of Dutch anti-trafficking policy.

6.2 Further Research

This topic should be further researched to gain more insight and understanding in the reproduction of the dichotomies, and the implications on the trafficking survivors. There are two areas which need deeper investigation.

First of all, the functioning, training, and perspectives of those directly involved in the implication of the B8 scheme need to be researched and analyzed. This is necessary to acquire more information about the power dynamics which are at play, and the way that they are reinforced.

Secondly, several interviewees asked the question if it was not possible to do a sub-research within this research on what happens ‘under the radar.’ The rest of the iceberg needs to indeed be further investigated. Not enough is known about how many survivors who lose their status return to the illegal sector. Also, how this influences prostitution in the Netherlands.

6.3 Future Prospect: The Need to Change the Political Climate

One of the social workers explained that it is necessary to create a stable and safe environment in order for trafficking survivors to be able to make well informed and thought-through choices concerning their future. If they continually live under the burden of high stress and traumas, which are not treated, they remain stuck in a continuous, vicious cycle. They *deserve* the chance to recover.

The political climate surrounding immigration and foreigners needs to change in order for this to be able to happen. The changing of the B8 scheme requires a change in law and policy based on the need of survivors of human trafficking, which can only happen in a changed political climate. This will not change in a day or two, but there remains hope for the long term, as the picture of the rainbow at the beginning of this chapter suggests¹⁷.

¹⁷ Figure 6: Picture can be viewed at the beginning of this chapter.

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Annex 1: List of Possible Things to Take Pictures of

POSSIBLE THINGS TO TAKE PICTURES OF:

Where you stay

- the front door of the house
- your bed
- your pillow
- perhaps what you have on your nightstand
- the front door of your room
- your room
- with who you share a room
- where you do your laundry
- where you brush your teeth

Where you eat

- the kitchen you use or the place you get your food from
- where you sit when you eat (for example: the chair you always sit in)
- the food that you eat
- where do you do your groceries (for example: the market or store you go to)
- your groceries bag with groceries
- how you cook it
- the people you eat with

Your favourite items

- your favorite book that you have
- your favorite picture that you have
- your favorite clothing item that you have
- your most precious possession
- your favorite person

What you do during the day

- where you get your hair cut
- where you get your language lessons
- how you travel from one place to another (car, bus, bicycle)
- other places you go to during the day
- the person you see most

Annex 2: Table of Informants

	Type of informant	Organisation (only in case of social worker)	Country of origin	Important information	Date	Duration of interview
1	Social worker	Stichting 2BFree	Netherlands	Psychologist and founder	12/09/15	+/- an hour
2	Social worker	Stichting ROS & 2BFree	Netherlands	Volunteer	15/09/15	+/- 45 minutes
3	Social worker	Stichting ROS	Netherlands	Psychologist and volunteer	16/09/15	+/- 30 minutes
4	Social worker	Leger Des Heils & 2BFree	Netherlands	Social worker	06/10/15	+/- 3 hours
5	Social worker	SOMIK	Netherlands	Social worker, worked for SOMIK for 6 years, not anymore	16/09/15	+/- 30 minutes
6	Survivor of human trafficking	n/a	Indonesia	Legal status	22/09/15	+/- an hour
7	Survivor of human trafficking	n/a	Somalia	Undocumented	14/09/15	+/- 30 minutes
8	Survivor of human trafficking	n/a	Eritrea	Undocumented	09/09/15	+/- 15 minutes

Annex 3: Interview Guides

Interview guide trafficking survivors

- What does home mean to you?
- Do you feel at home in the Netherlands? Why or/and why not?
- Why do you want to stay in the Netherlands? Why or/and why not?
- Do you feel at home in your country of origin? Why or/and why not? Would you (ever) want to return?

Interview guide NGO/social workers

- What makes the situation these survivors are in perilous?
- What are the reasons that they cannot return to their home country?
- How is the current jurisdiction restricting you to help them?
- What can be done to improve their situation?
- What have you picked up of their sense of home?
- How is the B8 arrangement helpful for organizations to support survivors of human trafficking? How does it restrict an organization?
- How does the organization/you balance between legal and illegal measures to help survivors of human trafficking?
- What are the effects of the regulation on the survivors?