

EUROPEAN INSTITUTE FOR CRIME PREVENTION AND
CONTROL, AFFILIATED WITH THE UNITED NATIONS

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Minna Viuhko

**RESTRICTED AGENCY,
CONTROL AND
EXPLOITATION**

Understanding the agency of
trafficked persons in the
21st-century Finland

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RESTRICTED AGENCY, CONTROL AND EXPLOITATION
Understanding the agency of trafficked persons in the
21st-century Finland

Minna Viuhko

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University of Helsinki
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Supervised by

Professor Päivi Honkatukia
University of Tampere

Professor Ilkka Arminen
University of Helsinki

Reviewed by

Professor May-Len Skilbrei
University of Oslo

Professor Sanna Hautala
University of Lapland

Opponent

Professor Tarja Väyrynen
Tampere Peace Research Institute (TAPRI)
University of Tampere

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ABSTRACT

This study takes a look at human trafficking and related exploitation in Finland in the 2000s. The term “human trafficking” is used to denote a serious crime against the individual and their freedom in which the perpetrator exploits the victim for benefit. Here, the exploitation is considered in the contexts of different job sectors and prostitution. The study takes a look at different cases of sexual exploitation and exploitation of migrant labour which fall under the category of human trafficking or which have included characteristics of human trafficking.

The study yields an analysis of the human trafficking situation in Finland during the first 15 years of the 2000s. It comprises four sub-studies dealing with the overall theme of the control perpetrators impose on victims. The sub-studies analyse the violence, coercion and control imposed on the victims from different perspectives and, to a certain extent, in different contexts. The study asks how do exploitation and control manifest themselves in the human trafficking of the 21st-century Finland, what forms of control imposed on the victims can be identified, and how does the control restrict the agency of the victims.

The study is interdisciplinary and falls within the disciplines of sociology, criminology, gender studies and, to a lesser extent, migration studies. The central concepts used in the study are agency, control, vulnerability, ideal victim, ideal offender and intersectionality. The central theoretical concept throughout is “agency”, and the concept of “restricted agency” has been developed further as part of the study.

Sub-study I examines control in the context of prostitution and organised procuring in Finland at the beginning of the 2000s. It analyses the structure of criminal organisations and the different ways in which the perpetrators have acted. The sub-study sheds light on the circumstances in which the procurers operated at the turn of the millennium before human trafficking was criminalised in Finland and slightly after. The conclusion is that the women involved in prostitution under various criminal organisations had to act under different variations of control and in accordance with strict rules.

In Sub-study II, exploitation and control are analysed from the victims’ point of view, especially in the context of labour exploitation. The sub-study shows that the victims of human trafficking face

different kinds of physical, psychological and financial control. The analysis also touches upon the agency of victims, yielding the concept of “restricted agency”, which is used to describe the agency of victims of human trafficking and the framework of exploitation and control under which the victims act.

The focus in Sub-study III is on the perpetrators and the stereotypical conceptions that are formed of them – here the concept “ideal offender” comes to fore. The sub-study calls the central role of organised criminal groups in human trafficking into question and asserts that human trafficking crimes are often organised by individuals rather than by organised criminal groups and that the parties involved in the exploitative situations often know each other beforehand. Nevertheless, the crimes can be profitable for the perpetrator and the exploitation can be very severe.

Sub-study IV analyses the different relationships between the victims and perpetrators of human trafficking. The intersectional approach was used for this sub-study, looking into what exposes potential victims to exploitation on the one hand and what keeps them from leaving the exploitative situation on the other hand. The sub-study illuminates the power relations between the victims and the perpetrators, and it also shows that there is a plethora of intersecting factors which affect both the victimisation and the imbalanced power relations between the perpetrators and the victims.

The dissertation moves from the analysis of the criminal organisations to that of close relationships and from the descriptive study of the phenomenon to intersectional analysis. The study makes use of different materials: official documents (court judgments and pre-trial investigation records), interviews with victims of human trafficking and related exploitation, and expert interviews. The study is a qualitative one and the methods of analysis used are thematic and analytical coding, close-reading and intersectional analysis.

The study shows that the identified cases of human trafficking and related exploitation have changed their forms in certain ways between the period from the late 1990s to the beginning of the 2010s. Instead of large-scale pandering operations, exploitation between individuals and, at times, in close relationships is nowadays better identified in Finland in the contexts of working and private life.

At the centre of the study lies the control perpetrators impose on victims and how this control restricts the agency of the victims. According to the study, the agency of the victims is restricted by the perpetrators, exploitative situations and social structures. The

RESTRICTED AGENCY, CONTROL AND EXPLOITATION

restrictions set by physical, psychological, sexual and financial control define the scope for the victim's action. In addition, the intertwined individual and structural factors have an influence on how one might become exposed to exploitation and on the fact that disentangling oneself from an exploitative relationship is not possible or easy. For instance, gender, age, ethnic background and poverty can be connected to whether an individual is exposed to exploitation, and, on the other hand, lack of money, lack of language skills and the residence permit status can create obstacles to leaving the exploitative situation and the exploitative relationship. These restrictive factors on the victims' agency do not mean, however, that the victims are merely passive objects who cannot make any decisions about their own lives. Instead, the victims act within the limits set by the control that has been imposed on them.

Keywords: Agency, control, exploitation, human trafficking, offender, victim

TIIVISTELMÄ

Tutkimuksessa tarkastellaan ihmiskauppaa ja siihen liittyvää hyväksikäyttöä 2000-luvun Suomessa. Ihmiskaupalla tarkoitetaan tutkimuksessa vakavaa yksilön ja yksilön vapautteen kohdistuvaa rikosta, jossa rikoksentekijä saattaa uhrin hyväksikäytön kohteeksi hyötymistarkoituksessa. Tutkimuksessa tarkastellun hyväksikäytön kontekstina on erityisesti työelämän eri sektorit sekä prostituutio. Tarkastelun kohteena ovat erilaiset seksuaaliseen hyväksikäyttöön ja ulkomaisen työvoiman hyväksikäyttöön liittyvät tapaukset, jotka voidaan määritellä ihmiskaupaksi tai jotka ovat sisältäneet ihmiskauppaan liittyviä piirteitä.

Tutkimus tuottaa lähihistoriallisen analyysin Suomen ihmiskauppatilanteesta 2000-luvun ensimmäisen 15 vuoden aikana. Tutkimus koostuu neljästä osatutkimuksesta ja niiden läpileikkaavana tutkimuskohteena on rikoksentekijöiden uhriin kohdistama kontrolli. Osatutkimuksissa analysoidaan uhriin kohdistettua väkivaltaa, pakottamista ja kontrollia eri näkökulmista ja osin eri konteksteissa. Tutkimuksessa kysytään, miten hyväksikäyttö ja kontrolli ilmenevät ihmiskaupassa 2000-luvun Suomessa, millaisia muotoja rikoksentekijöiden uhriin kohdistamalla kontrollilla on ja miten kontrolli rajoittaa uhrien toimijuutta.

Tutkimus on poikkitieteellinen ja liikkuu sosiologian, kriminologian, sukupuolentutkimuksen ja löyhästi myös maahanmuuttotutkimuksen kentillä. Tutkimuksen keskeisiä käsitteitä ovat toimijuus, kontrolli, haavoittuvuus, ideaaliuhri ja ideaalitekijä sekä intersektionaalisuus. Tutkimuksen läpileikkaavana teoreettisena käsitteenä on toimijuus ja tutkimuksessa on kehitetty käsitettä rajoitettu toimijuus.

Osatutkimus I tarkastelee kontrollia prostituution ja järjestäytyneen parituksen kontekstissa 2000-luvun alun Suomessa. Tutkimuksessa analysoidaan rikollisorganisaatioiden rakennetta ja rikoksentekijöiden toimintatapoja. Tutkimus valottaa sitä kenttää, jolla parittajat operoivat vuosituhannen vaihteessa ennen kuin ihmiskauppa kriminalisoitiin Suomessa ja hieman sen jälkeen. Tutkimuksessa todetaan, että rikollisryhmien alaisuudessa prostituutiossa toimineet naiset joutuivat toimimaan tiukkojen sääntöjen ja monimuotoisen kontrollin alaisuudessa.

Osatutkimuksessa II hyväksikäyttöä ja kontrollia analysoidaan uhrien näkökulmasta ja erityisesti työelämässä tapahtuvan hyväksikäytön

kontekstissa. Tutkimus osoittaa, että ihmiskaupan uhrit joutuvat monenlaisen fyysisen, psyykkisen ja taloudellisen kontrollin kohteeksi. Osatutkimuksessa analysoitiin myös uhrien toimijuutta ja analyysin tuotoksena syntyi käsite ”rajoitettu toimijuus” kuvaamaan ihmiskaupan uhrien toimijuutta sekä sitä hyväksikäytön ja kontrollin muodostamaa kehystä, jonka puitteissa uhrit toimivat.

Osatutkimuksessa III fokus on rikoksenteleijöissä ja tutkimuksessa problematisoidaan rikoksenteleijöihin liittyviä stereotyyppisiä käsityksiä ”ideaaliteleijän” käsitettä hyödyntäen. Tutkimus kyseenalaistaa järjestäytyneiden rikollisryhmien keskeisen roolin ihmiskaupassa ja toteaa, että ihmiskaupparikollisuus on monesti yksittäisten ihmisten organisoimaa toimintaa ja hyväksikäytön osapuolet tuntevat toisensa usein ennestään. Toiminta voi kuitenkin olla taloudellisesti tuottoisaa ja hyväksikäyttö luonteeltaan erittäin vakavaa.

Osatutkimus IV analysoi ihmiskaupan uhrien ja rikoksenteleijöiden välisiä suhteita. Tutkimuksessa hyödynnettiin intersektionaalista lähestymistapaa ja tarkasteltiin sitä, mikä yhtäältä altistaa mahdollisia uhreja hyväksikäytölle ja toisaalta, mikä estää heitä lähtemästä hyväksikäyttötilanteesta. Tutkimus tuo esiin valta-asetelmia uhrien ja rikoksenteleijöiden välillä ja osoittaa, että on useita keskenään risteäviä tekijöitä, joilla on vaikutusta uhriksi joutumiseen sekä rikoksenteleijöiden ja uhrien välisten suhteiden epätasapainoisiin valta-asetelmiin.

Väitöstutkimuksen analyysissä liikutaan rikollisorganisaatioiden analyysistä lähisuhteiden analyysiin ja ilmiötä kuvailevasta tarkastelusta intersektionaaliseen analyysiin. Tutkimuksessa hyödynnetään erilaisia aineistoja: viranomaisaineistoja (tuomiot ja esitutkintapöytäkirjat), ihmiskaupan tai sen kaltaisen hyväksikäytön uhrien haastatteluita sekä asiantuntijahaastatteluita. Tutkimus on luonteeltaan laadullinen ja analyysimenetelmänä on käytetty temaattista ja analyttistä koodausta, lähilukua sekä intersektionaalista analyysiä.

Tutkimus osoittaa, että ihmiskauppa ja sen kaltainen hyväksikäyttö on muuttanut jossain määrin muotoaan 1990-luvun loppupuolelta 2010-luvulle tultaessa. Laajamittaisten paritusoperaatioiden sijaan Suomessa tunnustetaan nykyisin aiempaa paremmin hyväksikäyttöä, joka tapahtuu yksittäisten ihmisten välillä ja toisinaan lähisuhteissa erilaisissa työ- ja yksityiselämän konteksteissa.

Tutkimuksen keskiössä on rikoksentekijöiden uhriin kohdistama kontrolli ja se, miten kontrolli rajoittaa uhrien toimijuutta. Tutkimuksen mukaan uhrien toimijuutta rajoittavat niin rikoksentekijät, hyväksikäyttötilanteet kuin yhteiskunnalliset rakenteet. Uhriin kohdistuva fyysinen, psyykinen, seksuaalinen ja taloudellinen kontrolli sekä hyväksikäyttötilanteen asettamat rajat määrittävät uhrien mahdollisuuksia toimia. Lisäksi erilaisten yksilöön liittyvien tekijöiden ja rakenteellisten tekijöiden yhteenkietoutumat ja risteämät ovat yhteydessä hyväksikäytölle altistumiseen ja toisaalta siihen, ettei hyväksikäyttötilanteesta irtautuminen ole mahdollista tai ainakaan helppoa. Esimerkiksi sukupuoli, ikä, etninen tausta ja köyhyys voivat osaltaan olla yhteydessä hyväksikäytölle altistumiselle ja toisaalta muun muassa rahan puute, kielitaidottomuus ja oleskelulupastatus voivat luoda esteitä hyväksikäyttötilanteesta ja -suhteesta irtautumiselle. Nämä uhrien toimijuutta rajoittavat tekijät eivät kuitenkaan tarkoita, että uhrit olisivat vain passiivisia toiminnan kohteita, joilla ei ole minkäänlaista päätösvaltaa omaan elämäänsä. Sen sijaan uhrit toimivat heihin kohdistuvan kontrollin asettamissa rajoissa.

Asiasanat: Hyväksikäyttö, ihmiskauppa, kontrolli, rikoksentekijä, toimijuus, uhri

Niille, jotka ovat jo menneet

ESIPUHE JA KIITOKSET

Ajattelin aikoinaan, että jos joskus tulen tekemään väitöskirjan, niin se olisi suomenkielinen monografia. Toisin kävi: päädyin tekemään englanninkielisen artikkeliväitöskirjan. Ratkaisu syntyi heti kun aloin tehdä jatko-opintoja, mutta edelleen, monen vuoden jälkeen, muistan tämän haaveen suomenkielisestä monografiasta – oikeasta kirjasta, joka olisi kirjoitettu sillä kielellä, jolla kirjoittaminen on kaikkein nautinnollisinta. Loppujen lopuksi tekemäni ratkaisu oli varmaankin ihan hyvä, ja ainakin tämä työ tällaisenaan tuli valmiiksi. Alkuperäisen haaveeni muistoa kunnioittaen tämä esipuheeni olkoon kuitenkin monisanainen ja suomenkielinen.

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RESTRICTED AGENCY, CONTROL AND EXPLOITATION

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Minna Viuhko

CONTENTS

ABSTRACT	3
TIIVISTELMÄ	6
ESIPUHE JA KIITOKSET	11
Contents.....	17
List of original publications.....	19
1. Introduction.....	21
2. Setting the scene: Human trafficking in Finland	28
2.1 Overview of human trafficking in the Finnish context.....	28
2.2 Overview of the research on human trafficking and related phenomena in Finland	33
3. Human trafficking, its victims, offenders and their relationships	35
3.1 Stereotypes and myths concerning human trafficking	35
3.2 Victims, offenders and relationships between them.....	36
3.3 Human trafficking, organised crime and criminal networks.....	40
4. Theoretical framework and key concepts	43
4.1 The concept of agency in social theory	43
4.2 Restricted and constrained agency.....	45
4.3 Research into victims’ agency in the trafficking context.....	47
4.4 Vulnerability and agency.....	51
4.5 Intersectional approach to studying human trafficking.....	53
5. The research process	56
5.1 The aims of the study.....	56
5.2 Research questions and rationale of the sub-studies.....	57
5.3 Data and methods	60
5.4 Limitations of the data	65
5.5 Ethical considerations.....	68

6. Results: Summaries of the sub-studies	72
6.1 Sub-study I: Criminal operations, actors involved and the control imposed on the victims of trafficking and organised procuring.....	72
6.2 Sub-study II: The restricted agency of the victims of human trafficking	74
6.3 Sub-study III: Offenders in human trafficking and the role of organised crime	76
6.4 Sub-study IV: Relationships between offenders and victims of human trafficking.....	78
7. Conclusions of the study	80
7.1 Exploitation, control and agency	80
7.2 Relational and restricted agency	82
7.3 Intersectionality, agency and vulnerability	83
8. Discussion.....	86
8.1 The implications of the study.....	86
8.2 Blurred – and sometimes unnecessary – boundaries of trafficking and exploitation	90
8.3 Limitations of the study and ideas for further research.....	92
References.....	95
Appendix 1. The analytical model used in the Sub-study I	111

LIST OF ORIGINAL PUBLICATIONS

This dissertation is based on the following publications:

- I Viuhko, Minna (2010): Human trafficking for sexual exploitation and organized procuring in Finland. *European Journal of Criminology*. Sage and the European Society of Criminology 7(1): 61–75.

- II Viuhko, Minna (2013): Aktiivisia toimijoita vai passiivisia ideaaliuhreja? Ihmiskaupan uhrien rajoitettu toimijuus. [Active agents or passive ideal victims? Restricted agency of human trafficking victims.] *Oikeus* 42:(4), 385–404. Helsinki: Oikeuspoliittinen yhdistys Demla ry & Oikeus- ja yhteiskuntatieteellinen yhdistys.

This sub-study was originally published in Finnish. The sub-study has been translated into English (by Ville Toivonen) and included in the dissertation with the permission from Oikeus.

- III Viuhko, Minna (2017): Hardened Professional Criminals, or just Friends and Relatives? The Diversity of Offenders in Human Trafficking. *International Journal of Comparative and Applied Criminal Justice*, published online on 18 October 2017. DOI: 10.1080/01924036.2017.1391106

- IV Viuhko, Minna (2019): Just trust me and you'll make a fortune – Relationships between offenders and victims of human trafficking. *Nordic Journal of Criminology*. Published online on 22 March 2019. DOI: 10.1080/2578983X.2019.1591036

The publications are referred to in the text by their roman numerals.

1. INTRODUCTION

The distribution of the benefits of globalisation is far from equal (see e.g. Anthias 2013) and as Aas puts it “(g)lobal movements of people are highly stratified” (Aas 2007a, 47). Disparities in wealth and well-being between the rich and the poor, between the global North and the global South, and between genders are significant, and thus people have unequal resources to act (Therborn 2013). Human trafficking can be seen as one of the (extreme) implications of these inequalities. Human trafficking is a global phenomenon that affects people in different parts of the world and also, in a way, connects societies with each other. Disciplines, such as sociology and criminology, should go beyond national contexts and the idea of nation-state in order to analyse and understand global phenomena (Aas 2007b, 285), such as trafficking. The global perspective, however, is not self-evident for all disciplines since, for example in criminology, the dominant point of departure has historically been the framework of the nation-state (Aas 2012a; 2012b).

Human trafficking is a serious crime that has received a lot of attention during the first decades of the 21st century. However, despite the increased attention on the phenomenon, the question of what trafficking and the related dynamics actually are has remained relatively unclear until recently. Furthermore, countries worldwide face enormous problems in combatting and preventing the crime, investigating cases and taking them to court, as well as in helping the victims. This is partly due to the hidden nature of the crime: the victims do not often come forward and they tend to be unwilling to disclose their experiences or the exploitation they have encountered is not identified as trafficking e.g. by criminal justice actors or those who assist victims of crime.

There are several reasons for victims not telling about the exploitation they have encountered. These include e.g. fear, shame, lack of possibilities to share their experiences, lack of knowledge on whom to talk to or how to disclose the exploitation or unwillingness to be identified as a victim (see also Brunovskis & Surtees 2007; 2008). Furthermore, authorities often have difficulties in reaching the offenders (they might, for example, stay in another country) and collecting enough evidence of the crime. Moreover, the crimes are often investigated and/or prosecuted as crimes other than trafficking in human beings, such as pandering (see e.g. Viuhko & Jokinen 2009) or as extortionate work discrimination (see e.g. Ollus 2016a; Jokinen et al. 2011a; 2011b).

Trafficking can be defined e.g. as a process in which the perpetrator(s) exploits a person by using certain means to persuade them into a situation of exploitation in order to benefit from them. Often trafficking is not a single act – a crime that has clear boundaries and takes place in one, clear-cut moment – but rather a

process that takes place over a long period of time. Here, the process does not refer only to how an individual is moved into a situation of exploitation but also to the maintenance of that person in a situation of exploitation (UNODC 2013, 7). The dominant definition of trafficking comes from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (hereafter the “Trafficking Protocol”) that is one of the Protocols of the United Nations Convention against Transnational Organized Crime (United Nations 2004). The Protocol defines trafficking as an offence in which three elements – the act, the means and the purpose – have to be fulfilled in order for an offence to amount to trafficking. The *act* can refer, for instance, to recruitment or transportation; the *means* to deception or the abuse of power or of a position of vulnerability; and the *purpose* of exploitation e.g. to sexual exploitation, exploitation of the prostitution of others or forced labour (ibid).¹ The definition outlined in the Trafficking Protocol was the first internationally agreed definition of trafficking in human beings, and the Protocol is widely ratified.² In my study, I use the terms *human trafficking*, *trafficking*, *trafficking in human beings* and *trafficking in persons* as synonyms.³

The focus of this study is on **the agency of the victims of trafficking in the context of exploitation and control imposed on them**. By exploitation, I am referring to the different forms of abuse related to trafficking. The exploitation may refer to sexual abuse (for example, in the context of commercial sex but also in other contexts) or, for instance, work-related exploitation that takes place e.g.

1 - In the Protocol (United Nations 2004), trafficking in persons is defined as follows:

(a) “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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

2 - By 21 April 2019, it had 117 signatories and 173 State parties (United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en, accessed 21.4.2019).

3 - However, when referring to the provision that criminalises trafficking and the trafficking paragraph in the Finnish Criminal Code, I will use the term “trafficking in human beings” only.

between an employee and employer. The definition of exploitation can also be divided into technical and normative meanings: exploitation can technically and neutrally refer to the making use of a thing or a situation (e.g. a resource) or normatively to taking advantage of a person for one's own ends (Oxford English Reference Dictionary in UNODC 2015, 21). Since the latter, normative meaning focuses on relationships between people, it is thus relevant in the trafficking discussion. Furthermore, the United Nations Office on Drugs and Crime (UNODC) notes that, in politics and philosophy, exploitation is understood as being linked to the weakness or vulnerability of a person who becomes the object of exploitation (ibid., 21). Moreover, exploitation is linked to injustice and taking unfair advantage of a person or their vulnerability or situation (ibid., 21) (On the concept of vulnerability see sub-chapter 4.4 in this study). The concept of exploitation also has temporal and cultural dimensions (ibid., 22): What is deemed exploitative today has not necessarily been perceived as exploitation earlier, and what is deemed exploitative in one culture is not necessarily deemed exploitative in another.

In my study, I apply the term *exploitation* in reference to people and in the context of relationships between people, making the meaning or connotation of the concept negative per se. Exploitation in the context of human trafficking is manifested in many ways, and in my study, exploitation is understood in a broad sense, including different forms of abuse related to trafficking (such as sexual and labour exploitation). This abuse can be manifested in various forms of psychological, emotional, physical, sexual and economic violence and implemented by using various means of psychological, physical, sexual and economic *control* that the perpetrators inflict on the victims. In this study, exploitation is a broader concept than control and the measures thereof.

Control is also a more concrete concept: the study examines different means of or ways to formulate the victim's conduct to make them do what the offenders want. I focus on the control that the perpetrators impose on the victims (control at the micro-level) instead of, for instance, the macro-level control that is executed by the states or authorities (such as police control, migration control etc.). Unlike agency (see chapter 4), control as such is not treated as a theoretical concept in this study. Rather, control is the subject of the study.

In criminological control theory, social control is divided into formal (e.g. official norms in a society) and informal control, the latter meaning the control exercised e.g. by parents, friends etc., i.e. control that is not exercised based on the official norms. The informal control can also be illegal: for example, the internal control of criminal groups is a form of illegal control. (Kivivuori 2008.) As I am not studying the motivations or reasons for crime and criminal behaviour as such, I do not find the traditional criminological theories to act as the best frame of reference for my study. Thus, while positioning my study partly in the field of criminology (by discussing the ideal victim and ideal offender (Christie 1986), criminal activities

and organised crime), I mainly utilise the concepts from sociological theories (agency), and gender studies (intersectionality).

I argue that the exploitation of another person and its dynamics are at the core of understanding the nature of human trafficking. The focus should not be on whether a person has consented to the selling of sex or to poor working conditions but on the exploitative situation and exploitative relationships between the parties involved. Exploitation and violence are related to power and particularly to unequal access to power and unequal power relations. Here, I understand power as a capacity to achieve desired outcomes (Giddens 1984, 15), as a capacity to make another person do what you want them to do, and power relations as asymmetric relations in which one party has power over another person. The control used in these relationships is one of the concrete implications of such power. The unequal distribution of power, in turn, has an impact on the agency of the persons involved in these situations and relationships.

Agency can be defined, for example, as the capacity of people to make decisions and implement them, as the capacity to act (e.g. Gordon 2005; Giddens 1984). As Ronkainen (2008, 388) has written, the analyses of agency vary from the macro-level, functionalism and structuralism – describing social structures – to different forms of situational agency, such as “small agency”, sense of agency and gendered agency. I situate myself primarily in the latter field of study and focus on the agency in the exploitative situations and exploitative relationships (restricted agency, see sub-study II; and also e.g. sense of agency, see Gordon 2005; and small agency, see Honkasalo, 2013).

In terms of agency, I approach the concept through examining – in addition to the victims’ own views on the exploitation and control – how the offenders control the victims and what the relationships between the victims and offenders are like, drawing on court cases and interviews of victims and experts. The study consists of four sub-studies and this summary chapter. In each of the sub-studies, the control directed at the victims is studied from different perspectives. The control is examined in the context of 1) criminal organisations, their structure and the control used in the criminal operations (sub-study I); 2) the victims’ descriptions of their experiences of the control imposed on them (sub-study II); 3) offenders, their relation to the victims and to organised criminal activity (sub-study III); and 4) the relationships between the offenders and victims, and the nature and dynamics thereof (sub-study IV). All these aspects contribute to disclosing the nature of agency in the context of human trafficking. By studying the offenders, their actions and means of control they use, I am able to analyse – in addition to the exploitation encountered by the victims – the agency of the victims and nuances thereof. While it was not the initial focus in the data collection, agency is the central concept guiding my study (see also Virkki 2004, 28).

Through these frameworks and perspectives, the study aims to answer the following overall research questions: **How do exploitation and control manifest themselves in the human trafficking of the 21st-century Finland, what forms of control imposed on the victims can be identified, and how does the control restrict the agency of the victims?**

I examine the relational nature of agency and thus apply the notion of *relational agency* (Burkitt 2016). Relational agency refers to the view that agency appears among people in their relational contexts (ibid., 332; see sub-chapter 4.1). Also, Virkki (2004) has noted that agency should be seen in relation to something or someone. For her, agency is built in social relationships and power relations. Agency also has a temporal dimension and thus it is built and re-built again and again in relation to what it has been before but also in relation to the future. (Virkki 2004; on the temporality of agency see also Emirbayer & Mische 1998.) I analyse the agency of trafficked persons in the context of exploitative relationships, situations and circumstances, and **I argue that the agency of trafficked persons is restricted not only by the offenders and the control they impose on the victims, but also by the exploitative situation, as well as by structural factors.** The study discusses these restrictions and control particularly at the micro-level by zooming into the exploitative situations, relationships and the interaction between the victims and the offenders. By *exploitative situation*, I do not refer to an individual moment but to social situations and to the wider category of conditions and circumstances which the trafficked persons face while being trafficked. I also use the term *exploitative relationship*, by which I refer to the relationship between victims and offenders that includes various forms of abuse and that are built in social interaction. I analyse agency in the exploitative situations: what are the possibilities for the trafficked persons to act while being in the relationship and situation where they are exploited and controlled, and how have the trafficked persons acted?

In previous research, the agency of the victims of trafficking has often been associated with their capability to seek and receive help (whether they are strong enough to tell their story and capable of telling the right sort of story) (see e.g. Brunovskis & Surtees 2008; Harrington 2005) or discussed in the context of migration and of reasons for leaving their home (country) (whether they have made the choice out of free will) (see e.g. Andrijasevic 2009; 2010; Agustin 2006; 2007) but seldom examined in the actual exploitative situations (what are their possibilities e.g. to negotiate with the perpetrators or leave the exploitative situation and how they act in these situations). I am focusing on the agency in the context of exploitative situations, whereas e.g. Jäppinen (2013) has studied the agency of the women who have experienced violence in the context of the help and assistance the women receive. As part of her institutional ethnography, Jäppinen has analysed e.g. the requirement of active agency that those who provide assistance set on the women.

Victims of trafficking often face a contradiction in how they are treated: on the one hand, they are assumed to be passive and helpless, “ideal kind of victims” (see sub-study II) and, on the other hand, they should be active enough to get help, to assure authorities of their victimhood and to be capable of telling their story again and again. Also, previous research (for example Jäppinen 2013; Keskinen 2005) has highlighted the expectations of the strong agency and autonomy that are directed at (female) victims of violence. Venäläinen (2012) has similarly shown that women who have experienced violence are positioned either as innocent victims or as active agents, who are responsible for what happens to them (see also Ronkainen 2001). Husso (2003, 56), in her research on intimate partner violence, has noted that people subjected to violence are seldom constantly active agents but rather that the situations vary between activity and passivity.

I argue that acknowledging the agency of the victims of trafficking does not mean that they should be seen responsible for the exploitation they have encountered. Whether or not they have “chosen” to migrate, leave their home country, sell sex etc., does not make them responsible for or guilty of being exploited by other people (see also Brunovskis & Surtees 2015; Agustin 2006). Instead, by focusing on agency, my aim is to question the often rigid and inflexible categories related to victimhood and to show that people who have encountered severe violence and abuse do not often fit in the narrow category of a certain kind of victimhood.

The main contribution of the study is to provide a micro-level analysis on the control imposed on the victims of trafficking and the relationships between the offenders and victims and particularly to discuss how the agency of the victims appears in these relationships. Moreover, the study applies intersectional analysis (e.g. Crenshaw 1991) in the research on human trafficking. Intersectional analysis has been rarely applied in the trafficking research or discussed at the micro-level (instead of the structural/macro level). As human trafficking itself is situated at the intersection of migration, gender, policies, crime (Anthias 2013) and abuse, it is important to look at the different factors and situations in which the exploitation takes place and which contribute to the exploitation.

Unlike many of the studies on trafficking, this study does not focus only on women as victims or men as offenders but looks at different genders in different positions. Also, unlike the majority of research on trafficking the study does not concentrate only on trafficking for sexual exploitation but rather examines the exploitation and control from a wider perspective. This study also discusses the agency of trafficked persons in the context of both sexual and labour exploitation. Furthermore, the study fills in the gaps of the research on trafficking in the Finnish context by providing an analysis of the trafficking situation in Finland during the first 15 years of the 2000s. By showcasing the situation in Finland, the study also shows patterns and elements of trafficking that can be found in different parts of the world. This dissertation contributes to the sociological discussion on agency

by deepening the specific understanding of the agency of trafficked persons, by analysing the concept of agency in the context of human trafficking and by introducing the concept of restricted agency into the context of trafficking as well as into the sociological research on the notion of agency. Finally, the study provides a unique analysis of the intersections of agency, vulnerability, power and relationships in the context of human trafficking.

The structure of this summary chapter is as follows: First, I will outline the context of this study and provide information on the human trafficking situation in Finland. I will also present an overview of the previous research on human trafficking in Finland *generally* (chapter 2) and *specifically* on the perspectives relevant for my study at the international level (chapter 3). After that I will discuss the theoretical framework of the study and present the key theoretical concepts of the study (chapter 4). In chapter 5, I will both outline the research process by introducing the research questions, the data and the methods of the study and discuss limitations of the data and research ethics. Chapter 6 summarises the findings of the study based on the four sub-studies. In chapter 7, I will outline the conclusions of the study, and in chapter 8 I will discuss the implications of the study, limitations of the study and make some suggestions for further research.

2. SETTING THE SCENE: HUMAN TRAFFICKING IN FINLAND

In this chapter, I will outline the background for studying human trafficking in the Finnish context. First, I will present a brief overview of the human trafficking situation in Finland, including the legislation, the assistance system to the victims of trafficking as well as some statistical information. After that, I will introduce earlier research on the topic and related phenomena in the Finnish context.

2.1 Overview of human trafficking in the Finnish context

Human trafficking began to be identified as a social problem at the turn of the new millennium, although the phenomenon as such was not new (see e.g. Lee 2007). The discussion had started internationally in the 1990s and to some extent also in Finland (Hollmen & Jyrkinen 1999). However, at the beginning of the millennium, trafficking was a relatively newly identified problem in Finland, and the discussion concentrated on the questions related to prostitution and sexual exploitation. In Finland, like in many other countries, the pressure both to recognise trafficking as a crime that needs to be combatted and to criminalise it came largely from the international community (see Roth 2010).

According to the social constructionist view, the definition of crime and the understanding of what counts as crime or acceptable/unacceptable behaviour vary both culturally and historically (Henry 2009). Henry argues that individuals with the power and authority to draft laws define what kind of behaviour is classified as criminal, and these definitions reflect the values and norms of the law-makers and the given society (ibid.). This also applies to human trafficking, and at the turn of the millennium, pushed by international obligations the government of Finland started to take steps to address trafficking (see details of the process of criminalising trafficking in Finland in Roth 2012; 2010).

Anti-trafficking efforts have taken great steps during the last 15 years in Finland: trafficking in human beings was criminalised in 2004, the assistance system for the victims of trafficking was founded in 2006 and paragraphs on or related to trafficking have been included in several laws, such as the Criminal Code, the so-called Reception Act, the Aliens Act and the so-called Integration Act. National action plans have been drafted, put into force and evaluated. Furthermore, the Ombudsman for Minorities (currently the Non-discrimination Ombudsman) was appointed as National Rapporteur for trafficking in human beings in 2009, and

the position of anti-trafficking coordinator was established in 2014. (See detailed description on the history of combatting trafficking in Finland in Roth 2010; 2012; Koskenoja et al. 2018.)

The Finnish Criminal Code defines trafficking in human beings in its Chapter 25 on Offences against personal liberty as follows:

Section 3 Trafficking in human beings (650/2004)

(1) A person who

- (1) by taking advantage of the dependent status or vulnerable state of another person or by pressuring another,
- (2) by deceiving another person or by taking advantage of a mistake made by that person,
- (3) by paying remuneration to a person who has control over another person, or
- (4) by accepting such remuneration

takes control over another person, recruits, transfers, transports, receives or provides accommodation for another person for purposes of sexual abuse referred to in Chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues shall be sentenced for trafficking in human beings to imprisonment for at least four months and at most six years. (1177/2014)

(2) Also a person who takes control over another person below the age of eighteen years or recruits, transfers, transports, receives or provides accommodation for that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1) (4) have been used. (1177/2014)

(3) An attempt is punishable.

Section 3(a) Aggravated trafficking in human beings (650/2004)

(1) If, in trafficking in human beings,

- (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3,
- (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,

- (3) the offence has been committed against a child below the age of eighteen years or against a person whose capacity to defend himself or herself has been substantially diminished, or
- (4) the offence has been committed within the framework of an organized criminal group referred to in Chapter 6, section 5, subsection 2 (564/2015)

and the offence is aggravated also when considered as whole, the offender shall be sentenced for aggravated trafficking in human beings to imprisonment for at least two years and at most ten years.

(2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.

(3) An attempt is punishable.

The criminalisation followed to a large extent the definition of the United Nations Trafficking Protocol and the EU Framework decision on combating trafficking in human beings.⁴ The international pressure was also one of the most prominent reasons to criminalise trafficking in Finland (see Roth 2010). The Criminal Code was amended in 2015 as a result of the recognition of overlaps between the trafficking and pandering paragraphs and problems in the application of the law in prostitution-related trafficking cases. As my study does not deal with the actual law or its application, I will not go into details of the law and the process of criminalisation (on these processes, see Roth 2010; 2012; Ollus 2016a; Kimpimäki 2009; HE 34/2004). However, the trafficking legislation provides a framework for the study, for instance, in the sense that I use court cases (judgments) and interviews e.g. of law enforcement actors and identified victims as data.

The number of identified and investigated offences concerning trafficking in human beings was very low in the first years after the criminalisation. The number of identified offences has slowly started to increase, and towards the end of 2010s the number of recorded trafficking offences amounts to dozens of crimes per year⁵, whereas before 2010 the number of investigated crimes was only 1–6 cases per year. The number of cases that proceeded to the prosecutor

4 - EU Framework decision (002/629/YOS) from 2002. The framework decision was replaced with the EU Directive (2011/36/EU) on preventing and combating trafficking and protecting its victims.

5 - The number of offences investigated with the label "trafficking in human beings" or "aggravated trafficking in human beings" has varied a lot in 2010–2017, from approximately ten offences per year to more than 70 per year. The numbers also vary to some extent in different reports and it is difficult to find reliable and exact numbers on recorded and investigated crimes.

is much lower and the number of prosecuted cases has been less than ten per year in 2010–2017. The number of convictions has varied between 0–7 per year in 2010–2016. (Yhdenvertaisuusvaltuutettu 2018.) Until 2012, the cases that proceeded to court were mainly related to prostitution and sexual exploitation. In 2012, the first conviction was given in a case dealing with forced labour outside the prostitution context. Since 2012, several convictions have been given in labour trafficking cases. As of April 2019, there have been no trafficking convictions, for instance, as regards forced or other exploitative marriages or the removal of organs. However, some elements of exploitation in criminal activities (e.g. forcing a person to commit crimes) have been identified in the cases that have resulted in a trafficking conviction (see Kervinen & Ollus 2019).

Assistance to victims of trafficking is regulated in the Act on the reception of persons seeking international protection and on the identification of and assistance to victims of trafficking in human beings (746/2011), the so-called Reception Act. The Act was amended in 2015 and a dual system of assistance was introduced. The system is coordinated by the Joutseno reception centre, a governmental body that operates under the Finnish Ministry of the Interior, and more specifically under the Finnish Immigration Service from 2017 onwards. The dual system means in practice that the Joutseno reception centre organises the services for asylum seekers, third-country nationals or other people who do not have municipal residence in Finland (including undocumented migrants). The Finnish municipalities, in turn, provide services for those people who have municipal residence in Finland, including Finnish citizens, EU-nationals or people who have some other permanent residence permit in Finland. According to the Act, the assistance may include housing, health care, social services, legal support and financial help for those without an income. (For details, see Koskenoja et al. 2018.)

The law on the identification and assistance to the victims of trafficking and how it is applied was evaluated in detail in 2017–2018, and the evaluation showed that the personnel working in the assistance system (at the Joutseno reception centre) has a lot of expertise and has done good work in assisting the victims. On the other hand, the evaluation found several problems as regards the identification and providing assistance to the victims. The main problems were related to the situation in the municipalities: the employees of the social and health care sector are not well aware of the law regulating the assistance to the victims of trafficking, and thus they only seldom apply the law. They do not necessarily identify victims of trafficking, and even if they do, they may treat them as any other clients without recognising the special status of the trafficking victims provided for in the Act. This results in a situation where victims of trafficking do not necessarily receive the services they are entitled to. One of the structural issues leading to this problem is the fact that e.g. the social workers primarily apply Social Welfare Act, whereas assistance to trafficking victims is regulated in the Reception Act. These two Acts are administrated by different ministries (Ministry of Social and Health and

Ministry of the Interior), and apparently the interaction and cooperation between these two fields of administration is lacking as far as issues related to victims of trafficking are concerned. A further problem is the lack of guidelines on the status of the victim of trafficking, the content of the law and on how the law should be applied.⁶ Another central problem identified in the evaluation was the strong link between assistance and criminal proceedings, which may prevent a victim from getting help. (Koskenoja et al. 2018.)

All in all, the assistance system has provided help to hundreds of victims of trafficking. The total number of clients in the assistance system between 2006 and 2018 was 793 people.⁷ At the end of 2018, the number of clients was 455 people. In 2018, 163 new clients, of whom ten were underage, were taken into the assistance system. Of these, 52 were victimised in Finland, and others abroad, i.a. in conflict regions. These 52 people include Finnish citizens, people who do not need a visa in Finland, asylum seekers and third-country nationals who have a work permit. They were exploited in the sex trade, usually in prostitution, at work, especially in the restaurant and cleaning sectors and in the context of forced marriages. Of these 52 people, 65% were women and 35% men. Of all 163 new clients in 2018, 53% were women. The majority of the female clients were sexually exploited, whereas the majority of the male clients were exploited at work. (Ihmiskaupan uhrien auttamisjärjestelmä 2018.)

It can be concluded that the actions against trafficking in Finland (like in other parts of the world) have taken significant steps since the beginning of the 2000s. The structures are in many respects in place but the concrete actions to prevent trafficking, to investigate the cases and to assist victims are insufficient. Also, structural challenges continue to exist as, for example, the resources of the police are inadequate, the social and health sector in the municipalities do not apply the Reception Act and the specialisation and expertise in human trafficking issues is not sufficient among authorities. Certain police units have extensive expertise in trafficking questions, but at the same time there are units that do not have enough knowledge on the issue or resources to investigate trafficking offences.

In the following sub-chapter, I present a brief overview on the research into human trafficking and related phenomena, such as prostitution, procuring and exploitation of migrant workers in Finland.

6 - In 2019, however, the Ministry of Social and Health issued guidelines for the municipalities on the rights of and assistance to the victims of trafficking (see STM 2019).

7 - Information received from the assistance system by e-mail on 3 May 2019. The total number of persons taken into the assistance system by 30 April 2019 was 859.

2.2 Overview of the research on human trafficking and related phenomena in Finland

The number of research projects, reports and articles on trafficking has increased steadily from the beginning of 2000s (see Russell 2018). On a global level, the studies have discussed the phenomenon from different perspectives, such as trafficking in the context of prostitution and trafficking for sexual exploitation, trafficking for forced labour and labour trafficking and to some extent also other forms of trafficking, such as trafficking for forced, sham and child marriage, exploitation in criminal activities, forced begging and the removal of organs. However, the research has largely concentrated on trafficking for sexual exploitation. Moreover, despite the huge amount of research, many of the studies are non-empirical “overviews” that lack a theoretical base (Russell 2018). Many of the studies focus on the legal framework (*ibid.*) and, for instance, in-depth theoretically-oriented sociological contributions on the phenomenon are relatively rare.

In Finland, the research on trafficking has focused, on the one hand, on the legal analysis of trafficking for sexual exploitation (Roth 2007; 2010; 2011; 2016; Kimpimäki 2009) and, on the other hand, on empirical research on trafficking for labour exploitation and exploitation of (migrant) workers (Ollus 2016a; Jokinen & Ollus 2014; Ollus & Jokinen 2014; Jokinen et al. 2011a; 2011b; Sams & Sorjanen 2014). In particular, the European Institute for Crime Prevention and Control (HEUNI), where I work, has produced a lot of policy-oriented research on trafficking. Together with my colleague Anniina Jokinen, we have studied the links between trafficking for sexual exploitation, organised procuring and organised crime (Viuhko & Jokinen 2009; Jokinen & Viuhko 2013; BRÅ 2008). Furthermore, human trafficking – or trafficking in women – has been mapped by Lehti and Aromaa (2002). The legal regulation and definition of trafficking for labour exploitation or forced labour have been discussed by Ollus (2016a), Kaikkonen (2015), Alvesalo-Kuusi et al. (2014), Roth (2010) and Soukola (2009). Recently, trafficking has also been studied and mapped from other perspectives, such as trafficking against children and young people (Kervinen & Ollus 2019), assistance for the victims of trafficking (Koskenoja et al. 2018; also Lietonen & Ollus 2017⁸), the links between trafficking and sham marriages (Viuhko et al. 2016⁹), as well as in the context of the ferry industry at the Baltic sea region (Ollus & Lietonen 2016). Furthermore, the National Rapporteur on trafficking in human beings (Vähemmistövaltuutettu 2010; 2012; 2013; 2014; Yhdenvertaisuusvaltuutettu

8 - Does not, however, focus on the situation in Finland.

9 - Does not, however, focus on the situation in Finland.

2018) has published comprehensive reports on the trafficking situation and the anti-trafficking efforts in Finland. Overall, the body of research on trafficking in Finland has, to date, been modest and carried out mainly by a few people and organisations and, with the exception of the doctoral dissertations by Roth (2010) and Ollus (2016a), the research has mainly been descriptive in nature and conducted outside the academia.

Compared to human trafficking, the body of literature on prostitution is more comprehensive. Social scientists and historians have studied sex work and prostitution from different angles. Studies have focused on sex workers in the early 19th-century Finland, particularly in the Turku region (Vainio-Korhonen 2018) and prostitution in the history of the Helsinki area (Tikka et al. 2018; Häkkinen 1995). Järvinen (1990; 1987) has also focused on prostitution in Helsinki and approached it from the perspective of control and policing, whereas Näre (1998), together with Lähteenmaa (Lähteenmaa & Näre 1994; Näre & Lähteenmaa 1995) have studied sex bars (see also Penttinen 2004). Anna Kontula's studies (2008; 2007; 2005) have been central contributions in the research on contemporary sex work, as has Niina Vuolajärvi's work on migrant sex work and immigration policies (2018a; 2018b) and Pia Skaffari's work on prostitution in Northern Finland (2010; see also Skaffari & Väyrynen 2013; 2014; Skaffari & Urponen 2004; also Korhonen 2003). Jyrkinen (2005a; 2005b), in turn, has studied the commercialisation of sex (see also Jyrkinen & Hearn 2008) and Penttinen (2004; 2010) the globalisation of the sex industry (see also Jyrkinen & Penttinen 2017), and Diatlova (2016; 2018; 2019; Diatlova & Näre 2018) Russian-speaking women in the Finnish sex trade. Prostitution policies have also been a subject of a study (Vuolajärvi et al. 2017), as well as sex buyers and cross-border prostitution (Marttila 2004; 2005; 2006; 2007; 2008a; 2008b; 2008c; 2009; Ihamäki 2004; 2012; on sex buyers see also Keeler & Jyrkinen 1999; Varsa 1986) and the newspapers and the advertisement on sexual services (Laukkanen 2000). Some studies (for example Skaffari 2010; Lehti & Aromaa 2002; Kauppinen 2000; Lähteenmaa & Näre 1994) have also discussed the consequences of the collapse of the Soviet Union for the Finnish market for commercial sex. Many of the above-mentioned studies also make references to human trafficking.

Niemi-Kiesiläinen (2004), as well as Kimpimäki (2009) have studied prostitution in the context of legal regulation, also discussing procuring and human trafficking. Leskinen (2003) has discussed procuring from the police point of view. In addition, Aaltonen and Niemi (2013; Niemi & Aaltonen 2017) have studied the legal regulation of buying sex (see also Aaltio 2009).

Outside of the context of sex work, exploitation of migrant workers and labour exploitation in Finland have been discussed in the context of research on migrant workers, their precarious status and labour migration (see e.g. Könönen 2014; Kontula 2010; Himanen & Könönen 2010; Näre 2012).

3. HUMAN TRAFFICKING, ITS VICTIMS, OFFENDERS AND THEIR RELATIONSHIPS

In the following sub-chapters, I discuss earlier research on trafficking in the context of topics and perspectives relevant for my study, such as actors involved in trafficking and their relationships and the links between trafficking and organised crime.

3.1 Stereotypes and myths concerning human trafficking

As my study shows (see particularly sub-studies II and III), a lot of stereotypical images and polarised views on trafficking exist. Human trafficking is a very emotive concept that is often used in a sensationalistic way, for example, in the media, anti-trafficking campaigns and policy documents (see e.g. Weitzer 2007; 2011; 2014; 2015; Cockbain 2018; Andrijasevic 2010; Kempadoo 2015). Discourses on trafficking entail mythical claims (Weitzer 2011; 2014; 2015) that the media but also anti-trafficking actors renew and repeat. According to Cockbain (2018, 21–24), the myths on trafficking are related to claims about an epidemic, rapidly growing crime in which offenders are portrayed as evil male predators, as manipulative and sophisticated operators of organised criminal enterprises, who attack the white, Western people and exploit passive female victims. In her study, Cockbain noticed that many of the myths and misconceptions did not match up to the empirical realities. However, these myths, images and stereotypes, for their part, have an impact for instance on whether victims of trafficking are identified or not and on whether they have access to justice. Several researchers (see e.g. Aradau 2004; Brunovskis & Surtees 2007; Hoyle et al. 2011; Lee 2011; Roth 2011) have noted that those victims who do not fit the images of ideal-kind of victims are not identified as victims of trafficking.

Trafficking has often been discussed in the framework of "slavery", "modern slavery" and "slave trade" (e.g. Bales 2012; Kara 2009; see also Lee 2007), as an issue of prostitution (see e.g. Lee 2007; Rodriguez-Lopez 2018) and presented as a question of organised crime (see e.g. Stoyanova 2015; Muraszkiwicz et al. 2014; Anderson & Andrijasevic 2008). Furthermore, trafficking has largely been dealt with as an issue of migration (Lee 2007), although domestic trafficking also takes place and the victims and perpetrators are not only migrants. Several scholars have criticised, for instance, the talk of trafficking as modern slavery (O'Connell Davidson 2010; Hoyle et al. 2011; Kempadoo 2015; Andrijasevic & Mai 2016).

Many scholars have suggested that the phenomenon should be studied and discussed from a wider and more nuanced perspective than from that of

transnational organised crime in which men sexually exploit women and girls in prostitution. However, while the limitations of this perspective have been recognised, only few studies have been carried out, for instance, in the context other than prostitution and sexual exploitation. For example, criminological research has not paid much attention on labour exploitation or men as victims (Spencer & Broad 2012). Compared to other Nordic and European countries, Finland has been a forerunner in researching labour trafficking (Jokinen et al. 2011a; 2011b; Ollus & Jokinen 2013; Jokinen & Ollus 2014; Ollus 2016a).

In my study, I take distance from the scholars who discuss human trafficking in a rather sensationalist way and within the framework of slavery (see e.g. Bales 2012). Bales (2012, 3) has written, for example, that "(s)lavery is not a horror safely consigned to the past; it continues to exist throughout the world, even in developed countries like France and the United States. Across the world slaves work and sweat and build and suffer." He has noted, though, that modern slavery differs from the old slavery, for instance as regards the ownership of a person. He has explained that modern slavery is about controlling the slaves completely, instead of owning them in the traditional sense. (Ibid.) Although it is extremely important to pay attention to the very severe exploitation that people in many sectors of labour in different parts of the world encounter, I find using the term "slave" problematic, as it easily takes away the dignity and agency of a person. Furthermore, even though talking about slaves may be very effective in making people also pay attention to the abuse taking place in "their own neighbourhood" and not just somewhere far away, this kind of discourse may have counter-productive effects as the people may start to look for "slaves" instead of ordinary people who work in exploitative circumstances. For the same reason, I challenge the stereotypical views on naïve, passive ideal victims and evil, professional criminals in my study (see sub-studies II and III).

Furthermore, I do not discuss trafficking solely in the context of organised crime, prostitution or sexual exploitation. My aim is to broaden the understanding of the phenomenon and provide various perspectives, some of which have been relatively rare in the field of trafficking research. In the next sub-chapters, I discuss, based on earlier research, the actors of human trafficking, focusing particularly on victims and offenders, the images associated with them and the relationships between them. I also define the key concepts related to victims and offenders. Furthermore, I provide an overview of the research on trafficking and organised crime.

3.2 Victims, offenders and relationships between them

The focus of this study is mainly on the victims and offenders of human trafficking, but other actors involved in (criminal) activities are also referred to

(particularly in sub-study I). In my study, *victim* refers to people who have been subjected to exploitation and abuse. This does not, however, mean that the people themselves identify as victims (in general or of trafficking). I use the terms *victim of trafficking* and *trafficked person* as synonyms.

The context of my study explains the use of the term *victim*. I use the term *victim*, although I acknowledge the problems related to the term. The reason for choosing to use the term *victim* in the first place was the fact that the people studied in my sub-studies were mainly identified victims. They were either people who had been taken into the assistance system for the victims of trafficking or people whose cases have been dealt with in courts. In that sense, they have been defined as victims of trafficking at least by the authorities. As the subjects of my study are both men and women, I cannot use e.g. the term *women* when referring to them (cf. studies that only discuss women and girls as victims of trafficking). Furthermore, for practical reasons, it would not have been very fluent to repeat terms, such as “persons subjected to exploitation”, “persons taken into the assistance system for victims of trafficking”, “persons who have been victimised in (the context of) trafficking or related exploitation” etc. all the time. Moreover, although I also use the term *trafficked person*, the term is not suitable throughout the study, as I also discuss crimes that are related to trafficking but not necessarily actual trafficking (such as (aggravated) pandering). I also want to underline the fact that I have studied victims of trafficking and not, for instance, sex workers or migrant workers in general (cf. e.g. Andrijasevic 2010, who avoids using the term trafficking and calling migrant sex workers “victims”).

Brunovskis and Surtees (2008, 73) have written:

“While the term ‘victim’ is the subject of some controversy in the discussion on people subjected to violent crimes such as trafficking, we have made a conscious choice to use this term. This is not intended as a normative judgment of victims’ agency or state of mind, but rather denotes people who are victims of a crime in the legal sense for us. This choice is based on a sense that alternative terms such as ‘survivor’, are often unfitting and may even cloud the realities that these women live under. The choice of terminology is more pragmatic than a staunchly ideological one.”

I follow their understanding in a sense that my purpose is not to use the term *victim* as a reference to their agency or lack thereof but to emphasise that they have been subjected to (often serious) exploitation. Moreover, like Brunovskis and Surtees, I also find the term “survivor” problematic as it is not always very clear, for instance, at what point does a trafficked person become someone who has survived trafficking. In fact, what does “survival” even entail in this context? Does it simply refer to getting away from the exploitative situation or does it refer e.g. to recovering from the consequences of exploitation?

Offender and *perpetrator*, in turn, refer to a person who has, according to my data, exploited or abused someone in a way that resembles or can be defined as human trafficking. I use the terms *offender*, *perpetrator* and *trafficker* mainly as synonyms. Sometimes I also refer to pimps or procurers. In the text, I do not differentiate between suspects, accused persons or convicted offenders, as my study does not focus on the criminal process as such. In the case of the court data (judgments), the offenders have been convicted of trafficking¹⁰. When I refer to data other than court judgments, I do not take a stand as regards the person's legal status. For example, when describing their experiences of exploitation, victims may refer to their "exploiters" without specifying whether the person has been found guilty or accused or suspected of trafficking or related offences. In such cases I will also use the terms offender or perpetrator.

Trafficking research has mainly concentrated on the victims (Serie et al 2018). The studies have focused, for example, on assistance and help offered to the victims, including obstacles in receiving the help (e.g. Brunovskis & Surtees 2008; 2012b; Koskenoja et al. 2018; Lietonen & Ollus 2017), the needs of the victims (e.g. Rijken 2018; Brunovskis & Surtees 2012a; Koskenoja et al. 2018), the repatriation and deportation of the victims (e.g. Skilbrei & Tveit 2007; Plambech 2014a; 2014b) and the agency and representations of victims of trafficking (see sub-chapter 4.3 "Research into victims' agency in the trafficking context").

The research on traffickers has been relatively rare (Serie et al. 2018; Korsby 2015; Broad 2015; 2018; Surtees 2014; Troshynski & Blank 2008), and only in a few studies traffickers themselves have been interviewed (BRÅ 2008; Cockbain 2018; Keo et al. 2014; Korsby 2015; Rijken et al. 2015; Serie et al. 2018; Troshynski & Blank 2008). Pimps have been a subject of research (e.g. van San & Bovenkerk 2013), but in some studies it is not clear whether the offenders studied are traffickers or merely pimps who have committed pandering offences instead of actual trafficking (e.g. Raphael & Myers-Powell 2010). Like in my sub-studies III and IV, traffickers and their relationships with the victims are in some studies analysed through official data, such as court judgments and pre-trial investigation material (Serie et al. 2018; Verhoeven et al. 2015; Simmons et al. 2013; see also Broad 2015).

The studies of Cockbain (2018) and Korsby (2015) have been major contributions in the research on traffickers. In her study, Cockbain (2018) has analysed the networks of internal child sex trafficking in the United Kingdom, overturning the myths regarding child sex trafficking as a foreign import carried out by organised criminal groups, and showing that the majority of the offenders were British nationals who had a criminal record mainly of minor offences. Also,

10 - However, the judgments are not necessarily legally valid.

Korsby (2015) has pointed out that while traffickers are often given a mythical status as members of mafia networks, her informants were not part of large international networks but operated through informal, local networks.

The contradiction between images associated with traffickers and empirical findings of studies on traffickers are related to the notion of the ideal offender introduced by the Norwegian criminologist Nils Christie (1986). In my study, I apply the notions of ideal victim and ideal offender. Christie (1986, 18) has defined the concept of the ideal victim as “a person or a category of individuals who – when hit by a crime – most readily are given the complete and legitimate status of being a victim.” An ideal victim is weak (e.g. an ill and/or old or a very young person) and innocent, and s/he is not doing anything “morally questionable”. An ideal offender, in turn, is defined as a big, bad, unknown person who has no personal relationship with the victim. For Christie, the categories of ideal victim and ideal offender are interdependent. (Ibid.)

I apply Christie’s concepts particularly when discussing and questioning the images of offenders and victims of trafficking (sub-studies II and III). Both are often portrayed as idealised, for example in the policy-making and the media, making the picture very black-and-white (see also e.g. Faulkner 2018). Also, Christie himself has noted that the picture of ideal victims and offenders is oversimplified and that the real victims and offenders differ from the ideal ones. Thus, Christie’s concept is in a way not only a theoretical but also paradoxical construction (see Van Wijk 2013). However, Christie’s critical concept is an excellent theoretical tool, since traffickers and trafficked persons are often portrayed as “ideal-kinds” (see sub-study III). As I have written in the sub-study III, it is important to map and reflect on the dominant images, the real situations and real-life people since the images – whether correct or false – shape our understanding and also the understanding of those involved in trafficking, and consequently have an impact on the identification of cases and the people involved.

In addition to the notion of the ideal victim, trafficked persons have been discussed, for example, in the framework of the “perfect victim” (Uy 2011). Uy has argued that if the discussion focuses only on the question of what constitutes a perfect victim, the diversity of victims is overlooked and those victims who do not fit the archetypes of a perfect victim do not get help. Furthermore, the one-sided image of the perfect victim “fails to take into account personal agency” and personal choice, and then, Uy claims, it is difficult to make a distinction between trafficking and voluntary commercial sex, and thus prostitution is conflated with trafficking (ibid., 211).

Spencer and Broad (2012, 270) have also argued that instead of discussing “migrant men as predatory organised criminals” and “migrant women as sex worker victims lacking agency”, trafficking should be examined from a wider perspective by returning migrants their agency and self-determination and

providing in-depth understanding of the process of exploitation by taking into account the complexities of relationships and dynamics of exploitation.

My study deals both with the dynamics of exploitation and relationships between victims and offenders. Particularly the sub-study IV analyses the relationships and *power relations* between the victims and offenders. By power relations, I refer to asymmetric relations and the power imbalance between traffickers and trafficked persons (see sub-study IV). In social sciences, power is “often defined in terms of intent or the will, as the capacity to achieve desired and intended outcomes” (Giddens 1984, 15). The sub-study discusses how intersectional distinctions create and maintain power relations or hierarchies between the parties involved (see also Pirskanen & Eerola, 2018).

In previous research, the relationships between the victims and offenders have been studied mainly in the context of trafficking for sexual exploitation and pimping (Verhoeven et al. 2015; Roe-Sepowitz et al. 2014; Serie et al. 2018; Broad 2015: see also Korsby 2015; FitzGerald 2018). Some of the studies have concentrated particularly on the intimate relationships between the offenders and victims. For example, Verhoeven et al. (2015) and Roe-Sepowitz et al. (2014) have analysed the parallels between trafficking and domestic violence (see sub-study IV). In her study, Korsby (2015) has shown that the relationships between pimps/traffickers and sex workers are multifaceted and ambivalent and “should be understood within a larger social landscape” (ibid, 197). In my study, I look at the different kinds of relationships between the victims and offenders both in the context of larger operations and that of close relations, and also open up the ambivalent nature of these relationships. By *close relations* or *close relationships*, I do not only refer to intimate or romantic relationships but also to other close relationships, such as those between family members and relatives, between friends, and to some extent also between acquaintances. A professional relationship can in some cases also be seen as a close relationship.

3.3 Human trafficking, organised crime and criminal networks

As mentioned above, human trafficking is often discussed in the context of organised crime (see e.g. Lee 2007; 2011; Stoyanova 2015; Muraszkievicz et al. 2014; Cockbain 2018; Ollus 2015; 2016). The UN Trafficking Protocol supplements the United Nations Convention against Transnational Organized Crime and thus presents trafficking as an issue of organised crime. Due to the given framework, it is necessary to discuss trafficking, among other approaches, in the framework of organised crime. However, this must not be without questioning this framework.

Organised crime is a complex and highly politicised concept that is affected by several factors, such as international agreements, changes in legislation and regulation and many more (Korsell & Larsson 2011). The fight against organised crime can be easily defined as a common goal that needs money and resources, and therefore it may be appealing to present serious crimes, such as trafficking, as an issue of organised crime. On the other hand, however, there is a danger of producing misleading perceptions on trafficking without any evidence, and of creating moral panic.

Levi (2006, 101) has argued that organised crime – or the organization of crimes as he puts it – is a dynamic process that “results from the interaction of crime opportunities, offender and prospective offender skills and networks, and formal control efforts (...)”. Researchers have differentiated between *organised crime* and *crime that is organised* (Finckenauer 2005), between “network-like” activity and a “chain of activities” (Laitinen & Aromaa, 2005, 196), and between *criminal network* and *criminal group or criminal organisation* (von Lampe 2003).

I refer to organised crime primarily from a sociological and criminological perspective, not as a legal concept and do not assess it from the legal perspective. I see criminal organisation (or group) as a relatively loose term, and I follow the suggestion made by Klaus von Lampe on distinguishing criminal networks from criminal groups (see sub-study I and sub-study III). Von Lampe (2002, 4) has defined criminal group as an integrated and stable structure that has “an existence and behaviour independent of the behaviour of its members.” Criminal network, in turn, is “a set of people who are linked by criminally exploitable ties” (von Lampe 2003, 14).

Organised crime is regulated in the international agreements and national legislation. The agreements and laws, however, define primarily organised criminal groups instead of the issue of organised crime per se. Organised crime can be seen as a broader category than organised criminal group. In the UN Convention on Transnational Organized Crime, organised criminal group is defined as follows:

“‘Organized criminal group’ shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes¹¹ or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.” (UNODC 2004, 5.)

11 - “‘Serious crime’ shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.”

In the Finnish Criminal Code, the participation in an organised criminal group is criminalised in the Chapter 17 on the offences against public order (563/1998; Section 1(a), 564/2015). The section came into effect in 2003, was amended in 2015, but it has been applied very seldom. While trafficking is often discussed in the context of organised crime, in practice, the court of law only rarely legally assesses whether traffickers have been members of organised criminal groups.

The organisation of human trafficking has been studied by a few scholars (e.g. Aronowitz et al. 2010; BRÅ 2008; Viuhko & Jokinen 2009; Campana 2016; Shelley 2010). The studies show that the structure and size of the organisations vary, others being more hierarchical while others are less organised with less division of labour. The study by me and my colleague Anniina Jokinen (2009) was unique in a sense that human trafficking and the criminal operations had not been studied in Finland at the time of the data collection in a similar manner. The emphasis on the study was on large-scale procuring and trafficking operations, and the study drew on different kinds of data, such as court and police pre-trial investigation material, interviews and media material. The study showed the various patterns by which traffickers and procurers carry out their criminal activities and the concrete mechanisms by which they recruit, transfer and exploit the women in prostitution. The study was also part of a comparative study in Sweden, Finland and Estonia, and it disclosed the similarities and differences in the three countries (see BRÅ 2008). It was one of the starting points for the study at hand and provided data particularly for the sub-study I (see details in the Chapter 5.3 on data and methods).

The studies on the networks operating in the field of human trafficking and the organisation of activities focus mainly on trafficking for sexual exploitation. Recently, for example, Campana (2016) and Lo Iacono (2014) have analysed the Nigerian sex trafficking networks and examined the different parties involved in the activities.

The network approach would be interesting and also needed in analysing trafficking for labour exploitation as well as other – very little studied – forms of trafficking, such as exploitation in criminal activities and forced begging. In my study, I analyse and also question the role of organised crime in trafficking (see particularly sub-study III) and consider the impact on presenting trafficking as an issue of organised crime.

4. THEORETICAL FRAMEWORK AND KEY CONCEPTS

In the following sub-chapters, I will present the theoretical approaches of my study. First, I will discuss the concept of agency and how it has been understood generally in sociology and particularly in the research on human trafficking. I will first give a brief overview of the concept and the most essential theories for my study and present the notions of restricted and constrained agency. Then I will move into discussing agency, particularly in the context of human trafficking, and provide also discussion on the concept of vulnerability. Finally, I will discuss the concept of intersectionality in the context of trafficking research.

4.1 The concept of agency in social theory

The notion of agency, as well as the relation between agency and structure, has been discussed and debated in sociology for decades (see e.g. Giddens 1984; Emirbayer & Mische 1998; Weber 1968). *Agent* has been defined, for example, as someone who has the “capability to ‘make a difference’, that is, to exercise some sort of power” (Giddens 1984, 14). *Agency* has been defined, for instance, as the capacity of individuals to make decisions and implement them; as a capacity to act (Gordon 2005), or as a process of social engagement that is embedded in time, on the one hand being based on the past but, on the other hand, striving towards the future and the present. As a future-oriented process, agency is connected with an ability to imagine alternative possibilities. (Emirbayer & Mische 1998.)

Giddens (1984, 9–11) has argued that while “agency refers to doing”, one still has to distinguish what an agent is doing from what is intended (to be done), and moreover, unintentional doings have to be separated from unintended consequences. Agency is not just doing something, but the capability to act carries a meaning of being able to act differently. (Ibid.)

As agency includes the capability to act and also to ‘act otherwise’, it means that an agent is “able to intervene in the world, or to refrain from such intervention, with the effect of influencing a specific process or state of affairs” (Giddens 1984, 14). Furthermore, agency refers “to people who perform certain actions and thus produce an effect on the social world” (Burkitt, 2016, 323).

Näre (2014) understands agency as a continuum of capabilities. She has argued that

“To be an agent does not necessarily mean resisting or acting against someone or something, but being receptive and adapting to one’s circumstances as well as creating and crafting alternative forms of action. This requires a capacity and capability to act. I thus suggest understanding agency as a continuum rather than an either/or, or, on/off situation. Moreover, it is argued that this continuum moves not from inaction to action, but from adaptation and reception to the capability to act. Hence, the relevant question to ask is not whether a person can express her agency, or, to what extent she is a victim of the social forces, but rather, in which ways and under what kind of conditions can she practise her agency despite structural constraints, what are the outcomes (the various forms of individual and social change) that her agency brings about, and in which ways could her capability to act be enforced?” (Näre 2014, 225.)

Näre follows the ideas of capability approach presented by Amartya Sen (1992; 1993; 2010 in Näre 2014). Näre has written that “(a)ccording to Sen (2010 p. 235) the capability approach focuses not only ‘on what a person actually ends up doing, but also on what she is in fact able to do whether or not she chooses to make use of that opportunity’. Capabilities, then, are not only about achievements but also about opportunities.” (Ibid., 225.)

Agency is often seen in relation to structures, for example, as something that the structures restrict, or in relation to other people. Ian Burkitt (2016) understands agency, not only through agency–structure division but through its relational nature. He sees that people never confront social structure as single individuals, as people are always nested in some aspects of social relations, such as interpersonal relations like family relations or, in a way, impersonal relations of, for example, work or organisations (ibid., 331). Burkitt understands individuals as “interactants” rather than as singular agents or actors, and relations as fluid and ongoing, of which some are more enduring than others as people enter and exit these relations at different points of time. Relations also change in time as they have to adapt to current circumstances.

Together with the concept of interactant, interdependence is also important to Burkitt. He has suggested that an agent should be re-conceptualised as the interactant and interdependent and “that agency appears only among people in their relational contexts” (ibid., 332). Agency is determined by multiple interdependencies, and no one is completely independent or dependent but always somewhere on the continuum between these two (Burkitt 2016, 335).

In my study, I understand agency as something that everyone has to some extent but that is constrained not only by structures but by other people as well. Some

people have more, some less capabilities or possibilities to act (or not to act) or exercise power (see Giddens 1984, Gordon 2005, Näre 2014), and the structural position of people also has an impact on how they are treated by other people.

In my application of agency, I take Ian Burkitt's (2016) understanding of *relational agency* as one of my starting points. I analyse the agency of trafficked persons particularly in relation to their perpetrators and the control the perpetrators impose on the victims. Thus, the focus is primarily on micro-level relationships between the actors where the perpetrators set constraints for the victims' agency in the form of control they inflict on the victims. However, I do not use the term interactant (cf. Burkitt) but rather discuss the relationships between trafficked persons and traffickers. Moreover, I link the analysis of relationships with an intersectional analysis of the factors that contribute to and enable the exploitation, which, in turn, has an impact of the agency of trafficked persons.

4.2 Restricted and constrained agency

In my study, I have applied the concept *restricted agency* to describe the agency of trafficked persons. Restricted agency means that victims of trafficking cannot act freely, but they are not passive objects without any agency either. Instead, they have to act within the limits of control imposed on them. The offenders restrict the life and action of the victims in multiple ways. (For further details see sub-study II). In this view, control, coercion and violence set specific frames for analysing agency.

As far as I know, the concept of restricted agency per se has rarely been used in studies, with a few exceptions, such as Peter (2003) and the Conference paper by Hoan et al. (2016), in which the definition is based on Peter. Peter has discussed social choice and situated agency in the framework developed by Amartya Sen, and has juxtaposed restricted agency and situated agency that refer to motivations and constraints under which people act (Peter 2003; Hoan et al. 2016). However, though various constraints limit and regulate human behaviour and the capability to make choices, sometimes an action that seems submissive may actually be resistance (Peter 2003; Hoan et al. 2016).

However, some scholars have recently applied the concept of *constrained agency*, for example, in the contexts of network research (Gulati & Srivastava 2014), the labour market – focusing both on the situations where agency is constrained and the consequences of constrained agency (Damman & Henkens 2017), desistance (that is, ceasing to offend) (van Ginneken 2017a), fertility control and the use of contraception (Kiura 2014), sexuality, gender inequality and intimate partner violence (Jewkes & Selby Morrell 2012) and migrant live-in caregivers and social reproduction (Schwiter et al. 2018).

According to van Ginneken (2017b), it is “important to acknowledge differences in abilities and the impact of life circumstances on agency.” She has studied desisting offenders and has noted that while agency is a key element in the process of desistance, the life circumstances are often such that desisting is difficult. For example, difficulties in obtaining housing and finding employment have an impact on possibilities to successful desistance. Also, exposure to criminogenic settings and criminal temptations may constrain agency. Kiura (2014), in turn, has focused on constraints of agency in the context of birth control among Somali refugees. Societal expectations hinder many women from using contraception, but some are using them secretly. This, Kiura argues, illustrates their struggle of securing their agency in the pressure of cultural and religious barriers. (Ibid., 159–160.)

In the case of migrant workers (Schwiter et al. 2018), constrained agency can be defined as an approach situated between the workers as (passive) victims of exploitative labour conditions or as free rational actors. Constrained agency is related to the constant action within complex landscapes of opportunities and constraints, the struggle between possibilities to work and rework power relations and the intersection of structural factors that restrict agency (Coe & Jordhus-Lier 2010, 229). Like Coe and Jordhus-Lier (2010, 221) have put it: “Agency is always relational, and never completely autonomous.” Agency should be seen in relation to other social actors, institutions, and it has its temporal and spatial dimensions (ibid.). Also, in my use of restricted agency, the focus is that these restrictions are produced not only by structures but by other people as well.

The concept of restricted agency is very closely related to the concept of constrained agency and the difference between the concepts is mainly in nuances. The verb “restrict” can be defined e.g. as “keeping under control” or “depriving someone of freedom of movement or action”, and the term “constrained” can be defined as “severely restricted” (see Oxford Dictionary). In my application of the concept, restricted agency contains different degrees of restrictions, not only the very severe ones. Furthermore, initially, I developed my application of the concept in a paper written in Finnish and used a term (“rajoitettu toimijuus”) that could be translated into English as “restricted” or “constrained” agency. I ended up translating it as “restricted”. However, I am aware of the fact that “constrained agency” is a concept used in some studies and that it is closely related to my application of restricted agency.

The notion of restricted agency and relationships between traffickers and trafficked persons also have similarities with Niina Vuolajärvi’s term *gendered relation of dependency*. Vuolajärvi (2018a) has discussed the relation between female migrant sex workers, their male partners or clients and tight immigration policies. Vuolajärvi has argued that immigration policies create dependencies for the women. The term gendered relation of dependency refers to the relations of female migrant sex workers to their male partners or clients. The women become

dependent on these men due to their lack of alternatives with regard to movement and income.

Given that human trafficking is about restrictions and constraints, it is surprising how little research has been done on restricted or constrained agency per se in trafficking research. As I will show in the following sub-chapters, agency as such has been a subject of some trafficking studies, but certain aspects of the issue, such as the agency of the victims of other than prostitution-related trafficking and comprehensive analysis on different micro- and macro-level factors linked to the agency of victims or other parties involved in the trafficking activities, have not been covered in previous research, and the detailed theoretical reflections on the concept, particularly outside the prostitution context, have been rare. Thus, there is a need for analysis on agency, particularly in contexts other than trafficking in female victims for sexual exploitation. Moreover, agency is often discussed in a context other than the exploitative situation per se.

4.3 Research into victims' agency in the trafficking context

Agency has not specifically been a subject of many studies on human trafficking, and the research on human trafficking has rarely contributed to the theoretical sociological discussions on the notion of agency. When agency has been studied, it has mainly been discussed in the context of trafficking for sexual exploitation and in the studies on (female) sex workers (Andrijasevic 2009; 2010; Agustin 2006; 2007; Bettio et al. 2017; Brunovskis & Surtees 2008; Doezema 1999; Jacobsen & Skilbrei 2010; O'Connor 2017). There are critical studies on sex work and migration that aim to deconstruct trafficking discourses linked to sex work that analyse the structural factors affecting the migrants' possibilities to work and migrate (Andrijasevic 2010).

Andrijasevic's (ibid.) study on migrant sex work, women's narratives and their subjectivity is a major contribution on the topic of agency among migrant sex workers. When using the term agency, Andrijasevic (ibid., 17) refers to "the ways in which migrant women responded to, negotiated or failed to negotiate the restrictions imposed on their mobility by the social and legal position they occupied and by the relations of power through which these were sustained." She has combined macro- and micro-level analysis and challenged the dominant discourses on trafficking as slavery, as organised crime and as an individual offence in which criminals purposely exploit victims. She has underlined the importance of analysing women's agency and the various subject positions in relation to migration and sex work together. Likewise, she has stated that the economic and political structural forces that have an impact on women's possibilities to move, migrate and work should be analysed jointly. (Ibid.)

Andrijasevic has discussed the conditions of confinement, and in that sense my study is closely related to her work. She has explained that by discussing conditions of confinement it is possible to capture the extent of exploitation and limitations of freedom that the migrant women suffer from. The conditions of confinement are a combination of third-party control, the power the state exercises over undocumented migrants and the migrant women's individual circumstances. (Ibid.)

What is lacking in the literature on human trafficking is detailed analysis on the agency of victims of different genders and restrictions of agency in various exploitative situations and relationships also outside the context of sex work and prostitution.

Trafficking victims are frequently seen as passive individuals not capable of or otherwise having difficulties in decision making. A lot of debate has centred on whether women involved in human trafficking should be seen as victims or whether they are agents, who leave their home countries in pursuit of a better livelihood (e.g. Agustin 2006; 2007, Andrijasevic 2009; 2010). However, these terms are not very flexible, leaving little room for nuances or the continuum-aspect of agency (see Näre 2014). Agustin (2007, 8) has argued that migrants who work in the informal sector are seen as passive individuals in lieu of normal, opportunity-seeking people, who could e.g. consider sex work a more profitable option to something else.

Victimhood is often regarded as incompatible with agency. Jacobsen and Skilbrei (2010), after conducting a study on Russian female sex workers in Norway, have argued that should women desire to be identified as victims, they cannot be seen as (fully capable) agents, and vice versa. Addressing a similar issue, Andrijasevic (2009; 2010) has called out the trend in trafficking rhetoric on obscuring the parties' agency by labelling the people as victims. Furthermore, Agustin (2006, 39) has pointed out that in case agency is acknowledged, it does not automatically follow that the structural factors of migration and sex work are denied. Neither does it imply that those involved would be fully responsible for the situations or actions which, in reality, are not under their control. What follows is that victims do not have to be regarded as unqualifiedly passive, even if it was not their fault that they were victimised and have faced suffering.

The debate on trafficking and on the victimhood and agency is often very polarised. It is about the question of free will and choice to migrate for sex work and/or whether the person knew in advance that they will be selling sex. Images of sex workers are often black-and-white, and the workers are often perceived either as free-to-choose or as victims (Bettio et al. 2017, 5). Some studies have tried to go beyond the dichotomies but still have ended up discussing the issue of choices made in the context of sex work. For example, Bettio et al. (2017) have argued that in the context of sex work, agency and stigma should be placed in a continuum in which the two are interdependent: the lower the agency, the higher

the stigma and vice versa. However, I argue that sex work and trafficking should be separate discussions, as trafficking per se includes a certain degree of coercion.¹² It is important to discuss whether or not sex work is exploitative, but trafficking in itself always includes exploitation. It has to be noted, however, that in practice the boundaries between sex work and trafficking are not very clear. In the case of trafficking, it is irrelevant whether a person has “consented” e.g. to the work they are doing if they are exploited, and certain means have been used to persuade them.

Instead of discussing agency in the context of *entering* sex work, I analyse agency primarily in the context of *being and acting* in an exploitative relationship. Within this framework, the focus is on agency and the restrictions thereof in exploitative situations and relationships rather than on the question of free will in entering the exploitative situation.

O'Connor (2017, 8) has argued “that feminist and academic discourses are dominated by the concepts of individual choice and agency”, and in these discourses sex work is constructed as a legitimate form of economic activity. She has further argued that in these discourses prostitution as such is not seen harmful but the harms are caused by external factors such as drug addiction, coercion, stigma and criminalisation. She has taken an opposing view and sees prostitution as harmful per se for the women involved in it. As I wrote above, when discussing trafficking and exploitative situations related to it, the question of the fundamental harmfulness of prostitution or sex work as such is not as relevant. In fact, trafficking can take place in many different contexts of public and private life and when assessing exploitation and abuse the question is rarely whether e.g. work itself or intimate relationship as such is harmful. This does not mean, however, that the situation or work to which a person has given their consent could not turn into a situation of exploitation.

Many of the studies covering discourses on sex work and opposite approaches to free and forced prostitution (legitimate and chosen work vs. prostitution as a form of violence against women or gendered violence) discuss agency on a general level or based on the analysis on, for example, media material or policy documents. Only few studies have analysed the agency of the victims of trafficking (not to mention other parties involved in trafficking) on the basis of victims' own accounts (see Andrijasevic 2010; also Jacobsen & Skilbrei 2010; O'Connor 2017). However, for example, Sano (2012) has done ethnographic fieldwork in West Java and analysed the life narratives of adolescent girls who entered – or resisted entering – the sex trade. Sano has shown that the girls did not just submit to the circumstances but also tried to resist despite their young age. Sano concluded

12 - Many scholars (see e.g. O'Connor 2017) have argued that sex work, too, includes coercion. This may be true in many cases, but still I see that trafficking and sex work ought not to be equated.

that the girls' agency was constrained by social structures and wider oppressive forces. Unfortunately, Sano discusses the findings only very briefly and does not go into a deeper discussion on the relation between agency and structural forces. Brunovskis and Surtees (2008), in turn, have discussed the agency of the victims of trafficking in the context of assistance to victims. They argue that victims are supervised and restricted within the assistance systems. Also, they point out that there is a tendency to pathologise women's choices to migrate and explain the entering into prostitution as a sign of deviant behaviour. Also, FitzGerald (2018) has analysed trafficked women's self-presentations, drawing on observations she carried out in German courts. She did not, however, interact with the women directly. She concluded that the women showed different degrees of agency which opposes the idea of powerless trafficked women.

The observations made by FitzGerald also link her work to my application of the notion of *ideal victim* (Christie 1986). The judges FitzGerald (2018) interviewed as a part of her study pointed out that the judges expect the victims to cry in the court. Otherwise their credibility is questioned (ibid, 6–7). This can be interpreted as an example of an expectation to see victims of trafficking as ideal victims who are weak and have suffered a lot. At the same time, they had to convince the court of their victimhood in order to get help. This brings us again to the paradox of trafficked persons: the expectation from the authorities for them to be at the same time sufficiently weak and sufficiently strong. This example shows how the notions of ideal victim and ideal offender are also related to agency. In the understanding of ideal victims and offenders, the offenders could be mainly seen as the ones who have agency and who are capable of acting. As my analysis shows, the relationships, however, are not so black-and-white but rather entail more diversity.

Also different categorisations between (female) migrants, sex workers and victims of trafficking have been discussed in many studies (see e.g. Serughetti 2018, Harrington 2005, Aradau 2004, Agustin 2006; 2007, Andrijasevic 2009; 2010, Doezema 1999, Chapkis 2003; Jacobsen & Skilbrei 2010). It has been noted that agency is often seen as an opposite to victimhood and that victims are presented as lacking agency (Jacobsen & Skilbrei 2010; Faulkner 2018). Agency is also often connected to the concept of vulnerability (e.g. Duncan 2015) and vulnerability, in turn, is central to how trafficking is understood (UNODC 2013, 13). In the next sub-chapter, I will discuss the concept of vulnerability in the context of trafficking and its relation to agency.

4.4 Vulnerability and agency

The research and discussion on human trafficking very often include the use of the concept of vulnerability. However, in research, policy-making and public debates the concept is often not defined in any substantive way and is rather taken for granted (see Brown 2017). Also Virokannas et al. (2018) have noticed the unclear use of the concept in general and the lack of clarity with regard to the definitions of vulnerability. Virokannas and her colleagues carried out a systematic literature review on vulnerability and concluded that there have not been many efforts to specify the concept, although it is widely used both in research, policy making as well as in social and health services. (Ibid.)

There is no clear and agreed definition for vulnerability, but the term is commonly employed across different disciplines (UNODC 2013). Vulnerability can be narrowly defined as “openness to physical or emotional harm” (see Fineman 2017) and it can be seen as universal or as focusing on certain groups (Herring 2016 in Virokannas et al. 2018). It can be defined as situational or innate, thus referring to particular situations and circumstances or being more or less permanent (Brown 2017). Vulnerability can be physical and concrete – we can be vulnerable to cold, heat, disease or to violence (Butler 2016) – but also emotional and relational (see Ronkainen & Näre 2008) and even linguistic (Butler 2016). In the context of trafficking, the concept often refers to the “inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked” (UNODC 2013, 13). These factors can include, for example, gender, belonging to a minority group, poverty, inequality, discrimination and gender-based violence (ibid.).

Martha Fineman (2008; 2017) argues that vulnerability is universal and inherent in the human condition. She defines vulnerability as a continuous susceptibility to change in the bodily and social well-being and notes that no position of invulnerability is possible. She also denies that the way the term is typically used – as referring only to some people or certain groups – is accurate. Furthermore, labelling certain people or groups as vulnerable contains a risk of stigmatising them (Fineman 2017; Herring 2016 in Virokannas et al. 2018). According to Fineman (ibid.), stigmatisation can be done in the name of protection or of controlling and punishing certain people. Although Fineman does not talk about victims or offenders as such, in her article, the distinction she makes can easily be applied to victims of trafficking and traffickers. Victims are the ones in need of protection and offenders the ones who are supposed to be punished and controlled.

The concept of vulnerability is often connected with victimhood, in particular with womanhood (Virokannas et al. 2018), and gender is often defined as one of the factors related to vulnerability (Ronkainen & Näre 2008). Women are seen as

weaker than men, and for example the trafficking debate has discussed mainly female victims who are seen to be vulnerable to sexual exploitation. Vulnerability is also associated with weakness, and the concept often has a negative connotation (Virokannas et al. 2018, 8). The use of the concept contains an idea of seeing people as incapable, and the concept is often used in stigmatising and patronising ways, including an idea of “knowing better” than the vulnerable ones themselves (see Brown 2011 in Virokannas 2018, 8). However, for Ronkainen and Näre (2008), vulnerability is not something negative, but instead something that is essential to us human beings. Vulnerability should not be got rid of or fought against as it also enables our relationships with other people.

All in all, the use of the concept of vulnerability and whom it is applied to vary a lot. Sometimes women and children in general are defined as vulnerable, while sometimes vulnerability refers to a specific group of people, such as victims of crime or more specifically e.g. victims of trafficking. However, using the concept by referring to a group of people easily ignores the fact that, for example, women or victims of trafficking are diverse groups of people. Butler et al. (2016) have also questioned the view in which agency is seen as active and linked to men and masculinity while vulnerability is perceived as passive (in need of protection) and linked to women and femininity. Furthermore, it is important to note that if almost anyone can be defined as vulnerable, the concept does not have much analytic power (Virokannas et al. 2018, 5).

Honkatukia (2011) has categorised the meanings of vulnerability on the basis of interviews among Finnish crime victim professionals. Vulnerability can be related to certain crimes and experiences of victimisation, belonging to a certain group that makes a person vulnerable or vulnerability as a personal feature. Thus, vulnerability can be related either to personal features or structural factors that make individuals prone to exploitation or to how people experience e.g. exploitation and violence and how they pull through those experiences. (Ibid.) In my study, the focus is not on the situation after the exploitation (such as assistance received and how to live with what has happened)¹³ but on the actual situations of exploitation and on exploitative relationships as well as on the factors that make people prone to exploitation on the one hand, and the factors that keep them in exploitative relationships and situations, on the other (see particularly sub-study IV).

13 - The data and the material (victim interviews, judgments) are, however, produced after the exploitation has ended. It should be clarified that the data deals with exploitative situations and experiences of exploitation and abuse, while the data has been produced and collected after the exploitative situations. Thus, it has to be noticed that the victims (as well as the offenders) disclose and describe their experiences retrospectively.

Serughetti (2018, 25) has argued that the notion of vulnerability in the context of the international definition of human trafficking is understood either as a condition that is a result of trafficking or as a characteristic of individuals and their environments that makes them more prone to trafficking. Thus, a person can be seen as being vulnerable prior to the experience of trafficking and exploitation or as a result of that exploitation. Serughetti links vulnerability with the categorisations of victims and migrants as “vulnerable” and “threatening” subjects, as “true” and “bogus” asylum seekers and so on. Furthermore, she has argued that in principle anyone can be – and is – vulnerable, but on the other hand vulnerability is “reserved” for certain people or groups who have specific features and who are perceived as lacking agency.

In my work, I link the concept of vulnerability with the discussion on agency. Victims of crime, and particularly victims of trafficking, are often perceived as vulnerable persons or groups of people. Furthermore, they are sometimes seen more or less passive and lacking agency. According to Butler et al. (2016, 1) “(d)ominant conceptions of vulnerability and of action presuppose (and support) the idea that paternalism is the site of agency, and vulnerability, understood only as victimization and passivity; invariably the site of inaction.” They call “the basic assumption that vulnerability and resistance are mutually oppositional” into question (ibid., 1). I analyse the notion of agency i.a. in the context of the victims’ own descriptions of their experiences of exploitation and control they have encountered (see sub-study II) and also call into question the rigid approaches to the agency and victimhood.

4.5 Intersectional approach to studying human trafficking

In my study, *intersectionality* is applied as a theory-oriented analytical concept or tool. Intersectionality refers to a theory that “considers the ways that hierarchies of power exist along multiple socially defined categories such as race, class, and gender” (Erez et al. 2009, 34). According to Crenshaw (1991), distinctions such as race, class and gender overlap and cross over one another, and therefore experiences of people cannot be separated into distinct identities, but rather they have to be analysed simultaneously. Besides adapting elements of intersectionality theoretically, I apply it as an analytical tool to analyse the power relations between the offenders and victims of trafficking and the factors that make victims prone to trafficking and hinder them from leaving the exploitative situation or exploitative relationship (see Chapter 5.3 on data and methods).

The intersectional approach has apparently been applied in studies on human trafficking relatively rarely (Baker 2013; Hamal Gurung 2014; Jacobsen & Skilbrei

2010). In turn, it has been widely applied in feminist and gender studies, and for instance, in the analysis on domestic and intimate partner violence (e.g. Crenshaw 1991; Erez et al. 2009; Sokoloff 2008) as well as in the research on racism and racial relations (e.g. Honkatukia & Keskinen 2018). Paik (2017) has argued that very few criminological studies have theorised intersections of race, class and gender and crime in substantive ways, and Henne and Troshynski (2013) have noted that the gendered nature of crime can be understood only when analysing the relationships of race, class and gender.

Victoria Canning (2017) has discussed the gendered differences in experiencing violence and noted that the experiences of violence or e.g. inequality differ between women and men. She has also pointed out that the experiences of violence are different for each woman and that, on the other hand, all women do not experience similar forms of individual or structural violence.

Limoncelli (2009) has proposed a new way of analysing the structural factors behind trafficking and prostitution but does not clearly differentiate between trafficking and prostitution as two different phenomena. She has argued that instead of choosing either the radical feminist view on prostitution as exploitation of women caused by patriarchy or the sex-work feminist view which sees prostitution (sex work) as work that empowers women, one should analyse social relations under global capitalism and the intersecting inequalities related to race/ethnicity, class, gender etc. She calls this approach a *gendered political economy*. According to Limoncelli, this approach to international sex trade would

“place paid sexual labor along a continuum of female-typed formal and informal labor and connect it to the worldwide exploitation of women, people of color, the working class and poor. It would see paid sexual labor as one component of a growing and increasingly global service sector where women are concentrated, and seek to understand paid sexual labor in relation to formalization and informalization of women’s work around the world.” (Ibid, 265–266.)

Limoncelli calls for the importance of analysing trafficking and prostitution as a gendered component of economic globalisation and understanding a variety of processes that make different groups of women vulnerable. For example, women’s status within countries contributes to trafficking and issues such as gender discrimination, women’s role and status both in the society and family may have an impact on their vulnerability to trafficking. (Ibid., 266.) Furthermore, there are hierarchies between different groups of women related, e.g. to race/ethnic background.

In my work, I utilise Limoncelli’s ideas of the gendered political-economic approach, but I add certain aspects to her approach. I recognise that gender plays an important role in trafficking, but I do not conflate trafficking and prostitution

nor do I discuss trafficking as a phenomenon that affects only women as victims. I underline the exploitative element of trafficking. Whether or not a person has consented to sex work, at a later stage they may be exploited and even end up being a victim of trafficking. Furthermore, all trafficked persons are not women, and thus the issue can be discussed and analysed from a wider perspective that allows for factors other than gender to be taken into account when determining what makes people susceptible to trafficking. Limoncelli also mentions other intersecting categories such as poverty, class and race/ethnicity but does not discuss them in detail.

My study includes an analysis of trafficking for both sexual and labour exploitation. This already distinguishes it from the majority of other studies, which continue to concentrate only on trafficking for sexual exploitation (e.g. Baker 2013; Bettio et al. 2017; Hamal Gurung 2014; Hoyle et al. 2011; O'Connor 2012; Roe-Sepowitz et al. 2014; Roth 2010; Serie et al. 2018; Verhoeven et al. 2015), or on labour exploitation (e.g. Ollus 2016a; Stoyanova 2015; Davies & Ollus 2019) but do not cover both nor analyse the similarities or differences between the various forms of trafficking.

Although I recognise the gendered nature of trafficking and am aware of the fact that the majority of the identified victims of trafficking are female (see e.g. UNODC 2018), my primary aim in this study is not to analyse the differences between different genders but to analyse the elements and dynamics of exploitation and find out whether there are elements that are common for different forms of trafficking and exploitation and for different genders. Intersectionality is often applied in studies on women as victims of violence and there is a need for analysis in the context of human trafficking that include different genders and analyse the intersections of different factors that contribute to the vulnerability to violence, experiences of violence and possibilities to leave the violent relationship and exploitative situation. In my analysis, I look at the intersections of various factors that on the one hand make people prone to exploitation and on the other hand, hinder them from leaving the exploitative situations. Furthermore, I apply the intersectional approach in the context of analysing the relationships and power relations between offenders and victims of trafficking at the micro-level (see sub-study IV). Thus, my study contributes to the body of literature on human trafficking by introducing the use of intersectional analysis on the topic and to the intersectional analysis of violence (in close relationships) by introducing human trafficking as a subject of study. Moreover, I link these analyses with the discussion on the agency and contemplate on how the different individual and structural factors are related to victims' agency. The main theoretical contribution of my study is the application of the notion of agency concerning trafficking for sexual and labour exploitation as well as both female and male victims and the application of the notion of restricted agency.

5. THE RESEARCH PROCESS

In the following sub-chapters, I will discuss the aims and research questions of my study. I will first present the overall aim of the study and then the research questions of the sub-studies. After that I will present the data and methods of the study. Finally, I will discuss limitations of the data and ethical issues related to the research.

5.1 The aims of the study

The study aims at producing an analysis on human trafficking in the first 15 years of the 21st century by focusing on the different aspects and different forms of human trafficking and exploitation taking place in Finland, and thus one aim of the overall study is to shed light on the human trafficking phenomenon in Finland.

Moreover, the main aim of the overall study is to discuss the agency of trafficked persons. In my analysis of the empirical data, the cross-cutting theme is *control*, i.e. the different means and ways the perpetrators use to formulate the victims' conduct to make them do what the perpetrators want them to do. The study seeks to analyse the control that the perpetrators impose on the victims of human trafficking, and the sub-studies analyse this control from various perspectives. The perspectives include control in the context of criminal organisations, control used by individual perpetrators, control from the victims' point of view and control in the relationships between victims and offenders (see below). I was interested in looking at the control particularly at the micro-level – between people involved in activities related to human trafficking. At the theoretical level, the cross-cutting issue is *agency*, particularly the agency of the victims. Agency is discussed in the context of the control that the perpetrators inflict on the victims and in the exploitative relationships between the victims and offenders.

The overall research questions of the study are: *How do exploitation and control manifest themselves in the human trafficking of the 21st-century Finland, what forms of control imposed on the victims can be identified, and how does the control restrict the agency of the victims?* The sub-studies have sought to answer several sub-questions which are presented below.

5.2 Research questions and rationale of the sub-studies

Sub-study I: How is human trafficking organised?

The sub-study focused on human trafficking for sexual exploitation and organised procuring taking place in Finland. In the study, "organised procuring refers to large-scale and systematic procuring operations where the aim is to gain financial profit and in which several parties participate" (Sub-study I, 72). The sub-study aimed at providing an overview on the human trafficking situation and context for the further study of trafficking in Finland.

The sub-study analysed the trafficking and procuring situation in Finland in the first years of the new millennium and discussed Finland as a destination country for trafficking for sexual exploitation. The study focused on criminal operations and asked *how human trafficking is organised*. Furthermore, the study asked *what is the structure of criminal organisations involved in human trafficking, and who are the people involved in the activities? What are their modi operandi (the methods of organising the criminal activities)? What kind of control measures do the offenders impose on the victims?*

Sub-study II: How do the victims of trafficking describe the experiences of exploitation and control imposed on them?

The sub-study focused on the victims of trafficking and on how they describe the control that offenders impose on them. Furthermore, the study discussed the notion of agency and analysed the agency of the victims of trafficking and how they act within the limits of the control directed at them. The study asked: *How do the victims of trafficking describe the control imposed on them? How do they act within the limits of the control? What is the nature of agency of the victims of trafficking? What limits and what enables agency and the sense of agency?*

The aim of the sub-study was to analyse the control imposed on the victims in more detail, particularly as described by the victims themselves, and to focus on the agency of the victims in various exploitative situations.

Sub-study III: Who are the offenders and what is the role of organised crime in human trafficking?

This sub-study focused on the offenders and the question of the involvement of organised crime in human trafficking. It is often claimed that trafficking is one of the most profitable forms of organised crime, and both international instruments and media, policies and public debate underline the strong links between trafficking and organised crime. Therefore, it was important to study the role of organised crime in this context. Furthermore, the study discussed the notion of

ideal offender and aimed at improving the understanding on who the traffickers are and what is their relationship with the victims.

The sub-study problematised both the stereotypical images of offenders and the involvement of organised crime in trafficking. The study asked: *What are the characteristics of detected traffickers and do they correspond with the images of (ideal) offenders? Is organised crime involved in trafficking in human beings cases?*

Sub-study IV: What is the nature and dynamics of the relationships between offenders and victims of trafficking?

This sub-study focused on the relationships between offenders and victims of human trafficking. It aimed at deepening the understanding of the nature of the relationships between victims and offenders and analyse power relations between the persons involved in trafficking.

The sub-study also concentrated on how intersectional distinctions create and maintain power relations between the victims and offenders. Moreover, the study examined the factors that make people prone to exploitation and trafficking and that keep them in the exploitative situation and exploitative relationships. The study asked: *What is the nature of the relationships between traffickers and trafficked persons? What factors make trafficked persons prone to exploitation and, on the other hand, keep them in the exploitative situation? What kind of power relations are there between the parties?*

All in all, the sub-studies aimed to analyse the exploitation and control in the context of trafficking from various perspectives so as to provide and strengthen the understanding of the trafficking phenomenon. Furthermore, the sub-studies together contribute to the detailed understanding of the agency of trafficked persons in the context of exploitative situations and relationships.

The table 1 below compiles the research questions, data and methods of each sub-study. The data and methods of the study are explained in detail in the following sub-chapter.

Table 1. Research questions, data and methods

Title of the Sub-study	Research questions	Data	Data source	Methods of analysis
<p>I: Human trafficking for sexual exploitation and organized procuring in Finland</p>	<p>How is human trafficking organised? What is the structure of criminal organisations involved in human trafficking criminality and who are the people involved in the activities? What are their modi operandi? What kind of control measures the offenders impose on the victims?</p>	<p>18 interviews (representatives of police, border guard, other governmental organisations, NGOs, researchers); eight trafficking in persons and pre-trial investigation material of one trafficking in human beings case</p>	<p>The data was collected in the context of the project “The organisation of human trafficking”. The judgments were collected from the Finnish courts of appeal. The pre-trial investigation material was collected from the Helsinki Police Department.</p>	<p>Qualitative thematic analysis</p>
<p>II: Active agents or passive ideal victims? Restricted agency of human trafficking victims</p>	<p>How the victims of trafficking describe the control imposed on them? How do they act within the limits of the control? What is the nature of agency of the victims of trafficking? What limits and what enables agency and the sense of agency?</p>	<p>Interviews with seven victims of trafficking (=persons taken into the assistance system for victims of trafficking)</p>	<p>The interviews were made in the context of “Trafficking for Forced Labour and Labour Exploitation (FLEX)” -project.</p>	<p>Close reading, thematic and analytical coding</p>
<p>III: Hardened professional criminals, or just friends and relatives? The diversity of offenders in human trafficking</p>	<p>What are the characteristics of detected traffickers and do they correspond with the images of (ideal) offenders? Is organised crime involved in trafficking in human beings cases?</p>	<p>11 trafficking in human beings court judgments</p>	<p>District courts, courts of appeal and Supreme Court in Finland</p>	<p>Thematic and analytical coding</p>
<p>IV: Just trust me and you'll make a fortune - Relationships between offenders and victims of human trafficking</p>	<p>What is the nature of the relationships between traffickers and trafficked persons? What factors make trafficked persons prone to exploitation and what keeps them in the exploitative situation? What kind of power relations are there between the parties?</p>	<p>11 trafficking in human beings court judgments; focus on two of the cases</p>	<p>District courts, courts of appeal and Supreme Court in Finland</p>	<p>Close reading, intersectional analysis</p>

5.3 Data and methods

In the next sections, I will present the different data and methods used in the study. The study is qualitative, and different data sets and methods have been utilised. The data covers expert interviews, victim interviews and official documents produced by the authorities, such as court judgments and pre-trial investigation records.

Sub-study I: Interviews with anti-trafficking experts, trafficking in human beings and pandering judgments

The sub-study draws on expert interviews, court cases (judgments), and also on the police pre-trial investigation records of one case. The court materials included the only human trafficking case that had resulted in a legally valid verdict at the time of the data collection, and selected procuring cases that had ended in a conviction in court. At the time of the data collection for the sub-study, trafficking in human beings had only recently been criminalised in Finland and case law was rare.¹⁴

The *interview data* consists of 18 interviews, of which 14 were conducted face-to-face, three by telephone and one by e-mail. The interviews were carried out in 2007–2008, and they took 1–2 hours. 11 interviews were recorded and transcribed. The majority of the interviewees were experts in anti-trafficking and/or -procuring, including representatives of police and border guard or other governmental organisations, NGOs and researchers. Moreover, hotel employees were interviewed. The topics covered in the interviews were the human trafficking situation in Finland, the relevant legislation, the assistance system for the victims of trafficking, criminal operations and other relevant issues related to the trafficking and procuring phenomena. The interview framework was modified to some extent according to the profession and expertise of the interviewees. The transcribed data was coded with the qualitative analysis software/programme Atlas TI. (For details, see Viuhko & Jokinen 2009.)

14 - The data was collected and analysed within the context of "The organisation of human trafficking" project coordinated by the Swedish National Council for Crime Prevention (BRÅ) and carried out in cooperation with the European Institute for Crime Prevention and Control (HEUNI) in Finland and the Estonian Institute of Law at Tartu University. The Finnish part of the project was carried out by me and my colleagues Anniina Jokinen and Kauko Aromaa at HEUNI (see Viuhko & Jokinen 2009). I was the responsible researcher in the project, and conducted the majority of the interviews. The overall data of the project comprised expert interviews, court judgments, pre-trial investigation material and media material. The data was analysed by me and Anniina Jokinen. The project was co-financed by the AGIS programme at the European Commission (JLS/2006/AGIS/019).

The *court data* consist of the court judgments of trafficking and pandering cases. The data collection was limited to the Finnish courts of appeal due to the large number of districts courts and due to the fact that trafficking and (aggravated) pandering cases are often handled in courts of appeal. Moreover, the data from the courts of appeal also includes the judgment from the district court. The courts were asked to identify all judgments with the following offence label between 1 January 2000–30 June 2008: trafficking in human beings, aggravated trafficking in human beings, pandering, aggravated pandering, exploitation of a person who is a subject of sex trade (however, it turned out that at the time of the data collection there were no judgments on this offence) and buying of sexual services from a minor (this offence was, however, later on noticed not to be relevant for the study and was excluded from the data). The main reason for the inclusion of certain pandering cases was the fact that at the time of the data collection there was only one legally valid judgment on trafficking, and cases resembling trafficking (or cases that could have been defined as trafficking should the law been in effect) were dealt with as pandering. (For details, see Viuhko & Jokinen 2009, 36–37.)

At the time of the data collection, there was only one judgment on trafficking in human beings. The decision was reached in 2006, and the offence label was aggravated trafficking in human beings. In addition to the case, the courts provided a few dozen pandering judgments. They were read carefully, and the relevant cases (a total of 8 cases) were selected for further analysis. The selection criteria were the number of organisers (small-scale cases organised by 1–2 people were excluded), the structure of the criminal organisation, the scope of the activity and elements of trafficking such as threats, violence, debts and means of preventing procured women from leaving the situation. Thus, the aim was to analyse cases that could be considered as human trafficking for sexual exploitation or organised procuring resembling trafficking. In addition to the judgments, pre-trial investigation material on the only trafficking case that resulted in a conviction was also included in the data. (See *ibid.*)

The data were collected and analysed by using an analytical model (see appendix 1), in which human trafficking was seen as a chronological process in which the victims are recruited for trafficking or procuring in the source country and then transported through potential transit countries to the destination country, where the actual exploitation (in prostitution) took place (see BRÅ 2008; Viuhko & Jokinen 2009). The focus of the analysis was on the actions taking place in the destination country and the analysis covered various factors and actors relevant to the phenomenon. Furthermore, the criminal organisations, their structure and the *modi operandi* of the offenders were analysed.

The analytical model offered a frame for analysing the different phases of the trafficking process and a possibility to follow the process from the country of origin through potential transit countries to the destination country. However, in practice the information received from the data concentrated on the actions taken

place in the destination country (Finland). Furthermore, the different phases and elements of the process do not always proceed in clear and chronological order but are quite often more or less overlapping. These facts resulted in some challenges in analysing the data and reporting the findings, but, overall, the model provided a good basis for analysing the data.

I analysed the data in the context of the above-mentioned project but continued the work and wrote the article (sub-study I) after the project had ended. In the sub-study, I concentrated particularly on the different actors involved in trafficking, the structure of criminal organisations and the control measures that the perpetrators imposed on the victims. The sub-study focused on Finland as a destination country for trafficking, drawing particularly from the expert interviews, court cases and the pre-trial investigation material.

Sub-study II: Interviews with victims of trafficking/persons taken into the assistance system for victims of trafficking

The sub-study draws on qualitative interviews with seven people, who had been included in the Finnish assistance system for victims of human trafficking. The interviewees' countries of origin were in different parts of the world, and the length of time they had spent in Finland varied. They were both women and men and had encountered many forms of exploitation and control in various spheres of life, sectors and industries. The interviewed people had come to Finland to work and/or study, and the exploitation they had encountered had to do with i.a. the work.¹⁵

15 - The data was collected in the context of "Trafficking for Forced Labour and Labour Exploitation (FLEX) – towards increased knowledge, cooperation and exchange of information in Estonia, Finland and Poland" project. The project was coordinated by HEUNI and carried out jointly by HEUNI, the Estonian Institute of Law at Tartu University and the Human Trafficking Studies Centre at the University of Warsaw in Poland. The Finnish part of the project was conducted by Anniina Jokinen, Natalia Ollus and myself at HEUNI. I conducted and analysed i.a. the victim interviews. The interviewees were asked for a permission to use the interview data for my study, in addition to the FLEX project. The overall data of the project included also expert interviews, court judgments, pre-trial investigation material and media material. Although this dissertation covers only the victim interviews of the overall data of the FLEX project, the overall data has informed me on the phenomenon of trafficking for labour exploitation and exploitation of migrant workers and has been utilised as a background material. The project was co-financed by the Prevention of and Fight against Crime Programme 2009, European Commission Directorate-General Justice, Freedom and Security (Grant Agreement No. JLS/2009/ISEC/AG/051) (see Jokinen et al. 2011a; 2011b).

The interviewees were contacted with the help of organisations and people helping victims of trafficking and related exploitation. They were provided a hand-out on the project and the interviews, and they then informed their clients about the project and asked the clients' interest in giving an interview. I received information on the willing interviewees only after they had consented to be interviewed and then they either contacted me themselves or gave a permission to the support organisation to provide me with their contact information. The interviews were carried out either at the office premises of HEUNI or at the offices of support organisations. (For details, see Jokinen et al. 2011a; 2011b.)

The semi-structured thematic interviews focused on exploitation the persons had encountered in Finland and their experiences of (and at) work, working conditions, recruitment, salary, accommodation, free time and so on. The interviews were conducted either in Finnish, in English or by using an interpreter. The use of interpreters had both advantages and disadvantages. An advantage was the fact that the interviewees can express themselves more freely in their native language and bypass some of the problems caused by the language barrier. In turn, interpreters filter the speech of the interviewees, and the researcher cannot identify the nuances in the speech or know whether everything said has been interpreted. Interpreters may also shorten, condense or misunderstand something that the interviewee is saying. Furthermore, sometimes it is difficult to find professional interpreters, for instance if the language spoken is very rare. The presence of the interpreter in the interview situation may have a two-fold effect. On the one hand, a person who speaks the interviewee's language may make the interviewee feel more comfortable (Zimmerman & Watts 2003, 14) but on the other hand, the presence of a person from the same ethnic background may be uncomfortable and, in the worst case, even frightening if it is possible that the interpreter knows someone the victim or the offender might know. This is a risk particularly when it comes to small language groups spoken by small ethnic communities. In the study, however, the interpreters did not represent the same ethnic background as the interviewees. (For further details, see Jokinen et al. 2011a; 2011b.)

I analysed the data for the first time in the context of the FLEX project in 2010. I returned to the interviews and analysed them in more detail in the winter of 2012–2013. The data was analysed by close reading and by using thematic and analytical coding (see Gordon 2005). Thematic coding refers to dividing the content thematically. I placed interview excerpts under different themes and after that analysed the data theme by theme. I proceeded from concrete topics that were explicitly present in the interviews (such as working and living conditions, financial control, debt, threats and violence) to a deeper analysis on agency of the victims (analytical coding). On the basis of the thematic categories, I made interpretations on the agency of the trafficked persons.

Sub-study III: Court judgments (trafficking in human beings court cases)

The study draws on trafficking in human beings court cases (judgments) that have been handled by Finnish courts in 2004–2014. The data covered all judgments that had reached a decision by the end of 2014 and in which offenders had been convicted of trafficking in human beings in the district court, court of appeal and/or the Supreme Court.¹⁶ The number of cases included in the data was eleven. The trafficking law came into force in 2004, and the first judgment was given in 2006 in the Helsinki district court. The total number of cases dealt with in Finnish courts during the first ten years after the criminalisation was relatively low, and the number of convictions certainly even lower.

The data include cases of different forms of trafficking, such as cases related to prostitution, other forms of sexual exploitation and labour exploitation in restaurants or other sectors/businesses. I collected the public parts – the majority of the judgments were public – of the judgments from the courts. The length of the judgments varied from a few pages to over 100 pages. Some of the cases had only been dealt with in a district court, while some had proceeded to the court of appeal and some also to the Supreme Court. The judgments were written in Finnish or Swedish, and they included e.g. the account of the crime, presentation and evaluation of evidence and the reasoning of the court. I translated the quotes from the data used in the sub-study into English.

The data was analysed by using thematic and analytical coding (see Gordon 2005). I first read the judgments carefully and then tried to identify the relevant themes in analysing the roles and involvement of different actors (thematic coding). Then I further analysed the cases and identified indicators of networks and the involvement of organised crime. The themes covered i.a. different forms of exploitation and control, the role of persons involved and the relationships between the victims and the offenders. After thematic coding, I reflected the findings against the notion of the ideal offender (analytical coding) and deepened the analysis from the descriptive level to interpretations of the differences between ideal offenders and real-life offenders.

Sub-study IV: Court judgments (trafficking in human beings court cases)

The study draws on trafficking in human beings court cases (judgments) that have been handled by courts in Finland in 2004–2014. The data covered all judgments that had reached a decision by the end of 2014 and in which offenders had been convicted of trafficking in human beings in the district court, court of appeal and/or the Supreme Court. The dataset was the same as in the sub-study III, but unlike

16 - The cases in which the trafficking charges were dropped, were not included in the data.

sub-study III, the sub-study IV focused particularly on two cases (see detailed descriptions of the cases in the sub-study IV).

The two cases were analysed with the method of close reading. Furthermore, I applied the intersectional approach and analysed the factors that make people prone to exploitation (or that have an impact on the vulnerability of these persons) and on the other hand keep them in exploitative situations. I did it by first searching for details and information from the court files on the victims' age, ethnic background, socio-economic situation (education, employment, wealth etc.), language skills, health, family, personal history etc. After that I analysed the descriptions in the judgments on how these factors intersect and thus make people prone to exploitation. Moreover, I analysed what kind of concrete relationships between trafficked persons and their perpetrators can be found, what kind of power relations there are between them, what are the dynamics of these relations and the exploitation and what keeps the victims in these exploitative situations. I chose two cases for closer analysis, because these two cases included elements of different kinds of exploitation (sexual and labour exploitation) in different contexts (prostitution, labour market, domestic work), and the parties involved came from different parts of the world.

I followed what, for example, Valovirta (2010) has noted about the idea of the intersectional analysis as an analysis that does not only identify the differences and intersections but also analyses them more deeply by close reading. Furthermore, when analysing violence, several factors that have an impact on the experience of violence have to be analysed (Karkulehto et al. 2012). The intersectional analysis aids in identifying and acknowledging multiple factors that are connected to the experiences of the people involved in trafficking activities as well as in analysing the dynamics of the power relations, the coercion and the exploitation.

Before presenting the main findings of the sub-studies in chapter 6, I will discuss the limitations of the data, as well as the ethical issues related to the research done for this study. These issues are of utmost importance when doing research on hidden phenomena and serious crime.

5.4 Limitations of the data

Human trafficking is mostly hidden criminality that does not come into the attention of authorities or other actors for many reasons (see Chapter 1). For several reasons, it is often difficult to detect. Moreover, trafficking has only been identified as a problem that needs to be combatted relatively recently. One of the greatest challenges in this study was the small amount of known trafficking cases. Particularly, at the beginning of the research phase, trafficking was a relatively

newly-identified issue in Finland, and the trafficking legislation had only been in effect for a few years. Therefore, there were not that many experts in the field, and the official data was scarce. There were only a handful of trafficking investigations, not to mention convictions, and the number of identified victims was small. Moreover, the views of a large portion of civil society actors active in the field in the first decade of the 21st century are covered in the data. The same observations were repeated in many of the expert interviews, and thus greater number of expert interviews would probably not have given a significant amount of new information.

One of the limitations of the study is the lack of offender interviews. In the context of the first sub-study, the aim was to conduct interviews with the offenders but it proved to be very challenging. Not many perpetrators to be interviewed were identified, and many of the convicted offenders had been released from prison at the time of the data collection and therefore were difficult to reach. Some of them were probably not even living or staying in Finland. Moreover, the time frame of the project did not allow for requesting the permissions for prisoner interviews. (See Viuhko & Jokinen 2009, 33–34.) Furthermore, the implementation of the offender interviews has to be very well-planned in order to guarantee the safety of the researcher. It is also possible that the offenders would not have been willing to share the details of the (criminal) actions.

The relatively low number of victim interviews resulted from various reasons. At the time of the interviews, the number of identified victims of trafficking was quite low in Finland, and some of the victims identified and assisted in Finland did not stay in the country but returned e.g. to their home countries. Furthermore, the victims have had traumatic experiences and are not necessarily willing to talk about them. Many of the victims do not have a common language with the researcher, and using an interpreter has its own challenges (see sub-chapter 5.3). Furthermore, the interviewees need to be able to give an informed consent regarding their participation in the study. Therefore, interviewing people who are very traumatised and only recovering from the exploitation and its consequences is questionable. On the other hand, however, several victims were willing to be interviewed and as far as I know, no harm was caused for the interviewees. The interviews provided important information on their experiences and views, and this information can be and have been used for improving generally the status of the victims of trafficking, their rights and access to the justice.

Sub-studies III and IV, and partly also sub-study I, relied on court judgments as a source of information. Several issues have to be acknowledged when court material is used as research data. Judgments contain second-hand information on the victims, offenders and their actions (compared to interviewing them directly), and the information included in the court documents is filtered by the ones who write the judgments and is impacted by the court procedures and the specific frame of reference (a trial). In a way, judgments represent the views of specific authorities, albeit the information is told by e.g. the victims (plaintiffs) and

offenders (accused persons). Furthermore, the judgments have not been produced for research purposes. The context is specific, and the text in the judgments is produced by criminal justice actors whose aim is to legally evaluate whether specific offences have taken place and whether the constituent elements of the offence are fulfilled. Ruuskanen (2006) has, however, noted that the language used by the courts is more objective compared to the language used in many other official sources, as the courts must act in an objective and neutral manner. This does not mean, however, that court files contain information on all aspects that would be relevant for the research, but, on the other hand, they often provide a detailed discussion of the issues that are at the core of my study, namely those related to exploitation and control.

Another issue is the question of “what do the court judgments represent?” They do not tell much about the amount of crime. In my study, the amount of crime was not the focus but it is important to consider what kind of cases proceed (or do not proceed) to court. The criminal justice system is selective, and, therefore, the vast majority of human trafficking cases (as well as many other offences) do not proceed to court (see e.g. UNODC 2018; European Commission 2018). It is likely that only the most serious and/or evident cases – or cases of which there is enough knowledge and resources for investigation – proceed to court (sub-study IV). Moreover, only some of the cases dealt with in court are ultimately deemed trafficking.

Despite the shortcomings, the court data is diverse and multifaceted. As the number of convictions is rather low, the number of cases in the data cannot be bigger. The data includes all convictions for trafficking in human beings during the period of ten years. Moreover, it covers cases with different kinds of exploitation and with various actors, who have different kinds of relationships. The judgments provide descriptions (albeit not objective ones) both of the actions of the offenders and victims and the trafficking phenomenon and the process of trafficking in the Finnish context. Furthermore, they provide very valuable information on how traffickers operate, on how they control and treat the victims and on the relationships between the victims and the offenders (sub-study III and IV; see also Verhoeven et al. 2015).

All in all, the data includes various data sets which allow for the analysis of the phenomenon of human trafficking from many perspectives. Due to the hidden nature of the phenomenon, studying trafficking is not often very simple. My long experience in the field of trafficking research has helped and guided me in analysing the data, in reporting the findings and in making decisions concerning the study. Given that case law is (and was especially at the beginning of the data collection) relatively rare and because both victims and offenders are often not very willing to talk and disclose their experiences, the data of the study is rich and diverse, and I have been able to get answers for my research questions.

5.5 Ethical considerations

When studying sensitive issues, such as human trafficking and severe exploitation, careful implementation of the ethical principles related to research is important in different phases of the research: in planning the research and its methodology, in the data collection, in the analysis of the data and in reporting the findings and the methodology as well as after the study is finalised and the results are shared and communicated. The researcher has to remember that the study may have several implications also after the research has been finalised and the research process has ended. Although the researcher cannot take full responsibility for how the results are utilised by other people, s/he has to be aware of the fact that after publishing the results they may be used in ways that might be harmful for the subjects of the study or out of the original context. (On the ethical principles, see also TENK 2009.)

Researchers have to be careful, both theoretically and ethically, with the use of different concepts, be aware of consequences of using certain concepts and avoid using concepts that are stigmatising (Virokannas 2018, 2). However, it is not always clear which terms to use and how to talk about issues that have to do with very intimate and personal matters. During my research process, I encountered many challenges in deciding which terms to use. Furthermore, at the beginning of the process I used terms that I would not use anymore, such as “prostitute”. Now I find the term somewhat degrading but I cannot conceal the fact that I used the term in the first sub-study of this research. Before I started to do this PhD study, my colleague and I justified the use of the term by the fact that trafficking and procuring are coercive by nature and therefore “prostitute” is better term than “sex worker” (cf. work that is one’s own choice) (Viuhko & Jokinen 2009, 35). I find these explanations relevant, but later on I have come to the conclusion that I want to avoid using the term. I find the term sex worker more respectful towards the persons involved and, in that way, more neutral. The use of degrading terms implicitly includes an idea of knowing what is good for them better (see also Brown 2011 in Virokannas 2018, 8) than the persons in question. I acknowledge, however, that many researchers and activists think the opposite and see the use of the term sex worker as taking stand for seeing sex work as a form of work (compared to seeing prostitution as violence against women). However, I am not studying prostitution or sex work as such but rather the act of selling sex in the context of trafficking and exploitation.

I have sought to take the ethical issues related to research into account as thoroughly as possible, being at all times aware of the sensitivity of the topic. I am aware of the fact that the experiences victims of trafficking have can be extremely traumatic and, for many, it is difficult to talk about these experiences to other people, particularly to the authorities but also, for example, to researchers. For me, the priority was to treat the informants in a respectful and delicate manner.

I have given a lot of thought to issues such as the well-being of both the subjects of the study and the researcher. My conclusion is that openness both in the data collection phase and in reporting the findings is one of the main factors that contribute to an ethically implemented study. By openness I mean that the purpose of the research is openly shared with the interviewees and the methodological limitations are openly told when reporting the findings.

One of the main ethical and methodological challenges of this study has been the small number of identified cases of human trafficking in Finland, which has resulted in a challenge on how to report the findings and protect the anonymity of the subjects of the research. The interviews were confidential and anonymous, and the anonymity of the interviewees has been protected by referring to the interviews without providing information on the name, exact profession or work place (expert interviews), country of origin or place of birth, language of the interviews or the mother tongue of the interviewees (victim interviews). The interview transcripts were stored under lock and key at the office of HEUNI, and the electronic versions were password-protected.

The victim interviews were conducted paying particular attention to research ethics. The interviewees were adults. They were contacted through assistance and support organisations and by workers who already knew them. No one was pressured to give an interview and the interviewees were informed that they can terminate the interview whenever they want to. The interviews were conducted in neutral and safe environments in a sensitive manner and the aim was to avoid any further suffering of the interviewee (see also Zimmerman & Watts 2003). (For details, see Jokinen et al. 2011a; 2011b.) In the interview situations, I tried to create as confidential an atmosphere as possible and give leeway for the interviewees to talk freely and in a way they feel comfortable. The interviewees were free to choose which parts of their experiences they were willing to share with me and which topics to leave outside the interview.

As a researcher, I am of course aware of my position as an educated white Scandinavian female, who does not have similar experiences of migration, poverty, inequality and exploitation as the interviewees. This is something that should be openly acknowledged (see Lykke 2005, Pellander 2016). In the interview situations, it was mainly I who asked the questions and led the discussion. It is clear that the interviewees might have perceived me as having a higher social standing than them and as someone who has more power. Therefore, the interviewees might have thought that all the questions have to be answered (although I told that this is not the case). They may have been willing to help and also to please the researcher. I can only hope that I succeeded in making the situation safe and comfortable for the interviewees.

What is positive is the fact that some of the interviewees saw that the research was important and they thought that by telling their story they can help someone

else. Thus, I hope they understood the difference between a research interview and an interview made e.g. by the police or immigration authorities. Jäppinen (2013) has also noted that when studying victims of violence, the researcher has to be very sensitive and ethically alert. She has remarked that the women who had shared their experiences of violence with the researcher had afterwards told that they felt that giving an interview was meaningful and empowering.

Furthermore, when analysing the other data, such as the judgments, I am the one who makes decisions on what and how to tell about the experiences of people covered in the data. I have tried to report the findings in a respectful manner and at all times keep in mind the fact that I am describing very sensitive issues and traumatising experiences of the people involved. Only the public parts of the judgments have been referred to in the study, and the names of the persons involved or exact locations of the activities described in the judgments have not been disclosed. The data dealt mainly with adults, but some of the victims were underage at the time of the exploitation. I see that the disclosure of the elements of exploitation and abuse experienced by the victims and the means of control used by the perpetrators contributes to the improvement of the evidence-based information on these forms of crime, which has the further advantages of preventing exploitation, facilitating the identification of and assistance to the victims, and making it easier to identify and deal with the cases.

However, there lies a danger in doing this kind of research: a researcher may unwillingly reproduce stereotypes or label certain groups of people. It is contradictory to underline, for instance, the nationality, ethnic background and/or the country of origin – of both victims and perpetrators – as it may be stigmatising. However, as said before, to understand the phenomenon, to help the victims and to enable and develop preventive measures, it is important to talk about the phenomenon openly. I have tried to find a balance between revealing enough while not revealing too much and discuss the phenomenon in a sensitive and research-ethically sustainable manner. It is also important to remember that by naming, for example, the countries of origin where the victims of exploitation and exploiters come from, the aim is not to stigmatise anyone. Rather, the aim is to make visible the fact, that the transactions of these services and products that are created through the exploitation do not only include the foreign perpetrators and exploited people but also the clients who live in Finland.

All in all, I see that a respectful attitude and behaviour towards the subjects of the study is the key in doing research with high ethical standards. Acknowledging and emphasising the agency of the ones who are studied is part of this respectful attitude. Although I acknowledge their victimhood, I do not see the victims as passive objects but as human beings who have experienced severe exploitation and suffered due to intersecting individual, situational and structural factors and due to the fact that someone has exploited them. Brunovskis and Surtees (2015, 13) have aptly stated that being vulnerable is not the reason for being exploited

and trafficked – the reason is the fact that someone has decided to exploit them, and thus victim's behaviour is not the cause of trafficking.

Veronika Honkasalo (2019) has asked whose voices we hear when talking about young people. She notes that often – also in situations where the aim is to do good – people do not really take the ones they are talking about into account. Often, for example, other people, such as experts, researchers, police and other authorities speak on behalf of young people. (Honkasalo 2019.) The same applies to crime victims, sex workers or other people belonging to so-called marginalised groups. Although I also use materials produced by people other than the victims (or perpetrators) themselves, I aim to bring forth the perspectives and views of the people who are under the spotlight. Moreover, by acknowledging the agency of people who are discussed, the researchers (or whoever) can show respect towards the people they are studying. This has been one of the guiding principles throughout my work.

6. RESULTS: SUMMARIES OF THE SUB-STUDIES

The following sub-chapters present the main empirical findings of the four sub-studies.

6.1 Sub-study I: Criminal operations, actors involved and the control imposed on the victims of trafficking and organised procuring

The sub-study focused on human trafficking for sexual exploitation and organised procuring taking place in Finland. In the study, "organised procuring refers to large-scale and systematic procuring operations where the aim is to gain financial profit and in which several parties participate" (sub-study I, 72). The study focused on criminal operations and asked how human trafficking is organised.

The sub-study shed light on the situation of trafficking and procuring in Finland during the first years of the new millennium and discussed Finland as a destination country for trafficking for sexual exploitation. The study indicated that, at the time, potential victims of prostitution-related trafficking or large-scale procuring operations were mainly women coming from Estonia and Russia. The traffickers and pimps came mainly from the same countries as the women. The activities were led by Estonian and Russian perpetrators, who often stayed in their home country. In Finland, the activities were run by lower level criminals who were either local people or persons originating from the same country as the leaders of the activities. Already in the 1990s, some well-organised procuring organisations were detected in Finland (see Leskinen 2003). Leskinen has even claimed that Finland was divided into "prostitution regions" that were controlled either by the Estonian or Russian criminal groups. However, some of the experts interviewed in my study were of the opinion that Leskinen's description of the situation in the first decade of the 2000s was not accurate.

The analysis showed that organised trafficking and procuring activities were arranged by groups of different sizes and different levels/degree of organisation. The participants in these activities were both criminals and so-called legal (lawful) or semi-legal actors of whom some did not necessarily even know that they were somehow involved in the activities. These may include, for example, landlords, restaurant and hotel staff or taxi drivers who may facilitate or support (knowingly or unknowingly) the activities. In addition to actual traffickers and procurers,

various facilitators and intermediaries were involved in the procuring activities.

On the basis of the analysis, it was noted that the ones who lead the criminal activities and get most of the profits are also the ones who seldom get caught. It is the practical level actors, so-called "field hands", who more often get caught and are brought to justice. They are the ones who take care of the practicalities, such as rent the flats where the prostitution takes place, place advertisement on the Internet, acquire equipment needed for the activities (such as telephones), collect money from the women selling sex and deliver the money for those who lead the activities. Also, at the beginning of 2000s, so-called telephone operators¹⁷ had an important role in the procuring activities. They were "contact points" between the women selling sex and the sex buyers, and their task was to answer the sex buyers' phone calls and direct them to the women. The telephone operators' task was also to monitor the women.

Other ways of monitoring and controlling the women included for instance rules, the use of violence and/or the threat of violence and debts. Perpetrators used different means first to persuade women into prostitution and then to keep them in prostitution. First, they deceived the women about the nature of the activity and then about the circumstances and conditions of the prostitution activities. Sometimes the women knew that they are going to sell sex, but they were unaware of the conditions of the activity and their earnings (or lack of earnings). Sometimes they believed that they had been offered a job and only at the time of arriving in Finland did they become aware of the fact that they had to sell sex.

The procurers and traffickers imposed many rules that the women had to follow under the threat of violence. The women also had to pay "fines" if they did not obey the rules. They were forced to "serve" several clients, often from early morning until late at night. The analysed cases also showed that sometimes the threats imposed on the women were very grave, including threats of severe physical violence. Furthermore, the women were controlled financially. The money earned by prostitution was partly or fully taken away from them and they had to pay different kinds of fees. Debt bondage was a typical way to keep the women in prostitution: if they could not pay all the requested fees to the organisers, they ended up in a debt-bondage situation and were extorted to continue in prostitution for as long as the debt was paid. As the organisers made up new fees all the time, the women did not necessarily ever get rid of the alleged debt.

The sub-study concluded that the women involved in prostitution under criminal groups in Finland had to operate under strict rules and that they were controlled by various means. At the beginning of the 21st century, there were several trafficking

17 - Telephone operators refer here to persons operating contacts through telephones, that is telephone intermediaries, not to telephone companies.

and organised procuring cases taking place in Finland, although most of the ones that proceeded to court and resulted in a conviction were seen "only" as pandering (procuring), instead of trafficking in human beings or even aggravated pandering. The reason for the lack of trafficking judgments at the end of the first decade of the 21st century was the fact that trafficking (and also aggravated pandering) was criminalised only in 2004, and at that time the "voluntariness" of the women or their consent to prostitution were seen as "evidence" of mere procuring rather than trafficking (see also Roth 2007). However, the study also showed that in some procuring cases a considerable amount of force and coercion was used, and some of those cases could have been interpreted as trafficking instead of procuring if the trafficking legislation had been in force (before 2004) or the criteria for trafficking had been interpreted differently in court (from 2004 onwards). On the basis of the analysis, it became clear that many of the cases included elements of trafficking and were not just "business deals" between pimps and women selling sex. The perpetrators used various means of control and coercion to persuade the women and, particularly, to keep the women in prostitution.

6.2 Sub-study II: The restricted agency of the victims of human trafficking

The sub-study focused on the victims of trafficking and on how they describe the control that offenders impose on them. Furthermore, the study discussed the notion of agency and analysed the agency of the victims of trafficking and how they act within the limits of the control imposed on them. The study also discussed the notion of the ideal victim (Christie 1984) and images held of the trafficking victims.

One of the starting points for the study was the fact that human trafficking discourses are often very polarised and include many mythical claims about trafficking. For example, media and awareness-raising campaigns often entail shocking pictures and ideas about trafficking, its victims and perpetrators, and these images have an impact on people's understanding of the trafficking phenomenon. Victims of trafficking are frequently represented as young and naïve women who have suffered a lot and encountered physical violence.

The sub-study analysed different forms of labour trafficking and both women and men as victims of trafficking. Based on the empirical data, the study demonstrated the exploitation and control the victims had encountered in Finland from the victims' point of view. The study showed that victims of trafficking experience various forms of control in Finland. These included, for example, financial/economic control, threats and psychological control, rules and physical violence. Bad living and working conditions, limited freedom and fear

determined the life of the interviewees in Finland. The perpetrators deceived the victims as regards the work and working conditions in Finland, made the victims pay different kind of fees before coming to Finland and while staying in Finland, and put victims in a situation in which they had no choice but to do what the perpetrator asked them to do. Sometimes the problem was the amount of work (too much work and no salary or only a small salary), sometimes the bad working conditions and sometimes the lack of the promised work.

The economic pressure and the fact that the victims had been deceived have an impact on their “sense of agency” (Gordon 2005); that is, their sense of being the subject of their own life who is able to make and carry out decisions. The exploitation impairs the agency and the victims’ sense thereof. Also bad working and living conditions have an impact on the sense of agency, as the lack of personal space and scope for action restrict the possibilities and capacity to act. In the worst-case scenario, the victim had to live with the perpetrator who also might have been violent. Threats, violence and the resultant fear are also linked to the sense of agency and restrict both victims’ action and conception of the agency.

On the basis of the analysis, the concept of *restricted agency* was developed. The concept refers to the situation in which the perpetrators restrict the life and action of the victims of trafficking – and at the same time their agency – in various ways. This means that victims of trafficking cannot act freely, but neither are they just passive objects of action without any agency. For example, the nature of the work, the small salary or the lack of salary, threats and violence, fear, bad working and living conditions and uncertainty regarding the future restrict the sense of agency. However, the study indicated that the victims are resilient and enterprising, and they wanted to take charge over their own lives. This will to survive, in turn, strengthened their sense of agency.

The sub-study concluded that victims of trafficking are not passive (ideal) victims without agency, but rather that their agency is restricted and they have to act and make decisions within the limits of restrictions and control imposed on them by the perpetrators.

6.3 Sub-study III: Offenders in human trafficking and the role of organised crime

The sub-study focused on perpetrators and the question of the involvement of organised crime in human trafficking. It is often claimed that trafficking is one of the most profitable forms of organised crime and both international instruments and media, policies and public debate underline the strong links between trafficking and organised crime. The sub-study problematised both the stereotypical images of offenders and the involvement of organised crime in trafficking.

The study showed that the images and realities of trafficking and the persons involved in the activities often do not correspond. The idea of traffickers as ideal offenders – as big, bad, unknown offenders who do not have a personal relationship with the victim (Christie 1984) – is often portrayed in the stereotypical images of evil traffickers. The sub-study demonstrated that, in the Finnish context at least, the overall picture of offenders is much more diverse. The study outlined the image of a potential ideal trafficking offender and then analysed the actual offenders based on the court cases against this image.

The data included a variety of cases where the court had concluded that the exploitation amounted to trafficking in human beings. The cases were related to exploitation in the context of prostitution, the labour market or situations that were not directly related to the labour market or the prostitution sector but that took place, for example, between friends or within social circles. The profile and role of offenders varied in different cases, and the offenders represented people of different ethnic origin, gender, age or social background. Like victims, the offenders, too, were both men and women.

The sub-study indicated that, regardless of the severity of trafficking offences, the activities are sometimes more “mundane” than is often thought. Instead of being professional criminals who abuse people they do not know in advance, traffickers are often relatives, acquaintances or even friends or partners of the victims. Furthermore, in several cases the perpetrator was the employer of the victim. In those cases, the companies were often relatively small (e.g. restaurants, beauty salons, small factories). The organisers of the activities did not necessarily have large organisations behind them, or the exploitation of the victim was not carried out in the context of organised crime.

What was typical for the cases was the fact that offenders and victims usually were of the same ethnic background. Based on the sub-study, native Finns are mainly exploited by native Finns, whereas victims with migrant background are almost always exploited by their countrymen, although the exploitation takes place in Finland. The offenders are either people living abroad, who then persuade a person from their home country to come to Finland and force them to prostitution, or people already living in Finland, who recruit a person from their home country

to come to Finland, for instance, to work.

In addition to analysing who are the offenders in human trafficking, the sub-study also analysed the involvement of organised crime in trafficking. As mentioned, for example the most central international instrument defining trafficking in persons, the UN Trafficking Protocol, presents trafficking as a question of organised crime. However, the role of organised crime is not always very clear, and particularly in the labour trafficking cases it is even less clear compared to cases of trafficking for sexual exploitation or prostitution-related trafficking. Often the courts in Finland have not discussed the role of organised crime in detail or evaluated whether the offenders have been members of organised criminal groups. In the first trafficking conviction in Finland, “the court concluded that the case involved international organized activity where each defendant had their own tasks and roles and the overall operation was systematically connected to criminal activity” (Sub-study III, 11). The case clearly included many elements of systematic activity organised by criminal organisation, but, in the majority of the cases dealt with in the Finnish courts, those kinds of elements are rare. However, in some of the cases it is unclear whether the perpetrators organising the activities in Finland might have links to (organised) criminal groups in their country of origin.

The labour trafficking cases that have taken place and been identified in Finland have rarely included signs of involvement of organised crime. The cases dealt with in courts have been quite small-scale as regards the numbers of offenders, although the exploitation has often been systematic, severe and lasted even for many years. In these cases, the perpetrators have been relatives or countrymen of the migrant workers exploited in Finland. In the majority of the cases that have resulted in a conviction for trafficking in human beings, only 1–2 people have been convicted of trafficking, and there are no signs of significant networks or organisations behind the activities. This does not mean, however, that the exploitation would not have been severe and very harmful for the victims.

The study concluded that the trafficking operations have been carried out rather by individuals or networks of individuals than by actual criminal organisations. The study also concluded that traffickers often do not correspond to the notion of ideal offenders. The oversimplified and stereotypical image of traffickers and ideal offenders does not correspond to the much more diversified picture of traffickers as shown by the court cases. The offenders are not necessarily professional criminals involved in large-scale criminal activities or unknown to the victims. On the contrary, they are often someone the victim already knows somehow, and they can even be friends or relatives of the victims. As mentioned above, the analysis showed a variety of relationships between the victims and the offenders.

The sub-study concluded that research on traffickers has been relatively scarce compared to the number of studies on the victims of trafficking. At the same time, rather simplified images on trafficking, offenders and victims are constantly used in

policy-making, education and anti-trafficking work. These images may hamper both the prevention, identification and detection of the cases and therefore, it is important to produce evidence-based information and question the stereotypical images.

6.4 Sub-study IV: Relationships between offenders and victims of human trafficking

The sub-study focused on the relationships between offenders and victims of human trafficking and applied the intersectional approach to analyse these relationships and power relations between the parties. The study asked what the relationships between the victims and offenders are like. Moreover, the study asked what factors make people prone to exploitation and trafficking and what keeps them in the exploitative situation. The study also concentrated on the question of power relations between the persons involved in trafficking and on how intersectional distinctions create and maintain power relations between the victims and offenders.

The sub-study discussed the connections between human trafficking and domestic violence. The study showed that, on the basis of earlier research and analysis of the data, parallels between the two phenomena can be found. Contrary to earlier studies on the linkages between trafficking and domestic violence, the sub-study did not focus only on trafficking for sexual exploitation but also on the cases of trafficking for labour exploitation. Furthermore, although the emphasis in the two cases analysed in detail was on female victims, the study also included cases in which men were victims of trafficking.

The sub-study indicated that trafficking cases which have been dealt with in the Finnish courts include different kinds of control imposed by the offenders on the victims. The cases were related to forcing people into and exploiting them in prostitution, to other forms of sexual exploitation and to exploitation at work, including problems in working hours and in the amount of salary. The relationships between the victims and offenders varied from kinship and intimate relationship to friendship and professional relationships. Often, but not always, the people involved had to some extent known each other in advance. The study described these relationships and the nature thereof.

The sub-study analysed in detail two cases, in particular, and showed the different factors that, on the one hand, make people prone to exploitation and trafficking and, on the other hand, hinder people from leaving the exploitative situation. These factors are related to the person's age, gender, societal status, immigrant status, ethnic background, language skills, health, financial situation, lack of support, living arrangements, different forms of control, threats and

violence. Furthermore, the study illustrated the power relations between the victims and offenders and the factors that make the relationships unequal. These include the following factors: the offenders often have more money, more knowledge and skills to act in the country where the exploitation takes place, and thus they have more power, ability and possibilities to control the victims, set the rules and make the victims obey them. Also, issues such as trust and loyalty play a role in exploitation. Particularly, if the offender is someone the victim knows in advance, the offender can easier make the victim trust them.

Although the analysis clearly shows the victims' dependence on the perpetrators, it also indicates that the victims have some possibilities to resist and/or (to try) to leave the situation. Despite the lack of alternatives, the victims are not devoid of agency. Although the exploitation, control and rules set by the perpetrators restrict their agency and possibilities to act, at least in some cases the victims may find ways to terminate the exploitation. The cases that have proceeded to court are of course examples of cases in which the exploitation has ended in one way or another.

As regards the parallels between trafficking and domestic violence, the analysis showed that strict rules, financial control, psychological abuse and other forms of control and violence are common in both trafficking and domestic violence. The two are sometimes also intertwined in other ways: violent relationship may be a push factor for trafficking (i.e. when a person is running away from a violent spouse) and, on the other hand, leaving from a situation of trafficking may lead to a situation of domestic violence. However, the difference between these two phenomena is the willingness to stay in or leave the situation or relationship. The trafficking victim is often willing to leave the situation but does not necessarily find ways to do it, whereas, in the cases of domestic violence, the victim may be willing to stay in the relationship but would like the violence to stop. Moreover, the relationship between the trafficked person and trafficker is not necessarily an intimate relationship and may not include such emotional ties as intimate relationships.

The study concluded that there are many intersecting structural factors or individual level factors that together make some people prone to exploitation and also have an impact on the experience of exploitation. What is common for the cases studied is the fact that the perpetrators have, in different ways, managed to make the victims dependent on them and that the power relation between them is unequal.

7. CONCLUSIONS OF THE STUDY

In the following sub-chapters, I will draw conclusions from the findings of my study. I will first present the main empirical findings and then discuss the interlinkages between exploitation, control and agency. Moreover, I will discuss the conclusions in the framework of relational and restricted agency and finally, in the framework of intersectionality, agency and vulnerability.

7.1 Exploitation, control and agency

This study focused on the agency of the victims of trafficking in the context of exploitation and control imposed on them, and it asked how do exploitation and control manifest themselves in the human trafficking of the 21st-century Finland, what forms of control imposed on the victims can be identified, and how does the control restrict the agency of the victims. The agency was analysed particularly in exploitative relationships and in the context of the relational nature of agency (see e.g. Burkitt 2016). Therefore, the sub-studies analysed the exploitation and control inflicted on the victims from various perspectives. The control was examined in the context of 1) criminal organisations, their structure and the control used in the criminal operations (sub-study I); 2) victims' descriptions of their experiences of the control imposed on them (sub-study II), 3) offenders, their relation to the victims and to organised criminal activity (sub-study III), and 4) the relationships between the offenders and victims and the nature and dynamics thereof (sub-study IV).

Different aspects contributed to the understanding of the dynamics of exploitation and the nature of agency in the context of human trafficking. The study revealed the multifaceted nature of the exploitation and showed various means of control imposed on the trafficked persons. Sub-study I showed the means of control used by the offenders, focusing on the large-scale criminal operations. Sub-study II strengthened the findings of sub-study I as regards the means of control by focusing on the victims' views on the control imposed on them. It confirmed that the victims encounter various forms of control, such as economic control, threats, psychological control, rules and physical violence. The victims had bad living and working conditions, and they had been deceived as regards these conditions.

Sub-study III indicated that the understanding of traffickers is scarce and the role of organised crime is not as prominent as policies and public discourse often claim it to be. Instead of being professional criminals, traffickers are often

somehow connected to the victims, and a variety of different kinds of relationships between the victims and offenders can be identified, such as relationships based on kinship, professional relationships or intimate relationships. Sub-study IV went deeper into the relationships between the victims and offenders and showed both the unequal distribution of power between them and the mechanisms of control and abuse. Furthermore, it discussed the different factors contributing to the susceptibility to exploitation as well as to the difficulties of leaving the exploitative situation or relationship. These factors – or in practice the intersections of different factors – included gender, (young) age, ethnic background, the financial situation (poverty and lack of money), immigrant status, (lack of) language skills and status in a society.

The exploitative situations and relationships and the control used within them are in many ways related to the agency of the trafficked persons. Firstly, different forms of psychological, physical, sexual, emotional and economic control and violence have an impact on a person's health, well-being and bodily integrity, to mention a few. Secondly, the exploitative situation and control restrict one's agency. These restrictions may be concrete and physical (e.g. limited freedom of movement) or psychological (e.g. the person is threatened and thus scared to resist). These restrictions concretely restrict one's agency: the capacity to make decisions and implement them, to act (e.g. Gordon 2005). Thirdly, the restrictions and control have an impact on one's sense of agency, that is their sense of being the subject of their own life and being capable of making decisions and implementing them (Gordon 2005). The concept of restricted agency (see sub-study II) illustrates how exploitation, control and agency are intertwined. Victims of trafficking have to act within the limits of the control imposed on them, thus not being merely passive objects but not entirely free to act either.

The relational nature of agency can be examined both in relation to other people, situations and wider societal structures. In the case of trafficked persons, it is both the traffickers, the exploitative situation and the structural factors that restrict the agency of the victims. The traffickers impose several means of control on the victims, of which some are physical and/or sexual, some psychological and/or emotional. Sometimes the control can be even based on things that are not real (e.g. a debt that does not exist), but the point is that the victim believes in it, thus restricting them from acting. The exploitative situation restricts the agency of the victims in a sense that the situation sets the boundaries for victims' possibilities to act and make choices concerning their life. In addition to perpetrators and restrictive situational elements, there are several structural factors that are connected to the agency and the possibilities to act. Some of these factors, such as poverty, are factors that may make a person prone to exploitation in the first place. Some are factors that hinder a person from leaving the exploitative situation and the exploitative relationship, thus restricting their chances to act. These include lack of money, lack of languages skills and the knowledge of one's rights.

Moreover, for example, one's migrant status may keep a person in an exploitative relationship. The intersections of various individual and structural factors, thus, in many ways impact person's agency and the sense of agency. If the person believes that they cannot get away from the exploitative situation, they do not necessary even try to leave the situation.

It can be concluded, that the overall study has two sets or levels of findings. On the one hand, the empirical findings of the study show the nature of exploitation and control and concretely describe the phenomenon of human trafficking by presenting the actors involved in the activities and the *modi operandi* of the offenders. Furthermore, the analysis contributes to a deeper understanding of the relationships between actors involved, the role of organised crime in trafficking and the dynamics of control and exploitation. On the other hand, the analysis and conclusions drawn on the basis of the analysis contribute to the discussion on agency. The findings disclose the nature of the agency of trafficked persons by showing how the exploitation and control are intertwined with the victims' agency and how the control imposed on the victims restricts the agency and the possibilities to act.

7.2 Relational and restricted agency

Honkasalo et al. (2014) have argued that agency is an ambiguous concept, which entails that the action is situational and the agency is built in multifaceted and often also chaotic and complicated settings. Thus, the agency itself can be quite obscure. (*Ibid.*) This view fits quite well with the agency of trafficked persons. Their life is in many ways fragile and the situations of exploitation may be chaotic and "out of their hands". Furthermore, as agency is relational (Burkitt 2016), the agency of the trafficked persons is built both in the exploitative situations and in the relationship with the perpetrators. The restricted agency of the victims of trafficking is thus built in the interaction with the ones who exploit them. In their studies on disrupted life, Ketokivi and Meskus (2015) have questioned the tendency to see human agency as autonomous and to explore the agency from the point of view of what people can do. They, in turn, ask what people cannot do or fail to accomplish, arguing that the concept of the capable actor is a dilemma. They have also highlighted the relational nature of agency and the need for other people in achieving one's goals, particularly in disrupted life events, such as the loss of a spouse or a termination of pregnancy. In the case of trafficked persons, I argue that before the person gets away from the exploitative relationship, the help from other people is very limited, and the coercion and restrictions set by the perpetrators are usually very strong. Also the help and support from social institutions and communities (see Fineman 2017) is limited before the person has got away from

the exploitative situation. This dilemma – the strong need for help but very limited possibilities to get it – has an impact on the agency and the sense of agency of the trafficked persons. Furthermore, as the capability to act also refers to being able to act differently (Giddens 1984), it can be concluded that because victims of trafficking often do not have many alternatives or possibilities to act otherwise, they do not have “full agency” but rather a restricted one.

Näre (2014, 225), in her understanding of the capability approach by Amartya Sen, has concluded that capabilities are about opportunities and what a person is able to do, not only about achievements and what a person ends up doing. Moreover, Näre understands agency as a continuum of capabilities (instead of an either/or situation) which moves from adaptation and reception to the capability to act, not from inaction to action. In order to make a comparison to the victims of trafficking, my interpretation of this view is that the victims move between adapting to the exploitative situation and its conditions and being capable to negotiate or, in the best scenario, to leave the situation and the exploitative relationship. In addition to the restrictions of the agency, there are also elements, such as resilience and a will to survive, that strengthen the victims’ sense of agency (see sub-study II).

Agency is also related to the concepts of ideal victim (Christie 1986; sub-study II) and ideal offender (Christie 1986; sub-study III). The findings of my study challenge the image of the ideal victim and the understanding of trafficked persons as ideal victims. Trafficked persons are not passive and helpless, ideal-kind-of victims who do not have any agency or possibilities to make decisions regarding their life. Furthermore, the findings suggest that traffickers are often not ideal offenders, like professional criminals and/or strangers to the victims.

However, agency, victimhood and offenderhood are intertwined in a sense that offenders have more agency compared to victims. Offenders set the rules and control the victims. They have more power and, as has been shown in sub-study IV, the relationship between the victims and offenders is not equal. The power imbalance is clear, and the victims are in a position in which their agency and sense of agency are restricted.

7.3 Intersectionality, agency and vulnerability

Limoncelli (2009) has argued that there is a need for a gendered analysis of the impacts of economic globalisation and processes that make women vulnerable. Gender discrimination and women’s status in society and the family are related to their susceptibility to trafficking. In her approach of gendered political economy, Limoncelli underlines the importance of seeing female paid sexual labour along

a continuum of female-typed formal and informal labour in connection with the exploitation of women, people of colour and those lacking economic power. I have applied the intersectional approach in my study to cover the inequalities contributing to vulnerability to exploitation – not only from the point of view of women, however – and linked this approach to issues related to agency. Like agency, vulnerability too is relational in nature (Ronkainen & Näre 2008) and is thus linked to our relationships with each other. In order to acknowledge the agency in connection to the different forms of abuse and restrictions, I suggest that instead of labelling certain people and groups vulnerable, we should discuss vulnerabilities and susceptibilities that can make people end up in exploitative situations and relationships or seeking opportunities that turn out to be exploitative. The study also shows that the intersectional analysis is needed, as it contributes to the deeper understanding of the nature of trafficking and exploitation related to it. It also improves the understanding of how to prevent trafficking.

In my work, I have discussed both the notions of agency, vulnerability and intersectionality. As discussed above, vulnerability can be seen and defined e.g. as universal – affecting everyone – (e.g. Fineman 2008; 2017) or as something affecting only certain groups or certain people. Vulnerability is often seen to be shameful and thus, for example, victims of crime are regarded as weak, as “others” (Ronkainen & Näre 2008, 15). This view is directly related to the agency. If vulnerability is deemed to be negative (see Virokannas et al. 2018) and shameful (see Ronkainen & Näre 2018), we easily see victims as weak, as persons who lack agency. If certain groups of people are defined as vulnerable and are seen to be in need of protection, the capacity of those people is negated (Butler et al. 2016) and their agency questioned. Butler (2016) argues that vulnerability and agency should not be seen as opposites because vulnerable groups also have possibilities for resistance. She has suggested that “vulnerability is neither fully passive or fully active, but operating in a middle region, a constituent feature of a human animal both affected and acting” (ibid., 25). This is precisely linked to my development of the notion of restricted agency of trafficked persons: they cannot act freely, but they are not completely passive and helpless either.

This study has provided new openings both for sociological discussions and human trafficking research. It contributes both to the sociological discussion on agency by discussing and deepening the understanding of the agency of trafficked persons and to the theoretical discussions on agency in the context of research on human trafficking by introducing the concept of restricted agency. Moreover, the study contributes generally to the body of research on human trafficking that has so far remained relatively limited as regards forms of trafficking other than sexual exploitation. Also, the study provides a theoretical contribution to the field of trafficking research that has so far been quite descriptive in nature. Furthermore, the combination of the (restricted) agency, vulnerability and intersectionality

RESTRICTED AGENCY, CONTROL AND EXPLOITATION

provides a novel approach for studying human trafficking and new information on the questions of control, power and dependencies in the relationships between trafficked persons and traffickers.

8. DISCUSSION

I will wrap up the study in the following sub-chapters by discussing the findings and conclusions of the study in the larger context, contemplating the implications of the findings. I will also ponder the tendency to draw boundaries between different forms of trafficking, discuss the limitations of the study and at the end, make some suggestions for future research.

8.1 The implications of the study

During the process of this study, I first analysed large-scale trafficking and procuring operations and later on moved into analysing smaller-scale cases which included different forms of exploitation and which took place in different contexts, not only that of prostitution. During this “journey”, I moved from analysing criminal groups to analysing exploitation that takes place among people who often know each other and who sometimes are in close relationships with each other. I moved from the organisational level to a more individual level. Along the way, I also started to question the role of organised crime and criminal organisations in human trafficking.

The study shows that human trafficking and related exploitation have changed in nature and form to some extent from the end of the 1990s to the 2010s. Instead of – or at least in addition to – large-scale procuring operations, exploitation between individual people that sometimes takes place in close relationships in different contexts of private and working life is better identified in Finland than before. Many different factors have had an impact on the situation. In addition to the changes in the forms of exploitation and the ways criminal operations are organised, the increased awareness and knowledge on the phenomenon of trafficking, political priorities, as well as the priorities and expertise of the authorities and other anti-trafficking actors have an impact on the identification of different forms and contexts of exploitation. Moreover, the foci of research and the data used in studies ultimately influence what we know. Answers depend on what is asked (and how).

Several changes have taken place even since the beginning of the 2010s when I started this dissertation project. There have been changes in legislation, in the occurrence of and identified forms of trafficking, the number of detected trafficking cases, police investigations and court judgments, the number of identified and assisted victims, and in the understanding of trafficking, in particular. However, as

mentioned above, the change is a result of several factors, and it would be hard to conclude that the crime of trafficking as such has increased. Furthermore, this study has not focused on numbers and the prevalence of crime but on the understanding of the nature of the phenomenon and the features and dynamics of exploitation and control. Despite the changes in the way trafficking is understood and identified in Finland, the dynamics of exploitation have in many respects remained the same. The tactics of controlling the victims may change to some extent over time, but the most essential feature or element of trafficking – the subjugation of the victim into an unequal relation of power – has not essentially changed. What might be different is, for instance, the amount of physical violence used. Perpetrators use many subtle means of control and avoid physical violence in order to hide the exploitation and abuse. The perpetrators might also, at least to some extent, be aware of the ways the crimes are revealed and thus might change the *modi operandi* accordingly. Moreover, an element that has been typical for trafficking cases in the past couple of decades, and still today, is the fact that in individual cases, the victims and offenders usually share a common ethnic background.

The analysis of court judgments showed (see sub-studies III and IV) that the cases that proceed all the way to the court and result in a conviction of trafficking in human beings are not identical. Although only a small share of all cases proceeds to court, the actors and relationships represented in the court cases are relatively multifaceted. The situation that was identified at the beginning of the millennium – prostitution-related trafficking that originates from the Eastern and Southern neighbouring countries of Finland – has recently diversified and includes various forms of exploitation that take place in various contexts and victims and perpetrators with different backgrounds, particularly when looking at the people assisted instead of the court cases (see e.g. *Ihmiskaupan uhrien auttamisjärjestelmä* 2018). The cases are related, for instance, to sexual (also other than prostitution) and labour exploitation and forced marriages, some of which have taken place in Finland, some abroad with both female and male, minor and adult victims with various ethnic backgrounds (*ibid.*).

Aas (2012, 415) has argued that global connections have a paradoxical and contradictory nature. Paradoxically, the objective of globality is not always to make the world connected and unified but, in fact, to keep the world divided (*ibid.*). This is also a paradox related to human trafficking. On the one hand, the international community agrees on the need to combat severe crimes against human dignity, such as trafficking, but, on the other hand, the nation-states and international communities, such as the European Union, would rather keep and solve the problems outside of their borders.

In addition to the legislation on trafficking in human beings *per se*, many other laws also have an impact on the potential for exploitation, people's possibilities to move and migrate and so on. Many critical scholars have urged politicians and decision-makers to analyse the effects, e.g. of immigration laws, asylum

policies and restrictive border control on the people they are directed at (see e.g. Gadd & Broad 2018; Vuolajärvi 2018a). Laws and regulations may have counter-productive effects and make people prone to exploitation. Effects that might increase the potential for abuse and/or put people in a position of “illegality” or irregularity as regards the immigration status should be taken seriously. As long as people face chronic unemployment, dire poverty, gender discrimination, racism and stigmatisation e.g. due to their ethnic background, at least some of them are ready to leave their homes (Therborn 2013). It is important to note, though, that the poorest people do not even have a chance to leave their home countries.

As my analysis has shown, the factors that contribute to making people susceptible to exploitation or keep them in exploitative situations and relationships are, for instance, related to the immigration status, status in a society and possibilities to act in (a foreign) society. The structural factors and root causes, such as poverty and (gender) inequality, both on global and national levels (see also Therborn 2013), that push people to find alternatives in their life, should be combatted in order to prevent exploitation. Exploitative situations and relationships are connected to the structural factors that sometimes enable exploitative conditions and open up possibilities for exploitation. However, it is extremely important to remember that trafficking is not solely transnational in nature but – as my analysis has shown – also domestic and internal trafficking takes place and entails very brutal examples of exploitation between persons originating from the same country. Thus, trafficking is not only a migration issue although it is often portrayed as such (see e.g. Lee 2007).

The application of the intersectional approach in studying the factors that make people susceptible to exploitation and keep them in exploitative situations and relationships enables the analysis of combinations and interrelations of different factors on structural and individual levels. Furthermore, the inclusion of victims (and offenders) of different genders gives an opportunity to analyse what different genders have in common in relation to the dynamics of exploitation. My aim was not to compare different genders with each other but to find the common nominators of the exploitation and abuse somehow typical for human trafficking. While I acknowledge the gendered specificities of the abuse directed at women (see e.g. Roth 2016), this study revealed the elements that are common for different forms of trafficking and different genders. The most essential element was the power imbalance between victims and offenders, the position of offenders in which they can take advantage of and control the victim and the position of the victim in which they cannot fully resist the situation and control imposed on them but have to submit to the exploitative relationship. An essential element of trafficking is the fact that it is not a single act or a crime that takes place in one moment but rather a process, a series of acts which may change in nature during the process. This is typical for many forms of trafficking and exploitation – the events may take months or years, and thus it is important to take into account the

different phases of exploitation, e.g. when assessing whether an act (or series of acts) amounts to trafficking. Therefore, the criminal justice actors have to have the expertise and resources to investigate crimes that have continued for a long period of time and that might include varying elements of different forms of violence and abuse.

Furthermore, by focusing not only on the victims but also on the offenders, their actions and the means of control they use, I was able to draw conclusions on the agency of the victims. The focus of the study was both on the victims and the offenders and on the relationships between them, and by including these different perspectives I was able to show the dynamics of the exploitation and agency of the victims that is restricted by the offenders' action, the control they use and the exploitive situations and relationships. The findings of the study provide information and new insights for the practitioners working with victims and offenders (such as police, prosecutors, judges, social workers and NGO workers) on the dynamics of exploitation, control and relationships between the actors involved. This can hopefully help them to identify, assess and investigate the cases as well as assist the victims in a way that acknowledges their agency.

What are the other practical implications of the study? What is the point of questioning the stereotypical images, ideas of ideal victims and ideal offenders (Christie 1986) and of discussing the agency of trafficked persons? I argue that images shape our understanding of different phenomena and people around us, and therefore it is important to challenge these images and produce research-based knowledge on these phenomena. If the images are misleading and, for example, the understanding of exploitation and abuse is very limited, it is difficult to identify experiences of people as exploitation, and consequently it becomes difficult to assist those in need of help. (See also sub-study III.) Moreover, if the understanding of the victims is very narrow, it may be difficult to acknowledge their agency and capability to make choices concerning their life. Furthermore, if perpetrators are seen e.g. as professional criminals, it is hard to identify exploitation taking place "near us" without the elements of organised crime or e.g. of physical violence.

Moreover, in my opinion, studying not only victims but also offenders does not mean that the experiences of victims would be undermined. Also, questioning the perceptions concerning the role of organised crime and the idea of large-scale trafficking activities does not mean that the exploitation and abuse would not be very severe for the victims. Generally, instead of talking about organised crime and organised criminal groups, it would be better to talk about networks engaged in trafficking. These networks can be smaller or larger and looser or more organised. Sometimes the exploitation is carried out by individual people without any networks. Furthermore, although the exploitation might be very severe, long-lasting and extremely harmful for the victims, the perpetrators may be people who simply take advantage of the situation and take the opportunity to exploit the situation of the victim instead of systematically planning the operation. At the end,

the motives of both victims and perpetrators can be in many ways similar. Like the victims, perpetrators may want to take advantage of opportunities, or their motives may be related to poverty and the need for money.

De Coster and Heimer (2017, 17) have used the framework of “choice within constraint” to emphasise “that everyone, regardless of gender, actively navigates social environments and access to resources to creatively construct pathways that are more or less likely to involve crime and violence. That is, regardless of gender, people sometimes choose crime to meet reputational, identity, and practical needs in situations where choices are limited by intersecting inequalities of opportunities and constraints.” (Ibid.) The “choice within constraint” framework focuses on “how multiple, interlocking inequalities come together to shape micro-level interactions yet also allow room for agency in how people choose to respond to social and structural opportunities and constraints” (De Coster & Heimer 2017, 12). Therefore, an analysis of the various inequalities, motivations of both victims and perpetrators and their agency within situational and structural constraints is much needed.

Moreover, the diversity of trafficking should be acknowledged in order to plan and direct necessary means to prevent trafficking and help the victims. Simplified images of trafficking, its victims and perpetrators may hamper both the identification and investigation of the cases as well as the victims’ assistance and access to justice.

8.2 Blurred – and sometimes unnecessary – boundaries of trafficking and exploitation

When I started this research, I wanted to analyse and define the boundaries of and in human trafficking. These boundaries were related i.a. to unclarities between trafficking and prostitution, trafficking and smuggling and between different forms of trafficking. Now, after several years of studying trafficking, I am no longer sure whether drawing clear and strict lines between phenomena is always useful. Of course, it is important to differentiate between trafficking and smuggling, as well as between prostitution or sex work and trafficking. But is it always necessary to make distinctions, for instance, between different forms of trafficking or different purposes of exploitation?

It seems that there is often a strong need to draw boundaries between different forms of trafficking. Researchers mainly study “sex trafficking” or “labour trafficking”, and for years trafficking in practice equalled trafficking for sexual exploitation. I, myself, have also been working in separate projects on trafficking for sexual exploitation (Viuhko & Jokinen 2009, BRÅ 2008), trafficking for labour

exploitation (Jokinen et al. 2011a; 2011b) and trafficking for sham and forced marriages (Viuhko et al. 2016; UNODC forthcoming). However, over the years I have started to question whether these boundaries are always needed. In practice, it is often reasonable to limit your study and concentrate only on certain issues. However, on the other hand, the most essential issue here is the exploitation, whether sexual, labour-related or something else. Also, from the point of view of criminal law, at least in Finland, there is only one trafficking in human beings section in the Criminal Code (this is of course not the case in all countries that have criminalised trafficking or some forms of it). Therefore, the offence or charge or conviction is *trafficking in human beings* (or aggravated trafficking in human beings), not trafficking for labour exploitation etc. The Code however differentiates between the different purposes of trafficking, and thus the criminal justice system has to explore and define the form of exploitation to some extent. Furthermore, from the point of view of the victims' (legal) status, it is relevant which status the person is given. But this applies particularly with regard to the offence label – not the form of trafficking; that is, whether a person is deemed to be a victim of trafficking or of some other offence (e.g. pandering). The need for (individual) services, in turn, may vary according to the form of exploitation.

However, the boundaries between different forms of trafficking are not always clear, and different forms of exploitation may also be overlapping. For example, in the case of exploitation taking place in massage parlours, the exploitation may include elements of sexual exploitation (if selling sex is “part of the job”) and labour exploitation (massage work under coercive conditions and/or without a proper salary). Furthermore, exploitation might include elements of different forms, for example in cases where the employer sexually abuses the worker who is also a victim of forced labour. Moreover, the different scenarios of forced and exploitative marriages may include elements of sexual exploitation, labour exploitation and exploitation in domestic work and coercive circumstances in the context of marriage (UNODC forthcoming). The exploitative relationships are often combinations of several forms of violence and abuse, of which some are more or less related to trafficking and some potentially to other offences. Instead of concentrating on drawing the boundaries, it would be more important to focus on seeing and identifying the overall situation and the nature of exploitation as well as the needs of the victims. Moreover, it would also be important to listen to the victims and their views on what kind of assistance is good for them. It is also important to acknowledge the agency of those who are assisted and strengthen their sense of agency.

Furthermore, I argue that we should acknowledge and recognise the ways we name and label people and groups of people. We have to use names, labels and categorisations to some extent, but we also have to be aware that people we are talking about do not necessarily identify themselves with those names or do not want to be called by those names (see also Butler 2016). By naming we use

power and like Butler et al. (2016) have argued, for example vulnerability and invulnerability are politically produced and unequally distributed, as certain people define vulnerability of others.

8.3 Limitations of the study and ideas for further research

I have reflected the limitations related to the data in sub-chapter 5.4, but there is of course a number of other issues to be reflected upon. It is not possible to include all interesting and relevant perspectives in any individual study, and limiting the number of perspectives and/or the depth of analysis is always challenging. This study has provided various perspectives for studying human trafficking but also lacks many other interesting and important approaches. The study concentrated on studying the phenomenon of trafficking in one country and mainly at the micro-level within the relationships between traffickers and trafficked persons. Thus, the scope of the study is limited, but on the other hand, several scholars have conducted macro-level analysis and studied the structural factors related to trafficking and e.g. the effects of globalisation (see e.g. Aas 2007a) and shifts in labour markets and economies (Ollus 2016a; 2016b), as well as the effects of border control (see e.g. Andrijasevic 2010; Vuolajärvi 2018) on trafficking and migration. Furthermore, Weitzer (2015, 239) has argued that micro-level analysis has a lot to offer for making the understanding of trafficking more diverse and nuanced, and such an analysis can also have important policy and law enforcement implications. Also, although I have focused on the situation in Finland, same patterns of control and the dynamics of exploitation can be found in different parts of the world and many of the findings can be applied also outside of Finland.

This study deals with the exploitative relationships and situations of exploitation, while the data have been collected after these events and thus the exploitation has only been reflected on afterwards. The findings might be somewhat different if the victims and offenders involved had shared their experiences and views while the exploitative relationships and abusive situations still continued. However, I see that interviews with victims and offenders would be very difficult to carry out during the ongoing process of exploitation. Still, if I was to conduct the study now, I would at least try to gather even more first-hand information from victims and offenders and capture the experiences of those involved in more nuanced ways.

The study evokes many ideas and needs for further research. The research on traffickers is relatively scarce and it would be important, for instance, to study their motives. It is clear that the economic motive is a central factor that motivates the perpetrators, and it would be good to get a fuller picture of other motives. Interviewing offenders could be one way to collect data on their actions,

motivations and reasons for taking advantage of other people. Spencer and Broad (2012) have argued that traffickers are presented only as perpetrators of horrific crimes instead of analysing their migrant status and experiences as migrants themselves and the potential contribution of these aspects to the criminal behaviour. Thus, it would be important to expand the knowledge on traffickers and other actors involved in trafficking.

Furthermore, many studies deal only with victims (or offenders) but do not cover both, and therefore there is a need for studies that cover both. Serie et al. (2018) suggest that relationships between victims and traffickers should be studied so that the views of both the victim and the trafficker who have a relationship would be examined. I agree with them that this would be an interesting study, and it would disclose the similarities and discrepancies in their views and perceptions.

Moreover, it would be interesting to study the different roles of the people involved in trafficking further and also how these roles may change over time. There is evidence that sometimes people who have been victims of trafficking themselves later on become perpetrators (see e.g. Broad 2015). Further analysis of the factors that make people prone either to exploitation or exploiting others and the intersections of these factors would deepen the understanding of the complicated relations contributing not only to victimisation but also to offending. It would also be extremely important to examine whether some of the persons convicted of trafficking or other crimes are actually victims themselves (see sub-study III; Viuhko & Jokinen 2009). This would also open avenues for studying exploitation in criminal activities (e.g. forcing a trafficked person to commit crimes) and evaluate the implementation of the non-punishment principle¹⁸ in practice.

Furthermore, it would be important to get a comprehensive picture of the lives of trafficked persons before, after and in the exploitative situations. Qualitative research methods would offer means for gathering detailed information e.g. on the measures that help victims overcome the experiences of exploitation and continue their life. Furthermore, it would be important to pay attention to enabling and supporting the agency of the trafficked persons. They should be seen as capable actors who have experienced severe exploitation and thus been incapable of acting in a way that looks like rational and “wise” in the eyes of the society. They should not be found guilty of their actions within the exploitative situations, and the reasons for “ending up” in the exploitative situations should be assessed in the context of different individual and structural level factors that push them to search

18 - According to the international law and with regard to victims of trafficking, the principle of non-punishment means that people who commit offences as a consequence of being trafficked should not be held criminally accountable because they have been compelled to do so (Piotrowicz & Sorrentino 2016).

for better alternatives in their lives. Also, root causes of trafficking should be studied more thoroughly. Moreover, there also is a need for studying exploitation in detail in contexts other than prostitution and sexual exploitation.

I hope that the study will inspire other scholars to study the phenomenon from new perspectives and also combine theoretical approaches and empirical research. Theoretical contributions in the field of trafficking research are much needed, e.g. within social sciences. I also urge scholars to challenge the use of the concept of vulnerability and define the concept better when using it. As mentioned above, the concept is widely used but only rarely explained in detail (Virokannas 2018). Moreover, the interlinkages between agency and vulnerability could be further studied in different contexts of trafficking and exploitation by applying the intersectional approach. Finally, I encourage sociologists and criminologists to use their imagination and ask questions that are not self-evident, look from outside the box and expose themselves (or actually ourselves) to conducting research that may seem difficult or even impossible – without forgetting the research ethics, safety of all participants of the study and respect towards the subjects of the study.

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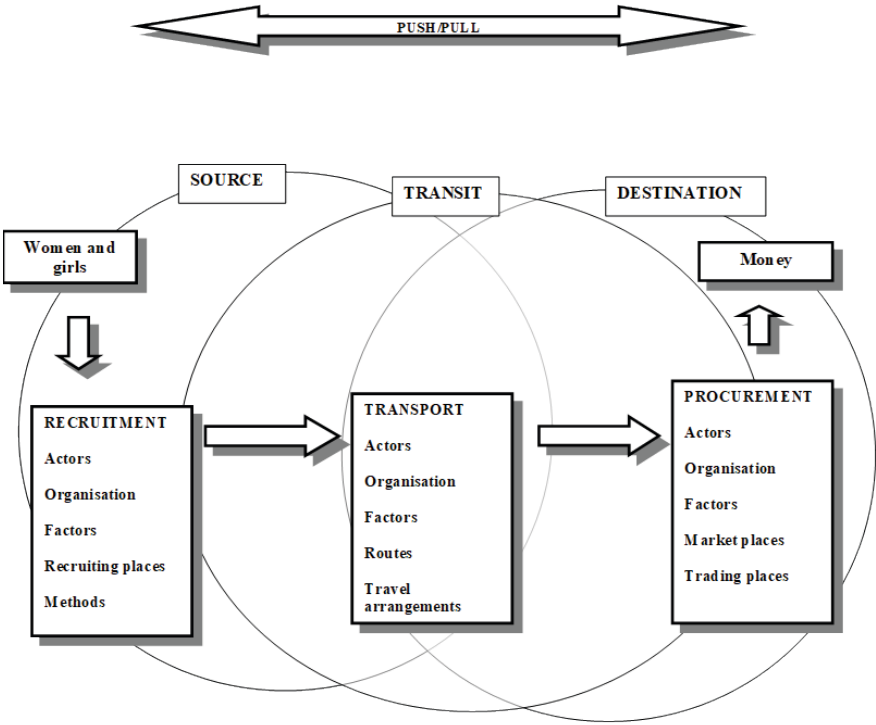
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APPENDIX 1. THE ANALYTICAL MODEL USED IN THE SUB-STUDY I

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