

Bachelor Thesis

Prostitution Policies and Human Trafficking

A comparative case study on Sweden and the Netherlands

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Abstract

This bachelor thesis provides new insights into the relationship between the policymaking on prostitution and human trafficking. The research question *How does policymaking on prostitution influence the trafficking in human beings for sexual purposes?* is answered by a comparative case study on Sweden and the Netherlands. The findings indicate that the legalisation of prostitution leads to an increase in the trafficking in human beings, following the results of previous research. This causal relationship gets examined by focusing on the intervening variable of the policymaking on human trafficking. Both countries' National Action Plans get analysed with regard to the Prosecution of Traffickers, the Protection of Victims and the Prevention of Trafficking. As a result, a strong focus on Prosecution Policies seems to strengthen the negative effect of the prohibition of prostitution on the increase of trafficking in human beings while a focus on Protection Policies seems to strengthen the positive effect of legalised prostitution on the increase of trafficking in human beings. Ultimately this thesis advocates a new, more practical, thinking of policymaking on prostitution.

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1. Introduction

“In the past five years 89 million people experienced some form of modern slavery for periods of time ranging from a few days to the whole of five years” (Alliance 8.7, 2017, p. 5). In 2016 alone 3.8 million adults and 1.0 million children were victims of forced sexual exploitation (Alliance 8.7, 2017). While forced labour is also one crucial part of modern slavery (Department of State USA, 2021), the paradigmatic understanding of trafficking relates to sexual exploitation (Askola, 2007). Apart from many traditional factors for human trafficking like globalisation, employment, trade and migration policies, humanitarian and environmental disasters etc., trafficking in human beings is a criminal activity that is combated by governments and therefore influenced by legislation, more specifically prostitution policies (Di Nicola, Orfano, Cauduro, & Conci, 2005). Concerning the connection between prostitution and human trafficking Outshoorn’s (2004) *politics of prostitution* provided the theoretical foundation for further research, by analysing feminist theory approaches and inventing a typology of policy regimes for prostitution. Since then authors like Cho (2013) and Jakobsson (2013) contributed a lot to the discourse, by conducting various studies. Both concluded that based on their statistical models, the legalisation of prostitution leads to an increase in estimated victims of human trafficking. On the other hand findings by di Nicola (2005) suggest that the prohibition of prostitution leads to a higher level of violence within human trafficking for sexual purposes.

So, while there is sufficient data on the statistical effects of prostitution policies on human trafficking, qualitative data is comparably rare. A qualitative analysis would though be necessary in order to examine the causal effects (George & Bennett, 2005). Newer research (Cho, Dreher, & Neumayer, 2014) indicates that the different prioritization of protection, prosecution and prevention within national trafficking policies plays a crucial role in that effect. This approach will be further eloped within this thesis. Because prostitutes, as well as clients, belong to the so-called hidden population data is hardly available and sometimes unreliable and a qualitative approach would help to gain more reliable evidence (Di Nicola, 2009). Di Nicola (2005, p. xiii) even expresses in her own research that “once the statistics have improved, actions should be taken to continue the study on the link between models of prostitution and the nature and extent of trafficking for sexual exploitation”. In line with that Akee (2014, p. 349)

claims that “Transnational human trafficking is one of the least studied forms of international movement in persons”. This makes further research on this topic indispensable. In sum, a qualitative analysis would help to understand why human trafficking increases under certain circumstances and how states can prevent this by choosing appropriate measures.

By providing a comparative case study on Sweden and the Netherlands this thesis aims to close the gap in qualitative research on prostitution policies and human trafficking and gain further insights into the causal mechanisms of this phenomenon. Therefore, this paper will conduct a typological analysis of the trafficking policies of both countries to fully understand the characteristics that lead to an increase in human trafficking. This knowledge is crucial in order to follow a policymaking on prostitution that neither harms the rights of prostitutes nor risks an increase in human trafficking for sexual purposes.

Emerging from the research gap described above, the research question is as followed:

RQ: How does policymaking on prostitution influence the trafficking in human beings for sexual purposes?

This research question presents an explanatory approach in order to uncover a causal effect between both variables.

Further, these three sub-questions will be answered in order to gain more explicit insight into the cases:

a) What is known about the character, the amount and the seriousness of trafficking in human beings for sexual exploitation in Sweden and The Netherlands?

This sub-question aims toward describing the scope of human trafficking in both countries in order to understand the seriousness of the issue as well as to provide a variable with which the effect of the policies can be measured.

b) How can the policies on prostitution of Sweden and the Netherlands best be characterised, especially with a view on the prosecution of perpetrators of trafficking in women, the protection of victims and the prevention of its occurrence?

This sub-question aims to characterise both countries' policies into a comparable scheme. By answering this question further insights into the balance of the 3P Paradigm in both countries will be gained.

c) What kind of impact do the Swedish and Dutch governmental policies seem to have on the occurrence of trafficking in human beings?

In this sub-question, the causal effect of prostitution legislation on human trafficking will be determined. By comparing both countries new knowledge about this causal mechanism can be derived.

In order to answer these questions, this thesis will first of all provide a conceptualization of human trafficking as well as prostitution policies and also theorise trafficked women by looking at feminist theories. In the following, the economic effect of prostitution policies on the scope of human trafficking will be explained by the market equilibrium of prostitution. After that, the 3 P Paradigm will be introduced as an intervening variable in order to explain the causal mechanism between both variables. The theory will be then applied to both the cases of Sweden and the Netherlands and both policy approaches will be analysed in a content analysis and then compared in a typological case study design.

By answering these questions, it will be possible to understand the causal dimensions of the influence of prostitution legislation on human trafficking, which will help to eventually invent prostitution policies that also combat human trafficking for sexual purposes.

2. Theory

In this section both concepts of human trafficking for sexual purposes and the policy-making on prostitution will be theorized. Later feminist theories and economic models will be presented to explain the relationship between both concepts. After that the intervening variable of the 3 P Paradigm will be introduced which will ultimately lead to the formulation of hypotheses.

2.1. Conceptualization

First of all, in order to understand the underlying effects of prostitution legislation on human trafficking, it is important to define both concepts.

2.1.1. Human Trafficking for sexual purposes

The Protocol to Prevent, Suppress and Punish Trafficking in Person (Palermo Protocol) by the UN General Assembly (2000) defines trafficking in human beings (THB) as “ the threat or use of force [...] of a person having control over another person, for the purpose of exploitation”. Exploitation here refers to the exploitation for prostitution, forced labour, slavery and the removal of organs. Marinova and James (2012) hereby identify 3 elements of trafficking. The first element refers to the recruitment in the home country, transport to the destination country as well as the handing over of a human being from the recruiter to the receiver. The second element of trafficking describes the means of threat or use of force within that process. This can include abduction, deceit, fraud or kidnapping. The third element of trafficking includes the purpose of exploitation. In order to be classified as *trafficking in persons*, all three elements need to be fulfilled. The only exception is made for children as the requirements relating to means are waived (Anne T. Gallagher, 2001). To further specify the act of trafficking in persons for sexual purposes the International Labour Organization (ILO) (Alliance 8.7, 2017) includes under the act of sexual exploitation the use, procuring or offering of human beings for prostitution or pornography without their consent and under the menace of any penalty. While some argue that prostitution is almost always forced (Farley, 2009), Batsyukova (2007) offers some criteria differentiating between prostitution and human trafficking for sexual exploitation. While she sees both in nature to be exploitative, prostitution comes within voluntary involvement, sexual exploitation, on the other hand, includes the force of individuals to provide sexual services. This means for prostitution individuals should be always able to quit their job, while there are only four known ways out of trafficking enslavement: the rescue by authorities, the gain of freedom by the support of customers, the escape of the victim or the death of the victim.

As the roots of human trafficking are varied and complex another dimension of policy-making needs to be taken into account. While Cho et. Al (2014, p. 430) describe trafficking as the “dark side of globalization”, Di Nicola et. Al (2005) offer alongside with that, employment, trade and migration policies, trade and migration policies, humanitarian and environmental disasters and poverty to gender and ethnic discrimination, violence against women, lack of opportunities in countries of origin and the increasing demand for cheap, unskilled and easy to exploit labour and services in countries of destination

as traditional causal factors. Within that spectrum, the domestic policy choice about the legal status of prostitution seems to be one of the important factors. O'Brien (2015, p. 198) in that context states that "the current political approaches toward sex work have had a significant impact on the nature of anti-trafficking legislation".

2.1.2. Policy making on prostitution and trafficking

In order to combat this issue of (sexual) trafficking, the Palermo Protocol (UN General Assembly, 2000) was introduced in 2000 as an international framework to conceptualize, detect and respond to criminal activities involved in people trafficking but also to provide a coherent system of social services support and protection for the victims (Munro, 2006). To do so, the Protocol included the three main policy dimensions of prosecution, protection and prevention (United States Department of State, 2021). Prosecution implements effective law enforcement actions including the investigation and prosecution of all cases of human trafficking as well as the conviction and sentence of traffickers and intermediaries. Protection includes the identification of victims and the provision of referrals for a comprehensive array of services helping them to rebuild their lives. Lastly, prevention refers to the facilitation of information on trafficking as well as strategic intervention programmes and programmes to expand societal awareness on the topic. This three-pronged approach was in 2010 already ratified by 141 countries and is therefore regarded as the most fundamental document concerning the legislation against human trafficking (Heinrich, 2010).

2.1.3. Policy regimes

With regard to the legislation on prostitution, Outshoorn (2004) introduced a threefold typology of abolitionism, prohibitism and regulationism. Di Nicola et al. (2005) later extended this typology with the category of new abolitionism. This categorization defines regimes as "sets of laws and practices governing prostitution that shape prostitution in their respective jurisdictions in distinctive ways" (Outshoorn, 2004, p. 6). According to Di Nicola et al. (2005), abolitionism refers to a regime where indoor and outdoor prostitution is not prohibited. Indoor prostitution in this context refers to prostitution in apartments, brothels, hotels night clubs, saunas parlours and windows while outdoor prostitution refers to the street markets of prostitution. In an abolitionist regime, the state tolerates prostitution and

does not intervene in that matter. This means that customers, as well as prostitutes, cannot be prosecuted, the act of profiting off another person's prostitution is though punishable. While with new abolitionism indoor and outdoor prostitution are still not prohibited, the state does indeed intervene in order to explicitly prohibit the existence of brothels. A prohibitionist regime prohibits outdoor as well as indoor prostitution. This means that all parties can be held accountable and be punished for the act of prostitution, including prostitutes themselves as well as clients. The last category of regulationism describes a regime where both indoor and outdoor prostitution are regulated under the state. Though the regulations differ from state to state they always allow the exercising of prostitution under certain conditions. These regulations often entail for prostitutes to be registered by local authorities and sometimes even to undergo obligated medical controls. Though the typology of Outshoorn is widely accepted throughout the literature, the specific categorisation of states remains the subject of debate. For example, while Di Nicola et al. (2005) categorise Sweden in the type of prohibitism, Marinova and James (2012) locate this country within the new-abolitionist movement.

2.2. Feminist approaches

Looking at approaches to theorising trafficking of women four approaches can be identified (Marinova & James, 2012). The radical feminist approach and the sex worker approach will be discussed in the following.

2.2.1. Radical feminist approach

The radical feminist approach is grounded in the view that prostitution is "one of those most graphic examples of men's domination over women" (Pateman, 1983, p. 56). Giobbe (1994) explains this by prostitution symbolizing the social, economic and sexual value of women in society. Barry (1984, 1979) argues that if sex is socially constructed, it is also constructed under a patriarchal premise. She even demands that all expressions of prostitutes towards consent of that matter should be disregarded as choice and consent is not possible under the condition of male domination and prostitution always involves a violation of a human being. Jeffery (2009) further elaborates on that argumentation by mentioning the physical and psychological harms of unpaid work, everyday penetration, rape and physical abuse that cannot be disconnected from prostitution even if consent is given. In that context,

prostitution is categorized as a harmful traditional practice defined by the United Nations. With regard to the connection between prostitution and human trafficking, it is important to understand that this approach does not distinguish between forced and “voluntary” prostitution as prostitution is always forced by its very nature (Outshoorn, 2004). For Barry (1984, 1979) this means that sexual exploitation is a political condition determined by the status of legislation on prostitution. O’Brien (2015, p. 193) further stresses that “the cause of trafficking is directly related to prostitution, particularly legalized, decriminalized, or tolerated prostitution” This means the relationship between legalised prostitution and trafficking for sexual purposes is modelled as one of cause and effect, meaning legal prostitution inevitable leads to better conditions for sex trafficking. Concerning policy-making this means that there is also no distinction between policies on prostitution and trafficking, hence radical feminists aim toward a joined policy approach. Barry (1984, 1979) for example advocates a feminist human rights approach leading towards an international convention that would outlaw all sexual exploitation like femicides, genital mutilation, rape, incest but also pornography and prostitution. While both the prohibitionist and abolitionist approach can be linked to the radical feminist approach most modern radical feminists gravitate towards the new abolition approach as it makes the purchase of sex illegal but only prosecutes the buyer not the seller other than in a prohibitionist regime were also prostitutes can be prosecuted (Marinova & James, 2012).

2.2.2. Liberal feminist approach

Appearing under varying names in the literature such as liberal feminist approach, sex worker approach, sex radicals or laborist approach these terms unite the critique on the radical feminist approach. Coming from a sex workers' rights movement in the early '90s this approach argues that prostitution should be seen as work and therefore can be seen as an adoption of a sex work feminist perspective (Sullivan, 2003). This means that prostitution is not regarded as violence against women, but the idea of consent and conscious choices by prostitutes is adapted (Marinova & James, 2012). Looking at it from a theoretical feminist perspective Bell (1999) argues that in order to break with the patriarchal dichotomous thinking of women, the prostitute's body cannot be seen as a subject of political discussion. This approach focuses more on the reality of sex workers aiming away from abstract political and feminist debates about exploitation, morality and ethics toward concrete discussions about the health

and safety of workers as well as their wages and working conditions (Sullivan, 2003). Concerning policy-making liberal feminists aim toward the legalisation and regulation of prostitution, provided by a legal framework, in order to normalise sex trade and guarantee the safety of prostitutes (Outshoorn, 2004). This means according to Sullivan (2003) that the policy-making on prostitution and trafficking needs to be divided into a) law on the rights of sex workers and b) law on the protection of victims of human trafficking. In that context Scoular (2004) further argues that the legalisation of prostitution leads to a stronger prioritization of the rights of prostitutes, as legislative measurements can be taken. Looking at the effect of prostitution on human trafficking liberal feminists see trafficking as a result of prohibition as it opens the door for exploitation (Jakobsson & Kotsadam, 2013). As this approach aims toward the implementation of legalised prostitution and a legal framework for workers' rights it can be categorised under the regulatory approach.

2.3. Economic Models

In order to understand the effects of prostitution legislation on human trafficking, the literature offers an economic approach explaining two contradicting effects that either lead to an increase or decrease in human trafficking.

2.3.1. Supply and demand

“International trafficking in humans for sexual exploitation is an economic activity driven by profit motives” (Jakobsson & Kotsadam, 2013, p. 87). Looking at human trafficking from this perspective it is important to understand the underlying market mechanisms leading to an increase or decrease in trafficking in human beings and how they are influenced by the legislation on prostitution. Jakobsson and Kotsadam (2013) predict that laws regarding commercial sex influence the profitability of trafficking and could thereby potentially affect the inflow of trafficking into a country. This prediction is based on Becker et al. (2006) model of the economics of crime. In the example of drugs, Becker et al. (2006) discuss the dynamics of an illegal market. They conclude that by prohibiting a good, the government raises the cost for the supplier and thereby lowers the quantity consumed. Jakobsson and Kotsadam (2013, p. 92) transfer this model onto legislation of prostitution and claim that “ laws criminalizing prostitution are likely to affect the demand for prostitution as well, especially if buying

sex is illegal". Cho et al. (2013) explain this with the supply and demand model. With regard to the demand effect, the prohibition of prostitution will raise the cost of engaging in an activity of prostitution for customers as there is a higher probability of getting prosecuted. On the contrary legalising prostitution will almost invariably increase the demand for prostitution. With regard to the supply effect, legalizing prostitution will induce some potential sex workers to enter the market as also here the risk of prosecution is inapplicable. Consequently, the supply will increase as well. This supply and demand effect together form the equilibrium quantity of prostitution. By legalising prostitution, the scale of prostitution becomes thereby inevitably larger.

2.3.2. Substitution and scale effect

Whether this larger scale of prostitution now also leads to an increase in human trafficking for sexual purposes is determined by the balance of the substitution and scale effect (Cho et al., 2013). The scale effect hereby describes the increase of human trafficking due to a larger market. Opposing this force is the substitution effect. This means that under the condition of legality a lot of trafficked prostitutes will be "substituted" by domestic ones. So ideally this would mean that under the condition of legality, the number of trafficked women for sexual exploitation approximates zero. In reality, though, the scale effect can be so large that the supply needed after legalisation can still not be covered by domestic prostitutes. Second due to their vulnerability trafficked prostitutes remain still attractive to pimps as they can extract a greater portion of their earnings. Third as some clients have a preference for "exotic" sex workers from geographically remote places, those women are also unlikely to have legal rights in the country and therefore have a greater risk of being trafficked. All these effects work against the substitution effect and their overall proportion to each other determines whether human trafficking increases under the condition of legality. While Akee et al. (2014) find in their analysis that there is no significant effect of legalized prostitution on human trafficking, Jakobsson and Kotsadam (2013) find a positive effect of legalized prostitution on human trafficking in their cross-sectional study on 31 European countries. Cho et al (2013, p. 69) therefore describe the effect of legalizing prostitution on the international trafficking of human beings as "theoretically indeterminate". Another issue raised by Miron and Zwiebel (1995) is the one of increased violence under the condition of illegality. Even if this effect is mentioned in the context of drug consumption, it can be transferred to the example of

prostitution as also black markets and cartels will be established. Concluding there are two contradicting economic effects of the legalization of prostitution on human trafficking. As they are theoretically indeterminate, they can only be revealed through empirical analysis. While under the condition of legality you have the problem of lack of supply as well as “specific” demand, under the condition of illegality the rate of violence within prostitution is likely to rise.

2.4. 3 P Paradigm

While there is some previous empirical research about the effect of prostitution on human trafficking (Akee et al., 2014; Cho et al., 2013; Jakobsson & Kotsadam, 2013), these studies only manage to determine whether the scale or substitution effect dominates in a certain country, but they fail in providing an explanatory scheme why a certain effect dominates. Cho et al. (2014) indicate in one of their papers the importance of the 3 P Paradigm within human trafficking legislation and the weight of each paradigm in legislative procedures. As described in the previous chapter, the 3 P Paradigm of prosecution, protection and prevention emerged from the Palermo Protocol in 2003 and until this day offers the most relevant basis for the policy-making against trafficking. The following will now offer explanatory approaches that could determine the supremacy of a scale or substitution effect.

Drawing from the market equilibrium of human trafficking, in order to decrease human trafficking flows you would either need to strengthen the substitution effect or weaken the scale effect by reducing the scope of both demand and supply. Looking at a way to reduce the overall demand and supply of prostitution the choice and coordination of legislation on trafficking seem to have a direct impact. Akee et al. (2014, p. 351) explain that the “buyers’ willingness to pay is taken to be endogenously determined by policies, through victim-protection programs, such as an amnesty granted to trafficked victims, and law enforcement against prostitution”. This is the case because a higher level of protection policies rises the risk of detection. When victims are empowered to access host-country police authorities, the incident of work stoppage becomes more likely. That means that in order to still use the service of prostitution buyers need to pay a higher fee to compensate for the risk of exposure to authorities. Consequently, trafficking for sexual exploitation becomes more lucrative for traffickers as their profits increase. Drawing from that line of argumentation, Akee et al. (2014) find that a higher level of protection policies

lead to an increase in human trafficking. This is not only due to higher profits but also due to the fact that a better protection policy might encourage potential victims to risk illegal migration making them more vulnerable to traffickers. In sum, it is argued that strong victim protection leads to an increase in the scale effect. In contrast to that Cho (2016) explains that liberal prostitution policy can be more susceptible to the risk of human trafficking and those regimes, therefore, need to implement stronger efforts in protecting victims. This would mean that a strengthened protection approach leads to a higher substitution effect.

With regard to the prosecution approach, Marinova and James (2012) find in their analysis that under both, legalised and criminalized prostitution the existence of a requisite anti-trafficking legal framework and law enforcement efforts are critical in fighting trafficking. As shown above previous research hints toward the importance of the 3 P approach as an intervening variable between prostitution and human trafficking inflows, the actual effect of each “P” is though an object of discussion.

2.5. Formulation of Hypotheses

In the following, two hypotheses will be drawn from the theoretical findings above. First looking at the economic model of scale vs. substitution effect it is very likely that under the condition of legality the scale effect will dominate as suggested by Jakobsson and Kotsadam (2013) as well as Cho et al. (2013). This would mean that in a country where prostitution is legalized, like the Netherlands, the scope of human trafficking will be larger than in a country where prostitution is criminalized like Sweden. Therefore, the first hypothesis is as follows:

H1: The relative number of trafficked women for sexual purposes will be higher in the Netherlands than in Sweden.

The logical conclusion of the second hypothesis will be harder to make. As described above the effect of the 3 P Paradigm on the relationship between prostitution and human trafficking is not researched sufficiently. Akee et al. (2014) suspect a stronger protection paradigm to be responsible for the increase in human trafficking in legalized regimes, Marinova and James (2012) argue that the prosecution paradigm is the most important variable determining the effect of prostitution on human trafficking regardless of the legislation type. The following hypotheses will therefore only indicate that a difference

in both countries will be found. The connection of prioritization of single paradigms to specific legislation regimes can though not be made at this point in time due to the lack of theoretical and empirical foundation. This hypothesis following explains the expectation to find a significant effect of any kind in the data, but the connection to the theoretical findings will be made within an inductive approach during the analysis.

H2: The prioritization of protection, prevention and prosecution will differ in both countries. Most likely the Paradigms Protection and Prosecution will have the biggest divergence.

3. Methodology

In this section the methodology, with which the research question will be answered and the hypotheses be tested, will be explained concerning the research design, the collection of data and the analysis of data.

3.1. Research design

Emerging from the explanatory nature of this thesis and the aim to uncover a causal effect the research design will follow the qualitative approach of a comparative case study design as it seems to be the most advantageous design (Yin, 2018). Di Nicola et al. (2005) describe this need for an approach away from a statistical one by the variety of intervening variables in the relationship between legislation typologies of prostitution and quantitative and qualitative aspects of trafficking for exploitation. They, therefore, argue that further research in this field will have to be based on an inductive and logical process rather than a statistical one, which is the approach which will be followed in this thesis. In order to determine the differences in policy approaches of different legislation regimes, a most similar case design will be adapted following Mill's Method of difference (George & Bennett, 2005). This meant for the case selection to find two cases that a) have different characteristics on the independent variable of prostitution legislation and b) similarities in all other independent variables influencing the trafficking of human beings in the country. A larger sample of cases would have helped to strengthen the validity of the research design, within the scope of this thesis this was though not possible. Based on this the cases selected were Sweden and the Netherlands. Sweden prohibiting prostitution in 1999 and the Netherlands legalising it in 2000, they show the biggest difference possible regarding prostitution

legislation. Another important factor for this case selection was their similarities concerning all other independent variables: They both ratified the same documents of the UN, the EU, the Council of Europe and the OSCE on the matter of human trafficking, they are located geographically in the same region, they are both EU Member States as well as Welfare States and they had their last big reform on prostitution legislation around the same time (Marinova & James, 2012). As the application of Mill's method alone has a high risk of showing inferential errors it will be combined with a within-case study of both countries into a typological case study design. The typological theory hereby specifies the independent variable and outlines them into categories. With these categories, it will be possible to measure the cases and their outcomes. Therefore, it is feasible to provide contingent generalizations on the effects of the variables (George & Bennett, 2005). In order to do so, both cases will be categorized into Outshoorns (2004) typology of prostitution regimes. Following the first hypothesis will be tested by a deductive approach of looking at both countries' scope of human trafficking and comparing it afterwards. With regard to the second hypothesis, an inductive approach will help to formulate theoretical insights on the causal relationship between prostitution legislation and human trafficking. More specifically the role of the 3 P Paradigm will be discussed for both countries in depth by looking at their national policies ratified in the National Action Plans and analysing them. Following the remarks above the analysis will be conducted as followed: First of all, for both countries a within case study will be conducted consisting of a) the description of the general policies on prostitution in order to categorize both countries into Outshoorns typology, b) the description of the scope of human trafficking and c) the analysis of the policies on the trafficking in human beings divided into prosecution, protection and prevention. In a second step, both countries will be than compared to gain findings on the causal effect.

3.2. Method of data collection

For the first part of the analysis of the general policies on prostitution no new data needed to be collected as both countries' policies have been sufficiently discussed in previous literature. For the second part discussing the scope of human trafficking in both countries the national crime reports on human trafficking will be looked at. There are also reports made by international organisations such as the ILO or the United Nations Office on Drugs and Crimes (UNODC) but as they only cover the period until 2017 the use of national reports is most suitable to gain the most current insights. As both countries

published their National Action Plans in 2018, the time span covered in the reports will be 2016-2020 to detect possible differences in numbers after implementation of the Action Plans. This means for Sweden that the *Människohandel för sexuella och andra ändamål* (trafficking in human beings for sexual and other purposes) reports on the years 2016, 2018 and 2020 (Polis, 2018, 2020, 2022) will be analysed and for the Netherlands the *Slachtoffermonitor mensenhandel: 2016-2020* (Bolhaar, 2021) will be analysed. For the third part of the analysis concerning the National Action Plans of both countries and more precisely their policy-making in the context of the 3 P Paradigm, the National Action Plans themselves will be looked at. This means for Sweden the *Handlingsplan mot prostitution och människohandel* (National Action Plan) (Regieringskansliet, 2018) and for the Netherlands the *Samen Tegen Mensenhandel* (National Action Plan) (Ministerie van Justitie en Veiligheid, 2018). Due to the fact that both Plans are documents published by the government and therefore most likely include some bias regarding their own country an external report on those Action Plans will be included as well. This report will be the Trafficking in Persons Report 2021 of the United States (Department of State USA, 2021). It does not only analyse the scope of human trafficking in both countries but also pays special attention to the implementation of the 3 P Paradigm in both countries which is why this report was chosen.

3.3. Method of data analysis

For the first and second parts of the analysis, no special method of data analysis is needed. As described above the discussion of general policies on prostitution will be based on previous research and the general scope of human trafficking just requires exerting the numbers out of the crime reports from both countries and comparing them. The largest part of the analysis will be the content analysis on national policies on the trafficking in human beings and the weight of prosecution, protection and prevention in both National Action Plans. For that matter, a coding scheme¹ is needed in order to operationalize those three categories. This coding scheme will be based on Cho et al. (2014) Index of the 3 P Paradigm. Concerning the context of this thesis, only policies on human trafficking that refer to the trafficking in human beings for sexual purposes will be looked at. The operationalization follows the Palermo Protocol

¹ See Appendix Table 2

and its categorization of human trafficking policies into a) the prosecution of traffickers, b) the protection of victims and c) the prevention of the crime of human trafficking (UN General Assembly, 2000). Based on Article 5 of the Palermo Protocol the requirements for governments to implement the prosecution sphere are (i) the adoption of anti-trafficking laws, (ii) the stringency of penalties, (iii) the level of law enforcement and (iv) the collection of crime statistics. For the analysis of the protection paradigm Articles 6, 7 and 8 of the Palermo Protocol are coded into (i) no punishment of victims, (ii) imposing no self-identification in order to prove their status as a victim, (iii) assistance for legal proceedings, (iv) the provision of residence permits, (v) basic services for housing, (vi) medical care, (vii) job training, (viii) assistance for rehabilitation and (vi) assistance for repatriation. The last sphere of prevention policies is coded along Articles 9, 10, 11, 12 and 13 of the Palermo Protocol, which identify the following aspects of prevention: (i) Implementation of campaigns for anti-trafficking awareness, (ii) training government and military officials, (iii) facilitating information exchange among relevant authorities, (iv) monitoring borders, train stations, airports, etc., (v) adopting national action plans to combat trafficking in persons, (vi) promoting cooperation with non-governmental organizations (NGOs) and international organizations and (vii) facilitating cooperation with other governments. With the help of these codes both countries data on policies will be analysed which will help the comparison later on.

4. Sweden

In the following, the general policies on prostitution in Sweden will be explained. Later the scope and quality of human trafficking in Sweden will be analysed based on the *Människohandel för sexuella och andra ändamål* (trafficking in human beings for sexual and other purposes) reports on the years 2016, 2018 and 2020 (Polis, 2018, 2020, 2022). Lastly, the scope of prosecution, protection and prevention of human trafficking legislation in the National Action Plan 2018 will be analysed with help of the coding scheme. The corresponding documents are the *Handlingsplan mot prostitution och människohandel* (National Action Plan) (Regieringskansliet, 2018) and the *Trafficking in Persons Report 2021* (Department of State USA, 2021).

4.1. General policies on prostitution

After almost three decades of prostitution being legal, the Swedish legislature passed the Act that Prohibits the Purchase of Sexual Services in 1998 (Marinova & James, 2012). On the 1st of January 1999, the law entered force, penalising those persons who, for payment, obtain a casual or sexual relationship. The purchase of sexual services can be fined with a maximum of six months (Di Nicola et al., 2005). This prohibition mainly came about due to the pressure of women's movements like the European Women's Lobby (EWL) and CATW (Marinova & James, 2012). The prohibition of prostitution in Sweden is directly linked to the overall goal of gender equality set by the government. As prostitution is seen as an aspect of male violence against women, it is supposed to be leading to a social construct discriminating women (Regieringskansliet, 2018). Sweden consequently follows a radical feminist approach as prostitution is seen to be representing the social, economic and sexual domination of men over women in society. With regard to the categorization into a policy regime, it is not as obvious. While Di Nicola et al. (2005) argue Sweden to be a prohibitionist state, Marinova and James (2012) categorize it into the abolitionist approach. Following Outshoorns (2004) line of argumentation though, the category of prohibition seems to make more sense as both indoor and outdoor prostitution are prohibited. It is though to mention that Sweden, in contrast to other prohibitionist regimes, does not prosecute the prostitutes but only the clients.

4.2. Scope and quality of human trafficking

In order to analyse the scope and quality of human trafficking in Sweden the national police reports on the years 2016, 2018 and 2020 (Polis, 2018, 2020, 2022) will be looked at to gain sufficient data on the time span from 2016-2020. As a most important measurement for the scope of human trafficking, the estimated number of victims will be looked at. In the case of Sweden, an estimation of between 400-600 victims per year was made. Striking about the report is that it does not mention the number of registered victims but refers to it as reported offences. In 2016 that number was 197 cases, in 2017 and 2018 at 214, in 2019 at 279 and in 2020 at the lowest number of 196 cases. Looking at the offences reported on the trafficking in human beings for sexual purposes the numbers constantly increased: 81 cases in 2016, 82 cases in 2017, 93 cases in 2018, 106 cases in 2019 and 110 cases in 2020. So, while the overall number of reported offences fluctuates quite a lot, the number of reported offences of sexual

exploitation increases very steadily, hinting toward the success of the prosecution policies adapted in the National Action Plan 2018.

4.3. Prosecution of trafficking in human beings for sexual purposes

With regard to the prosecution of trafficking in human beings for sexual purposes, Sweden has adopted all relevant international Conventions, such as the UN Convention against transnational organized crime, the ILO Convention on forced labour and all relevant Human Trafficking Directives from the European Union. In the Action Plan, an extension of the current legislation is proposed. With a new sexual offence legislation, a new definition of voluntariness will enter into force, also including the principle of extended criminal liability. The stringency of penalties for offences in the case of sexual exploitation are regulated in Chapter 4 Section 1a of the Criminal Code. With the Action Plan, the maximum penalty for gross or aggravated procuring (which involves sexual exploitation) was raised from six to ten years of imprisonment. The level of law enforcement was also strengthened with the action plan. First of all the requirement of double criminality was removed for the conviction for the offence of purchase of sexual services committed abroad. In order to increase prosecution for sexual exploitation the National Operations Department (NOA) introduced a unit that processes and analyses tips and information on suspected human trafficking offences all over the country. Still, the number of convictions does not reflect the reality of human trafficking in Sweden. Therefore, the police authority needs to identify and report measures now that would help to increase the number of convictions. Looking at the collection of crime statistics the government provides a full investigation report including details on sentencing as well as a yearly report on the scope of identified victims.

4.4. Protection of victims of trafficking in human beings for sexual exploitation

First, with regard to the protection of victims, there is no “direct” punishment of victims. An indirect punishment can though be identified which will be explained in the following. Looking at self-identification the status of victims cannot be acquired without identification. This is mainly due to the GPDR regulation from the EU making it impossible to offer protection measurements without consent from the victim. Now looking at all other protection measurements, they are highly reliant on the cooperation of the victim with the authorities. Even though Sweden introduced a Pre-Trial Code

strengthening the legal position of victims, the general assistance for legal proceedings has been very critical as the funding of 1.5 Mio krona for the National Support Programme was insufficient, but it is the only one that offers effective and unconditional assistance. Regarding the provision of residence permits, victims have a 30-day reflection period with some possibilities of extension. Also, in this case, cooperation with authorities becomes crucial as only the investigating police officer or prosecutor could file a residence permit. Furthermore, with regard to basic services for housing deficits can be identified as Sweden does not offer shelters solely to trafficked victims, but only some municipalities run shelters. The national board of health and welfare is responsible for the medical care of victims and medical advice is frequently offered for prostitution. The government offers several support programmes for rehabilitation. Measurements for job training and assistance for repatriation were not discussed in the Action Plan. Overall, multiple shortcomings in the protection of victims were identified mainly being the harsh condition to cooperate with police authorities for prosecutions in order to receive support of any kind.

4.5. Prevention of trafficking in human beings for sexual exploitation

Looking at the implementation of campaigns for anti-trafficking awareness the Action Plan offered multiple ones. First, the National taskforce against prostitution and trafficking (NMT) launched an information campaign, which was funded by the government with 20 Mio. Krona, where they collaborated with the 24-hour national women's helpline. Another approach was focused on with the national helpline *preventell*, which is aimed at people with self-perceived risk behaviours such as compulsive preoccupation with sexual thoughts and actions, sexual interest in children and impulses to force someone to have sex. The government also offers the *KAS* telephone line for people who buy sex. Further, the campaign *you decide* was implemented in Stockholm to change behaviour in demand. With regard to awareness of younger people, the government pays special attention to education in schools to promote human rights and actively combat all forms of abuse by introducing the Mentors in Violence Prevention Programme. In addition to that, the website *YOUMO* provides information on sexual health and rights for young people. Another aspect focused on in the action plan is the one of training government and military officials. The national police incorporated trafficking training as a part of the education programme for new recruits. The national court offered training for judges and lawyers.

Specific online training was also available for judges, police and agency staff. The migration agency provided guidance for migration agents on how to detect cases of trafficking. Further compulsory modules on male violence against women and domestic violence were introduced for professions that have contact with women and children who are victims of violence. Additionally, workers in hotels, restaurants and the taxi sector were trained on how to detect potential victims. Electronic training was available for embassies as well. The National Methodology Team (NMT) moreover offers support to professionals in municipalities, authorities and civil society organizations. In order to facilitate information exchange among relevant authorities, the gender equality agency introduced a regional coordinator in each region to assist police and juridical authorities. The migration board also introduced a central coordinator for human trafficking and a regional coordinator to facilitate cooperation with other authorities. The county administrative board is responsible to support the coordination between authorities. Also, thematic dialogues between various stakeholders are organised. The national action plan discussed in this section meets the requirement of adopting national action plans. For the requirement of promoting cooperation with NGOs and international organizations, only examples will be mentioned due to the wide extent of those. The NOA unit discussed in the prosecution section participates in international cooperation within the framework of Interpol, Europol, the Baltic Sea Cooperation and the Police Liaison Officers posted abroad. With regard to NGOs, the government extensively funds and supports the work of NGOs to increase gender equality. Therefore, the Equality Authority allocated funds for grants available to gender equality projects. In order to facilitate cooperation with other governments the Nordic liaison, consisting of Denmark, Finland and Sweden, stationed 20 Nordic embassies around the world to facilitate information sharing in general, but also on trafficking issues. The government also participated in a project which aims to establish long-term cooperation between stakeholders and academia. Lastly, the monitoring of borders was not discussed in the action plan.

In sum, the National Action Plan to combat prostitution and human trafficking offered a large scale of prevention measurements and projects while showing severe shortcomings in the protection section. The level of prosecution has been increased with the Action Plan though not to a large extent.

5. The Netherlands

In the following, the general policies on prostitution in the Netherlands will be explained. Later the scope and quality of human trafficking in the Netherlands will be analysed based on the *Slachtoffermonitor mensenhandel: 2016-2020* (Bolhaar, 2021). Lastly, the scope of prosecution, protection and prevention of human trafficking legislation in the National Action Plan 2018 will be analysed with help of the coding scheme. The corresponding documents are the *Samen Tegen Mensenhandel* (National Action Plan 2018) (Ministerie van Justitie en Veiligheid, 2018) and the *Trafficking in Persons Report 2021* (Department of State USA, 2021).

5.1. General policies on prostitution

After decades of an abolitionist approach, the Netherlands legalised indoor and outdoor prostitution under state regulation in 2000, meaning prostitution is legal where it does not disturb law and order (Di Nicola et al., 2005). The regulations include that prostitutes have to be at least 18 years old and authorized to work legally in the Netherlands (Marinova & James, 2012). Also, brothels have to be authorized and regularly inspected by the municipality to ensure health and safety (Di Nicola et al., 2005). As prostitution is viewed as a legitimate profession, prostitutes have the same work rights and duties as others. This means that it is not compulsory to be registered as a prostitute or to undergo health checks, as it would intervene with the right to individual privacy. If required, they do however need to provide a document of identification. Apart from that, the municipalities are allowed to implement further regulations on prostitution. This is done by several municipalities by only allowing outdoor prostitution in the so-called *Trippelzonen*, outside of those it is prohibited. With regard to the categorization of the policy regime, the Netherlands get unanimously categorized as a regulatory regime. This is in line with the categorization of the liberal feminist theory. By legalizing prostitution, the government believes exploitative elements such as trafficking are addressed best.

5.2. Scope and quality of human trafficking

In order to understand the scope and quality of human trafficking in the Netherlands the victims' monitors on human trafficking 2016-2020 (Bolhaar, 2021) will be looked at. Most important to describe the scope of human trafficking is the estimated number of 5000 to 7500 victims per year. Looking at the

number of registered victims of human trafficking is important to keep in mind that they only present a small fraction of the actual victims. In 2016 and 2017 the numbers were very stable with 1.049 and 1.076 registered victims. In 2018 a decrease of 30.1% was noted as only 742 victims were identified. The following year 2019 presented a huge jump up to 1.372 registered victims, a plus of 99.7 %. In 2020 the number of registered victims dropped again by about 26.4% to 1.013. The numbers for trafficked victims of sexual exploitation were 529 in 2016, 550 in 2017, 483 in 2018, 849 in 2019 and 404 in 2020. Victims of Trafficking for sexual exploitation consequently account for the majority of trafficked victims. The drastic change in registered victims is though not to be seen as an actual change in the scope of human trafficking, but more in the success of prosecution. Looking at the data the policy changes in the prosecution paradigm of the Action Plan 2018 seem to have a huge success in 2019, but not in the long term.

5.3. Prosecution of trafficking in human beings for sexual exploitation

Looking at the adoption of anti-trafficking laws the Netherlands have like Sweden ratified all important Conventions like the UN Convention against transnational organized crime, the ILO Convention on forced labour and all relevant Human Trafficking Directives from the European Union. In March 2021 a new legislative Act was implemented to penalise people who knowingly solicited a sex trafficked victim. This offence can be penalised with imprisonment with a maximum of four years and/ or a fine. Looking at the stringency of penalties the Art. 273 of the Criminal Code determines that the maximum penalty for sex trafficking an adult is 12 years of imprisonment and/ or a fine of up to 87.000 Euros. In case of physical harm of the victim, it can lead up to eighteen years and if death was a consequence of action, a lifelong sentence can be ordered. Regarding the level of law enforcement, the government introduced a quick response team to make prosecution more efficient. Also, the Inspectorate SZW focuses on picking up signals of abuse and serious disadvantage. The Inspectorate SZW is funded with 50 Mio. Euros each year. Looking at the collection of crime statistics, the government provides a yearly investigation report, does however not report the complete sentence data. It is only mentioned that the average sentence is 2 years. The government also funds national victim registrations.

5.4. Protection of victims of trafficking in human beings for sexual exploitation

Looking at the protection of victims, the punishment of victims is not allowed. In order to be identified as a victim though, a self-identification is mandatory following the GDPR guidelines. The Assistance for legal proceedings is sufficient. The Action Plan even introduced a new regulation which allows victims to be heard other than at a public hearing. The provision of residence permits is heavily reliant on the victim's cooperation with the law enforcement. If the cooperation is denied no support is offered and residence permits are revoked. Apart from the cooperation, every potential victim is entitled to a three-month reflection period in shelter care. After that, if the victim presses charges, the person becomes eligible for a short-term residence permit and if the trafficker is being prosecuted a permanent residence status becomes possible. The basic service for housing got founded with 1.44 Mio Euros in 2020 compared to 600.000 Euros in 2019. A nationwide network of care coordinators was implemented as well as a service for victims requiring special care. Another national special feature is the so-called *flowthrough houses*. Those are provided specifically for victims of human trafficking to allow them to move on to independent housing after leaving the reception facility. All shelters also provide medical as well as psychological care. There are also national specialist facilities. The municipality is responsible to provide the victim with (ambulatory) follow-up aid. Also, the opportunities for job training became strengthened with Action Plan. The municipality gives guidance towards school and work by offering skills training, The government also holds agreements with various stakeholders to mediate victims quickly towards new and fair work. Looking at assistance for rehabilitation the municipalities also offer guidance towards daytime activities. Assistance for repatriation is also offered. Restitution is often awarded to the victims and if not paid within eight months by the perpetrator, it is the government's duty to collect the payment.

5.5. Prevention of trafficking in human beings for sexual exploitation

In order to raise awareness of trafficking matters, the government funded multiple campaigns through local governments or NGOs. The Inspectorate and the Ministry of Justice (JenV) also conducted a study on citizens' awareness. For the training of government and military officials, various steps were taken. The regional police have specialised teams with anti-trafficking detectives and experts as well as specialised prosecutors and judges. The anti-trafficking training is part of the standard curriculum for

law enforcement. Further, a website was introduced to provide information to first responders and other professionals who may encounter victims. Another initiative included specific training for professionals in the immigration sector, health care and the hotel sector. Moreover, a pilot project was started training owners and managers of vacation parts to detect human trafficking. The Coordination centre against human trafficking (CoMenscha) also launched a Human Trafficking Academy including free e-learning modules. Further two toolkits were developed to help educate teachers and students to identify indicators of trafficking. In order to facilitate information exchange among relevant authorities, the human trafficking task force brings together local and national authorities and NGO representatives. The government also supported two innovation labs to bring together stakeholders in order to find new methods of combating human trafficking. In addition, a working group was founded focusing on the integrated approach to human trafficking. It unites representatives of the Inspectorate of Social Affairs and Employment, the police, the Ministry of Defence (KMar), the Information and Expertise Centre (LIEC), the Public Prosecution Service, and the Ministry of Justice and Security. CoMenscha also appointed a project manager to support municipalities. Data sharing between those authorities was facilitated with the help of a care and security domain programme. With the presented National Action Plan, the category of adopting national action plans also gets fulfilled. For the promotion of cooperation with NGOs and International Organisations, again, only examples will be listed. First, the government works together with many companies, trade unions and civil society in so-called International Corporate Social Responsibility covenants. *COFINE*, a project dedicated to strengthening the cross-border administrative approach to human trafficking, was realised with the funding of the European Union. The knowledge in this project will be made available to the Expertise centre organised in the Meuse-Rhine Euroregion, which is a collaboration with Belgium and the Netherlands. The government also took various measurements to promote cooperation with other governments. It continued to join international investigations and even led investigation teams with other EU nations. It further led the EUROPOL European Multidisciplinary Platform Against Criminal Threats. The Ministry of Justice and Security strengthened the cooperation with countries vulnerable to trafficking by posting new police liaison officers in Poland, Croatia and Italy. Moreover, the government funded anti-trafficking programmes in source countries and provided police and protectional assistance. Also, close cooperation was

maintained with the Benelux states. Lastly, the monitoring of borders was not discussed in the action plan.

Concluding the Action Plan provides various measurements in all three policy fields. Especially detailed is the sphere of protection, even if the support is still sometimes reliant on the victim's cooperation with the law enforcement.

6. Governmental policies against trafficking in human beings for sexual exploitation

In the following, both countries will be compared to derive new findings and test the hypotheses. The comparison will be summarized in the table below:

Table 1: Typological comparison of policies between Sweden and the Netherlands

	<i>Sweden</i>	<i>Netherlands</i>
<i>Policy Regime</i>	Prohibitionist	Regulationist
<i>Scope of THB</i>	Est. victims 400-600 per year	Est. victims 5000-7000 per year
<i>Prosecution</i>	<ul style="list-style-type: none"> - Conventions ratified: UN, ILO, EU - Penalties: max. 10 years - new sexual offence legislation - removal of double criminality - introduction NOA unit - detailed crime statistics - 2020: 110 cases of THB for sexual exploitation reported 	<ul style="list-style-type: none"> - Conventions ratified: UN, ILO, EU - Penalties: max. 12 years - new legislation act on soliciting a victim - introduction quick response team - summarized crime statistics - 2020: 404 cases of THB for sexual exploitation reported
<i>Protection</i>	<ul style="list-style-type: none"> - critical funding of legal assistance - 30-day reflection period for victims - no designated shelters for victims 	<ul style="list-style-type: none"> - sufficient legal assistance - 3-month reflection period - various shelter opportunities (including medical and psychological care)

	<ul style="list-style-type: none"> - no measurements for job training and assistance for repartition <p>→ measurements highly reliant on victims' cooperation with law enforcement</p>	<ul style="list-style-type: none"> - agreements to mediate victims into fair work - repartition government's responsibility <p>→ measurements mildly reliant on victims' cooperation with law enforcement</p>
<i>Prevention</i>	<ul style="list-style-type: none"> - multiple awareness campaigns - various training opportunities - strong cooperation with NGOs and other governments - strengthened cooperation between authorities 	<ul style="list-style-type: none"> - multiple awareness campaigns - various training opportunities - strong cooperation with NGOs and other governments - strengthened cooperation between authorities

First of all, by looking at the scope of human trafficking the first hypotheses can be verified. While the estimated number of trafficked victims per year lies between 5000 and 7500 in the Netherlands, for Sweden the estimates only lie between 400-600 victims per year. Even by setting it into relation with the higher Dutch population of 17.2 Mio. People (United Nations Population Fund, 2022a) compared to 10.2 Mio. People in Sweden (United Nations Population Fund, 2022b) the relative scope of the Netherlands is still bigger. Looking at it from an economic perspective this means that the scale effect is still dominating over the substitution effect in the Netherlands, increasing the scope of human trafficking under the condition of the legality of prostitution.

The second hypothesis can also be verified. Looking at the analysis two major differences can be noticed with regard to the prosecution and protection of human trafficking policies. First of all, Sweden has a larger prosecution sphere than the Netherlands. Even if the stringency of penalties is higher in the Netherlands than in Sweden, Sweden shows more sophistication towards the level of law enforcement

and initiative supporting it. Also, Sweden shows a more detailed picture of prosecution data. Looking at the number of offences reported, Sweden also has a higher relative success rate. While the number of 110 reported offences concerning sexual exploitation in Sweden in 2020 uncovered about 18% to 27% of estimated victims, in the Netherlands only 5.3% to 8.08% (404 reported victims) of the estimated victims were identified in 2020. Following on Marinovas and James' (2012) argumentation of the importance of the prosecution paradigm, this case study also seems to show that a strong prosecution policy strengthens the effect of decrease of human trafficking in prohibitionist regimes. On the other hand, a weak prosecution seems to strengthen the effect of the increase of human trafficking in regulated regimes. Arguing from a radical feminist approach it makes sense that a prohibitionist regime has a higher scale of prosecution. As prosecution for prostitution and human trafficking are joined, more resources and a larger network for prosecuting those crimes are available.

The second noticeable difference can be detected in the protection sphere. While the Netherlands offer sufficient assistance in housing, job training, legal proceedings, rehabilitation and repatriation, Sweden lacks support in those categories. Especially the provision of residence permits illustrates this difference quite well. While Sweden offers only a 30-day reflection period and makes permits extremely reliant on authorities, the Netherlands offer a three-month reflection period of unconditional shelter and offers a more straightforward way towards residence permits. This finding strengthens Akee et al. (2014) approach of the connection between the protection paradigm and the increase in human trafficking. By offering a larger scale of victim protection, the Dutch government increases the likelihood of victims reaching out for support, making sexual exploitation riskier and therefore rising the price of it leading to a more lucrative economic model for traffickers. This means that under the condition of legality, a large protection paradigm seems to strengthen the scale effect and weaken the substitution effect, strengthening the overall impact on the increase of human trafficking. On the other hand, a weaker protection paradigm seems to strengthen the effect of the decrease of human trafficking in prohibitionist regimes. Arguing from a liberal feminist perspective this imbalance in the protection paradigm can be explained by the focus on a victim-centred approach followed by regulatory regimes.

Concluding this comparison shows that prohibitionist regimes seem to favour the prosecution approach in their policy-making strengthening the effect of the decrease in human trafficking and regulatory regimes seem to favour the protection approach strengthening the effect of the increase in human trafficking.

7. Discussion

Looking at the findings gained above it is first of all important to critically assess them and put them into the context of previous research, to understand what value can be taken from this thesis. The main point of critique would be the one referring to all kinds of research done in the field of trafficking in human beings, especially those working with “numbers” on victims and offences. Nicola et al. (2005, p. 2) state in that context that “quantitative and qualitative information on THB for sexual exploitation are lacking, fragmented, and not comparable across-countries, especially with reference to victims”. This is due to the fact that the data is about a so-called hidden population making reliable data extremely scarce. Looking at the finding acquired that, comparing Sweden and the Netherlands, the legalisation of prostitution does indeed increase the scope of human trafficking, it is important to understand that this is only a preliminary thesis that cannot be fully verified with regard to the quality of data. Looking at the previous research done coming to a similar outcome, it makes this scenario though increasingly likely. This circumstance only strengthens the claim towards further research that needs to be done as well as the expansion of crime statistics collected by the governments. Examining the findings made about the intervening variable of prioritization of a policy paradigm on the relationship between prostitution regimes and trafficking in human beings the inductive nature of the analysis is crucial to determine the value of those findings. As there is little theoretical background about this effect as well as little statistical research conducted on this topic, the findings made in this thesis describe only the likelihood of this effect but do not present a robust result. The cases of Sweden and the Netherlands show that in those two countries the weight of the 3 P Paradigm seems to have indeed an impact on the increase/ decrease of trafficking in human beings. To make further generalizations possible about the policy regimes a larger country sample would help. By including more than one sample per typology and covering all four policy regimes on prostitution (Prohibitionism, Abolitionism, New Abolitionism and Regulationism) the results would be more reliable. A statistical design including various

independent variables like control of corruption, the democracy index or the general level of women's rights in a country would also help to strengthen the validity of the findings.

8. Conclusion

Concluding the thesis, the research question *How does policymaking on prostitution influence trafficking in human beings for sexual purposes* can be answered with two findings. First of all the prohibition of prostitution in Sweden seems to have a negative effect on the increase of trafficking in human beings, while the legalisation of prostitution in the Netherlands seems to have a positive effect on the increase of trafficking in human beings. The negative effect in Sweden can be explained by their prioritization of the prosecution paradigm in the policy-making on trafficking in human beings, while the positive effect in the Netherlands can be explained by their prioritization of the protection paradigm. But how can these findings help with the original aim of this thesis to reduce the victims of trafficking in human beings for sexual exploitation? One of the most important consequences is the uncovered discrepancy between the ideal outcomes of theoretical models and the reality of millions of victims each day. So, while both governments continue to argue for/ or against the legalisation of prostitution they rely on the idealistic ideas of two feminist approaches. The reality shows though that neither of these approaches fulfils its goal to end trafficking in women. Drawing from this realisation the discourse on prostitution and human trafficking policies should in the future not be based on ideological beliefs but on the questions of how to reduce the number of victims in all kinds of regimes. The prioritization of the 3 P Paradigm hereby seems to be a very powerful tool. Another important aspect that needs to be taken into account while discussing the implications of prostitution policies is that the effect of trafficking in human beings is of course not the only aspect that needs to be taken into account for effective policy making. Looking at the human rights approach, also the rights of prostitutes and victims need to be taken seriously, possibly requiring different/ if not opposite policy measures than those necessary to reduce the overall scope of human trafficking. Lastly, this thesis can only strengthen the claim made by previous researchers that further research on this topic is indispensable. In order to make better policies, a deeper understanding and knowledge of the topic is crucial. Overall, the hope remains that further research and smarter policy making will help to reduce the victims of human trafficking.

9. References

- Akee, R., Basu, A. K., Bedi, A., & Chau, N. H. (2014). Transnational Trafficking, Law Enforcement, and Victim Protection: A Middleman Trafficker's Perspective. *The Journal of Law and Economics*, 57(2), 349–386. <https://doi.org/10.1086/675404>
- Alliance 8.7 (2017). *Global estimates of modern slavery: forced labour and forced marriage*. Geneva: International Labour Organization.
- Anne T. Gallagher (2001). Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis. *Human Rights Quarterly*, 23, 975–1004.
- Askola, H. (2007). Violence against Women, Trafficking, and Migration in the European Union. *European Law Journal*, 13(2), 204–217. <https://doi.org/10.1111/j.1468-0386.2007.00364.x>
- Barry, K. (1984, 1979). *Female sexual slavery*. New York, London: New York University Press.
- Batsyukova, S. (2007). Prostitution and Human Trafficking for Sexual Exploitation. *Gender Issues*, 24(2), 46–50. <https://doi.org/10.1007/s12147-007-9001-0>
- Becker, G. S., Murphy, K. M., & Grossman, M. (2006). The Market for Illegal Goods: The Case of Drugs. *Journal of Political Economy*, 114(1), 38–60. <https://doi.org/10.1086/498918>
- Bell, S. (1999). *Reading, writing, and rewriting the prostitute body*. Boulder, Colo.: NetLibrary, Inc. Retrieved from <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=627>
- Bolhaar, H. J. (2021). *Slachtoffermonitor mensenhandel: 2016-2020*.
- Cho, S.-Y. (2016). Liberal coercion? Prostitution, human trafficking and policy. *European Journal of Law and Economics*, 41(2), 321–348. <https://doi.org/10.1007/s10657-015-9519-7>
- Cho, S.-Y., Dreher, A., & Neumayer, E. (2013). Does Legalized Prostitution Increase Human Trafficking? *World Development*, 41, 67–82. <https://doi.org/10.1016/j.worlddev.2012.05.023>
- Cho, S.-Y., Dreher, A., & Neumayer, E. (2014). Determinants of Anti-Trafficking Policies: Evidence from a New Index. *The Scandinavian Journal of Economics*, 116(2), 429–454. <https://doi.org/10.1111/sjoe.12055>
- Department of State USA (2021). Trafficking in persons report. Retrieved from <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>
- Di Nicola, A. (2009). *Prostitution and Human Trafficking: Focus on Clients*. New York: Springer.
- Di Nicola, A., Orfano, I., Cauduro, A., & Conci, N. (2005). *Study on National Legislation on Prostitution and Trafficking in Woman and Children*. Advance Aceso publications. <https://doi.org/10.5167/UZH-80851>
- Farley, M. (2009). Theory versus reality: Commentary on four articles about trafficking for prostitution. *Women's Studies International Forum*, 32(4), 311–315. <https://doi.org/10.1016/j.wsif.2009.07.001>
- UN General Assembly (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime: Palermo Protocol*.
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences. BCSIA studies in international security*. Cambridge, Massachusetts: MIT Press. Retrieved from <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=125981>
- Giobbe, E. (1994). Confronting the Liberal Lies About Prostitution. In A. M. Jaggar (Ed.), *Living with contradictions: Controversies in feminist social ethics* (pp. 121–126). Boulder: Westview Press. <https://doi.org/10.4324/9780429499142-15>

- Heinrich, K. H. (2010). Ten Years After the Palermo Protocol: Where are Protections for Human Trafficking? *Human Rights Brief*, 18(1), 2–5.
- Jakobsson, N., & Kotsadam, A. (2013). The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation. *European Journal of Law and Economics*, 35(1), 87–107. <https://doi.org/10.1007/s10657-011-9232-0>
- Jeffreys, S. (2009). Prostitution, trafficking and feminism: An update on the debate. *Women's Studies International Forum*, 32(4), 316–320. <https://doi.org/10.1016/j.wsif.2009.07.002>
- Marinova, N. K., & James, P. (2012). The Tragedy of Human Trafficking: Competing Theories and European Evidence1. *Foreign Policy Analysis*, 8(3), 231–253. <https://doi.org/10.1111/j.1743-8594.2011.00162.x>
- Ministerie van Justitie en Veiligheid (November 2018). *Samen tegen mensenhandel: Een integrale programma-aanpak van seksuele uitbuiting, arbeidsuitbuiting en criminele uitbuiting*.
- Miron, J. A., & Zwiebel, J. (1995). The Economic Case Against Drug Prohibition. *Journal of Economic Perspectives*, 9(4), 175–192. <https://doi.org/10.1257/jep.9.4.175>
- Munro, V. E. (2006). Stopping Traffic? A Comparative Study of Responses to the Trafficking in Women for Prostitution. *The British Journal of Criminology*, 46(2), 318–333. <https://doi.org/10.1093/bjc/azi070>
- O'Brien, E. (2015). Prostitution Ideology and Trafficking Policy: The Impact of Political Approaches to Domestic Sex Work on Human Trafficking Policy in Australia and the United States. *Journal of Women, Politics & Policy*, 36(2), 191–212. <https://doi.org/10.1080/1554477X.2015.1019277>
- Outshoorn, J. (Ed.) (2004). *The politics of prostitution: Women's movements, democratic states, and the globalisation of sex commerce*. Cambridge, UK, New York: Cambridge University Press. Retrieved from <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=152259>
- Pateman, C. (1983). Defending Prostitution: Charges Against Ericsson. *Ethics*, 93(3), 561–565. <https://doi.org/10.1086/292467>
- Polis (2018). *Människohandel för sexuella och andra ändamål: Polismyndigheten rapport för 2016*.
- Polis (2020). *Människohandel för sexuella och andra ändamål: Polismyndigheten rapport för 2018*.
- Polis (2022). *Människohandel för sexuella och andra ändamål: Polismyndigheten rapport för 2020*.
- Regeringskansliet (2018, February 8). *Handlingsplan mot prostitution och människohandel*.
- Scoular, J. (2004). The 'subject' of prostitution: Interpreting the discursive, symbolic and material position of sex/work in feminist theory. *Feminist Theory*, 5(3), 343–355. <https://doi.org/10.1177/1464700104046983>
- Sullivan, B. (2003). Trafficking in Women. *International Feminist Journal of Politics*, 5(1), 67–91. <https://doi.org/10.1080/1461674021000056773>
- United Nations Population Fund (2022a, July 2). World Population Dashboard -Netherlands. Retrieved from <https://www.unfpa.org/data/world-population/NL>
- United Nations Population Fund (2022b, July 2). World Population Dashboard -Sweden. Retrieved from <https://www.unfpa.org/data/world-population/SE>
- United States Department of State (2021, January 9). 3Ps: Prosecution, Protection, and Prevention - United States Department of State. Retrieved from <https://www.state.gov/3ps-prosecution-protection-and-prevention/>
- Yin, R. K. (2018). *Case study research and applications: Design and methods* (Sixth edition). Los Angeles, Calif.: SAGE.

10. Appendix

Table 2: Coding Scheme

<i>Theory</i>	<i>Category</i>	<i>Code</i>		
3 P paradigm	Prosecution	Adoption of anti-trafficking laws		
		Stringency of penalties		
		Level of law enforcement		
		Collection of crime statistics		
3 P paradigm	Protection	No punishment of victims		
		Imposing no self-identification in order to prove their status as a victim		
		Assistance for legal proceedings		
		The provision of residence permits		
		Basic services for housing		
		Medical care		
		Job training		
		Assistance for rehabilitation		
		Assistance for repatriation		
		3 P paradigm	Prevention	Implementation of campaigns for anti-trafficking awareness
				Training government and military officials
Facilitating information exchange among relevant authorities				
Monitoring borders, train stations, airports, etc.				
Adopting national action plans to combat trafficking in persons				
Promoting cooperation with non-governmental organizations (NGOs) and international organizations				
Facilitating cooperation with other governments				