

# Trapped by division?

Evaluation of the Utrecht barriers against trafficking policy program



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# **Master Thesis European Studies**

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**Enschede, August 2014**

## ABSTRACT

The aim of this study is to identify and analyse the policy beliefs of policy actors and other stakeholders towards the Utrecht local governmental policy program with particular reference to combatting the occurrence of trafficking in legal prostitution. The target group of the policy consisted of legal prostitutes working on Zandpad, who were by the government assumed to be nearly all victimized subjects of trafficking. The outcome of the policy was the dismantling of the legal facility.

The data were mainly obtained through the analysis of publicly available policy documents. The analysis consists of three core elements. First, the policy theory of the central actor was reconstructed and reflected upon with help of the method of the 'goal tree' of Van de Graaf en Hoppe. Second, the bolstering and criticising beliefs were derived or inferred from the texts with help of the Fischer framework for policy evaluation. Third, the belief sets were complemented and interpreted with help of archetypical mental maps, based on a combination of group-grid cultural theory as developed by Douglas, Thompson, Ellis and Wildavsky and the Fischer framework.

The results showed that the policy theory was primarily based on unwarranted probabilistic relations with little evidence. Little or no attention was given to the development of contingency plans and risk analysis. The majority of the identified beliefs of the involved actors and stakeholders were critical. The discourse could be characterized as heterogeneous, and appeared to consist of many discordant beliefs. Based on the used theoretical lenses, a couple of ideological clashes could be retrieved and interpreted. Several identified flaws in process of policy learning pertaining to the wicked problem of trafficking led to the conclusion that there was no question of an acceptable learning process. The author recommends researching other local policy practises with particular reference to the mitigation of trafficking, the stimulation of pilots with self-regulation and 'responsibilization' of the target group, and the involvement of community knowledge.

**KEYWORDS:** policy theory; policy beliefs; trafficking policy; governance of prostitution; policy learning.

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## Preface

This case study is conducted within the framework of the master program European Studies at Twente University, which I followed part-time in combination with my full-time occupation as a lecturer at the Saxion School of Social Work. The idea to dedicate my thesis to the topic *human trafficking* was born during the reading of Henk Werson's book *De Fatale Fuik (The Fatal Trap)*. For me, this book was an eye-opener, which probably applies for many other people who read it. I couldn't get it out of my mind; I was intrigued by it and started thinking. How on earth could it be possible that people treated each other in such an unbelievably horrible and inhumane way? Was this really happening on such a big scale? Why did I never notice it before? What, given this reality, could be done to stop these disgraceful and unjust practises? What was already done? Et cetera. Later on, I realized that this theme combined all aspects in it that had been driving my curiosity for a much longer period, and of which I had already deepened my knowledge in certain ways since I graduated in Public Administration in 1992, sometimes in a cursory or ad hoc way, and sometimes in a more structured way.

Trafficking appeared to have a sheer countless number of dimensions: a psychological one, an economic one, a political and a sociological one, a dimension of social justice, of safety, of organized crime, of human rights, of migration and of morality. On top of that, the issue has an inherent international character. In short, the theme is ultimately complex and multifaceted. To be honest it was a bit confusing for me: how would it be possible to contribute something to the discourse that would make sense, also given the enormous amount of literature that had already been written on the theme? I discovered that I was not the only one who was struggling with the complexity of the issue, and that local policies pertaining to the issue were under researched. In my opinion it would be a fallacy to state that the intractable problem of trafficking could be 'solved' by applying whatever single policy. The solution for my puzzle, which I eventually chose, was to approach the theme from a policy analysis perspective: I was curious after the way in which a local government would deal with the phenomenon, given this sketched character.

The dismantling of the Utrecht Zandpad prostitution facility for alleged reasons of trafficking on July 13 of 2013 struck my eye. There was a lot to do about this case in the media, and I decided to start following the developments. This would be the excellent candidate case for applying theoretical insights and conducting a qualitative study with an interpretative character, which was exactly strand in which I preferred to deepen my skills. I wrote an email to the Utrecht local government and asked them for more information to support my research, which I eventually got, and I started the challenge to analyse and interpret their anti-trafficking policy. Lots of reading and studying followed: complementary documents, reviewing my college notes on policy analysis, studying books and articles, speaking with colleagues et cetera. It is one year later now, the research is finished, and the report is written. All things come to an end, which also applies to this thesis. I'm sure I will start missing all the hours of researching and studying. Studying has become a hobby, and I will have to look for new cases and possibilities to continue this hobby. Finally, I would like to thank my first supervisor prof. dr. Rob Hoppe and my second supervisor dr. M.R.R. Ossewaarde for their critical and useful comments, and my wife and daughters for the patience they had with me, and for giving me leeway to spend evening after evening behind my books and computer, especially the last months, in order to finish this thesis. I hope that this report is worthwhile and interesting for the reader.

P.B.  
Enschede  
August 2014

# 1 Introduction

## 1.1 Defining trafficking

In 2000 over 80 countries signed the UN Convention against Transnational Organized Crime and the Council of Europe Supplementing Convention on Preventing, Suppressing and Punishing Trafficking in Persons, Especially Women and Children (Palermo Protocol). This convention agreed to 'define' human trafficking as: *"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"*. Although not explicitly mentioned in the UN definition, there are obvious links with phenomena like illegal immigration, organized crime, slavery and prostitution. "Trafficking is thus smuggling with coercion or fraud at the beginning of the process and exploitation at the end" (Kara, 2010). Despite this agreed-upon circumscription, the term 'trafficking' does not have a universal meaning. Probably it can be best interpreted as a compromise. The element of force is stressed, but as will be shown below prostitution is remaining in the centre of the debates. In 2006, the formulation was literally transferred to the Dutch penal code (WvS article 273a).

### *Core Ideologies*

The different ideological approaches that can be discerned in the trafficking debates are clearly illustrated by recent research based on the Advocacy Coalition Framework (ACF) by Bromfield and Capous-Desyllas. In the coming into-being of the first US anti-trafficking legislation, three involved coalitions were discerned: a 'liberal feminist' one, a 'left/right' one, and a 'pragmatic' one. The liberal feminist coalition existed of some government officials, academics, and some human rights organizations; the left/right coalition was formed by conservative Christians, radical feminists, human rights activists and others, and the pragmatic coalition by government officials and non-profit organizations (Bromfield & Capous-Desyllas, 2013). The liberal discourse views sex work as a viable option and a deliberate choice. Sex workers should be respected and not stigmatized. Women do have the right to migrate and engage in prostitution in order to survive. They are not victims of trafficking per definition (Outshoorn 2005). According to the left/right discourse prostitution should be restricted, since prostitution can never be a free choice. Every prostitute is considered as a victim requiring help, and a migrant woman engaging in prostitution is per definition enslaved and a victim of trafficking.

The latter ideological perspective towards prostitution was enormously influential. Supported by the Bush II abolitionist agenda, the liberals could hardly prevent trafficking from being equated to prostitution. In the eyes of the liberal coalition, the left/right coalition had 'hijacked' the human right issue that originally 'belonged' to the liberal democrats. The third, more pragmatic coalition rejects the ideological 'sex war'. The pragmatic coalition does not believe that all migrant prostitutes are 'enslaved', and stresses the importance of creating 'good legislation' in order to do what really matters in their eyes: protecting victims and prosecuting traffickers. In conclusion, the emphasis in the trafficking debates is predominantly on sexual exploitation.

### *Some numbers*

The International Labour Organization estimates the number of victims of forced labour, including forced sexual exploitation, to 20,9 million on a global level, with an estimated 5.5 million children being trafficked (ILO, 2012, p.13). Of the identified victims of trafficking, 79% were subject to sexual exploitation, 18% to forced labour, and 3% to other forms of exploitation (UNODC, 2010, p.3). Statistical data only give information about small parts of the phenomenon, and this is the reason why for example La Strada (Foundation against



Trafficking in Women) indicates them as 'the tip of the iceberg'. In other words, according to this foundation an assumed 90% of the incidence of trafficking is not expressed by statistical data. To quote Stone: "Numbers in policy debates cannot be understood without probing how they are produced by people, what makes people decide to count something and then find instances of it; how measurers and measured are linked together; what incentives people have to make the numbers appear high or low; and what opportunities they have to behave strategically" (Stone, 1988). This means that statistical underpinnings in political debates should never be taken for granted.

Trafficking is hard, or maybe even impossible to measure empirically, for instance due to uncertainty regarding the issue of movement with or without consent. This leads some authors to state that its extent should be treated as a 'dark number', and the statistical data as rough indications or even 'wild guesses'. Reaching certainty on the numbers probably will remain an illusion, since this would require agreement on an exact definition and perfect information. Nevertheless, the available statistics serve as a rough impression of the scale of the phenomenon.

### *Media and public opinion*

Especially since all European Union countries were obliged to appoint so called 'National rapporteurs' for human trafficking in the early 2000s, the phenomenon got an increased amount of media attention and started featuring more often in human-interest programs, late night talk shows and other broadcastings on television. Several legal cases revealed an awkward 'relational addiction' of girls who were sexually exploited by their traffickers. From a legal perspective, the phenomenon was deemed intangible: these girls did not consider themselves as victims. In some cases they even referred to the 1997 movie "Pretty Woman" to justify their situation and behaviour. By identifying themselves with Julia Roberts (who plays the role of an utterly self-confident and successful call girl) they seemed to adhere to beliefs that prevented them to understand their true situation. Social workers would coin this 'false consciousness'. These kinds of revelations led to an increased public awareness and 'moral panics' in which the media played a magnifying role. Organizations for youth care started a lobby with the goal to create a new article in the penal code specifically for this form of pimping (so-called 'lover boys'). The attempt failed, and the public attention for this part of phenomenon eventually faded away.

The book "De fatale Fuik" written by the Dutch police officer Henk Werson (2011) revealed the relentless character of trafficking for a broader public. It was discussed extensively on television. It illustrated in detail the ugly practises of traffickers and the horrible consequences for their victims. It also made clear that it would be an enormous challenge for the police and others to stop this disgraceful phenomenon, especially since it is related to so many other phenomena. The book immediately led to a lot of media-attention for trafficking, which did not fade away. From a Dutch perspective, it can be seen as a 'public wake-up call'.

Quite recently, several new anti-trafficking foundations directed at combatting trafficking were enacted, next to the already existing ngo's, like for instance 'Free a Girl'. Celebrities are willing to connect their name to these (charity) organizations. Their acting and moral appeal enhance the public awareness and generate money in the form of gifts. Especially during big international events were many people are 'on the move', like international summits, football events or military missions, media attention peaks.

A small sample of terms used in titles of (research) publications dedicated to trafficking illustrates a remarkable presence of morality and framing in the discourse: 'moral crusade', 'ideological capture', 'modern slavery', 'eradication', 'end game', and many more examples could be given. Some documentaries, broadcastings et cetera seem to heat up the issue by over-emphasising the sensational elements of trafficking in order to gain public attention, or to promote their (religious) strand. On the other hand, some people still associate trafficking with travel agencies, romanticise red-light districts and the prostitution scene, or interpret the 'loverboy' phenomenon as derailed teenage romance. The latter associations are assumed to be far from reality. Generally speaking, the media help to correct these kinds of

associations, to shape and structure the issue and make it more visible, whatever one may think about the way they do this.

### *Alleged root causes*

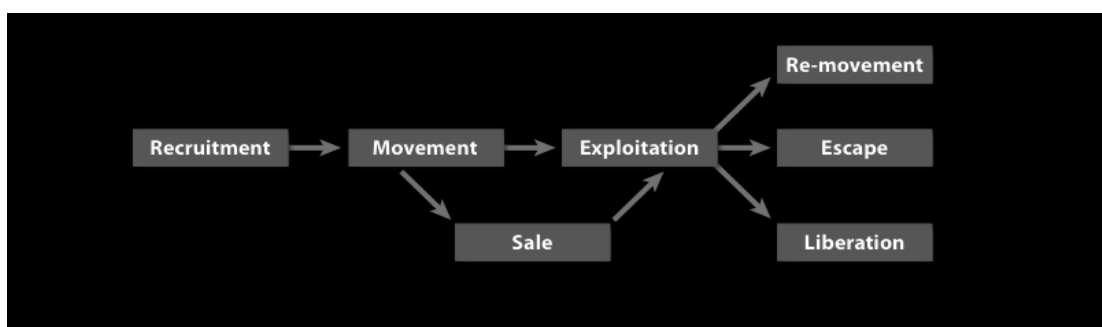
Trafficking of especially women is first mentioned as a policy issue on the European level at the end of the 1990s as a consequence of the collapse of the Warsaw Pact. The majority of the research literature agrees upon the social and economic root causes of trafficking that should be addressed. Generally mentioned are poverty, unemployment and lack of labour-market perspectives, lack of access to education and medical care, and domestic violence (see for instance Wisniewski, in: Human Trafficking in Europe, 2010). These causes can be aggravated by reckless privatization or war situations. While people started moving westwards in search for a better future, traffickers started misusing other people's despair.

Some authors (for instance Limanowska, 2005) also mention the phenomenon 'feminization of poverty', pushing women to seek a better life abroad. Because of the aspect of irregular and undocumented border crossings, it is quite logical that migration- and anti-trafficking debates are intertwined. It is common sense that under the umbrella of human rights, people do possess social, economic, civil, cultural and political rights. Over-emphasizing one of them may lead to infringement upon other rights. Anti-trafficking policies and immigration and prostitution policies are both predominantly oriented at creating restrictions. One-sided policy approaches directed at protecting certain rights (for instance social rights) may lead to the oppression of other rights (for instance economic rights). It is recognized in the literature that trafficking is taking place at the crossroads of fields like migration, labour, organized crime and (women's) rights, in large part (but not exclusively) against the décor of prostitution and the sex industry.

### *Trafficking perceived as a process*

Trafficking can be considered as a cyclic process with several stages. If persons are re-trafficked the process will continue, until successful escape or liberation occurs. Figure 1.1 shows this character. However macabre it may sound, trafficking can also be considered as a business model. Kara (2010) estimates the net economic value of a victim of sex trafficking at approximately €156.000 in Europe. Like in any other business, the matching of demand and supply takes place on a market. While traffickers are (illegally) feeding the supply side of the sex industry by recruitment of women and girls, the demand for sexual services is driving the trade. It can be safely assumed that sexual services offered by trafficked women are hard to distinguish from the same services offered with consent: the phenomenon has a hidden character in more than one respect. If the transactional setting were completely transparent, it would at least be possible to hold potential clients accountable for fuelling the market for trafficked women and girls. Just like the phenomenon itself, the societal costs of trafficking are also in large part hidden. They might be very high. From this and also from other perspectives, there are more than enough reasons for public attention and policy interventions.

Fig. 1.1 *schematic representation of trafficking*





### *Some implications*

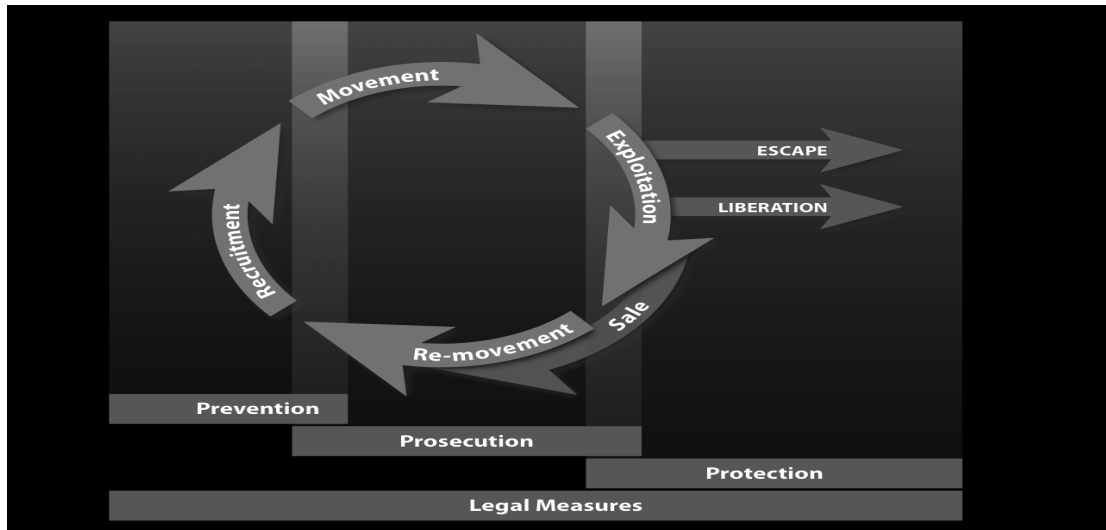
The UN definition is a quite broad and complex definition. The process of it's coming into being illustrates the dominance of the attention for sex trafficking. One can imagine, for example, that it will not be easy to prove in court that actions are induced by coercion. The distinction between trafficking and migration is unclear. Traffickers cannot be prosecuted without witness testimony until now, except very recently in the case of trafficked children. Many victims are too traumatized to participate in juridical processes. These are just some examples of serious difficulties in efforts to operationalize and utilize this definition. The meaning of human trafficking is not universal (Edwards, 2007, Wylie & McRedmond, 2010). However, the UN definition is relevant because it is internationally agreed upon. Although on a pretty abstract level it is offering some clues for (policy) action.

## **1.2 Anti-trafficking efforts**

According to the literature (see for instance Friesendorf, 2007), the types of efforts can be categorized along legal measures, prosecution, protection and prevention. The main legal measures are criminalization and harmonization of laws. Legal measures can be coupled to all stages of the above-mentioned process. Prosecution for instance materializes at the arrest of traffickers, the creation of databases, enactment of witness protection programs, border controls and anti-corruption efforts. Hotlines, identification of victims, sheltering facilities, guardianship, counselling and psychological support, reintegration, medical support and private sector programs can be qualified as protective efforts. Finally, prevention can be understood as the aggregate efforts in the sphere of awareness campaigns, empowerment of risk groups, measures against discrimination, assistance of migrants, research on trafficking, and development policy.

In sum, these 'preventive activities' are directed at a very broad population of assumed potential victims, and therefore do have an indirect character. Prevention can be split up in prevention in 'countries of origin' (referring to the countries of which there are proofs or indications or fear that trafficking begins more frequently than in other countries) and 'countries of destination' (countries to which the victims of trafficking are moved and exploited on an assumed or proven above-average scale). In countries of destination, migration- and prostitution policies as well as private sector programs are mentioned next to the already described approaches. Governments are supposed to be involved in all approaches, while international organizations are normally not active in prevention in countries of destination. Private business (including job agencies, travel agencies, etc.) is predominantly supposed to be involved in protection and prevention in countries of destination (Friesendorf, 2007). Combined with the first diagram, the following global overview can be made:

Fig. 1.2 counter-efforts related to (stages of) trafficking



### *Perspectives towards the efforts are different*

Prevention in the country of destination is highly contested, and a lot of knowledge is lacking in this sphere. For instance, the introduction of extra border guards in order to reduce illegal migration might help to identify potential victims of trafficking, but it also might force migrants to seek help from smugglers, who may appear to be traffickers in a later stage. Prostitution- and migration policies belong to the national policy domain, and differ to a great extent across Europe. They vary from abolition to legalization, and are interlinked with anti-trafficking policies, for instance via awareness campaigns. Moral standards influence claims that involved national actors make. One can for instance imagine that if prostitution is decreed immoral, all sex trafficking is deemed evil, no matter if the involved persons are acting voluntary and with consent. As we have seen before, such normative claims do have an influence on the trafficking discourse.

Some authors argue that legalization will break the link between sex industry and trafficking as a form of organized crime. Others argue that only repressive approaches will reduce the demand for sexual services, thereby reducing trafficking while making it less lucrative from an economic perspective. It is unknown what the 'truth' is. There is no empirical evidence that trafficking patterns are influenced by prostitution policies, let alone which prostitution policies are more adequate to reduce trafficking (Weitzer, 2007). Interestingly, both approaches can be logically reasoned to have counter-productive effects towards their own policy goals. Abolition will drive parts of the sex business underground and complicate the signalling and combatting of trafficking. On the other hand, legalization might stimulate growing marketplaces, which might facilitate traffickers in the continuation or expansion of their 'business'.

Some authors finally argue that trafficked women and girls in prostitution not only have to be understood as mere victims, but also as individuals making risky but rational choices, given their contexts of poverty or patriarchy (Imelda Poole, in: Wylie, 2010). Debates on the differences between prostitution and trafficking are primarily referring to the elements 'consent' and 'coercion'. The stances of authors are to a large extent based on beliefs towards legalization.

If one would choose the number of convicted traffickers in relation to the assumed prevalence of trafficking as a measure of success, the efforts have to be qualified as unsuccessful. Many unanswered questions surround the efforts, while these answers would provide policy-makers with 'ammunition' to support their policy approaches. In the absence of convincing knowledge and evidence and as a consequence, another question arises: on which convictions, norms and values or 'belief systems' do policy-makers concretely base

their policies? Anticipating on the research questions, which will be presented in section 1.5, these ‘belief systems’ will be a focal subject of the policy case under study.

### 1.3 Anti-trafficking policies

“Policy makers and civil society actors are still engaged in vociferous debates about what kind of policies will best combat trafficking and protect both victims and states” (Wylie & Redmond, 2010). The status of legal- and of prosecution efforts in order to break the “circle of exploitation” appears to be more advanced than that of the other types of efforts. Maybe this has to do with the more technical character and less diverging viewpoints of involved actors related to these efforts, compared to the other approaches. While governments appear to perceive drops in reported cases as indicators of policy success, some research literature is much more critical, and for instance stating that this could also be attributed to a transformation of the clandestine trafficking business. Traffickers are increasingly operating in networks and utilizing online methods for recruitment of (potential) victims. Private apartments are used for transactions instead of brothels. In reaction to increased policy efforts, the activities are assumed to become even more invisible and intangible. According to the European Commission, especially the role of social media in relation to recruitment by traffickers is not exactly understood yet, while considered very important. For this reason, new research projects will be funded during the period 2013-2016.

Protective efforts are currently threatened by decreased funding due to the financial crises. Competition for funding is endangering cooperation and networking between anti-trafficking Ngo’s. Especially local projects, which are deemed important in order to generate vital expertise, are at risk. Besides that, research also reveals that victims are reluctant to accept help in general, because many of them fear collusion between traffickers and state agencies. Most of them do not want to be deported back to their country of origin, which is currently (with the involvement of the International Organisation for Migration, IOM) a part of the generally agreed upon policy approach. According to the literature, prevention in the country of origin is considered as the most complex and multi-faceted, and at the same time less developed or even neglected type of effort (Friesendorf, 2007). Awareness campaigns, notwithstanding their good intentions, are sometimes interpreted as “anti-migration rhetoric”, which is paradoxically deemed helpful for traffickers (Augustin, 2005).

#### *Critiques of current policies*

The core critique of current policies can be summarized as negligence of the harmful side-effects that policy measures may have on vulnerable and stigmatized groups of people, like illegal immigrants, refugees and prostitutes. With respect to this, a generally accepted claim is that reduction of migration possibilities is creating markets for irregular movement. The financial burden of public expenses like education- and health-care costs for illegal immigrants is on governments and taxpayers. This is assumed to be a reason why state policies are promoting restrictive and security-based approaches of immigration control. One obvious example is the EU policy directed at border protection by FRONTEX. Although the EU explicitly recognizes the need for highly skilled labour, also low skilled (migrant) labour is needed. Lack of migration- and employment perspectives for people at risk in combination with continued demand for cheap migrant labour currently leads to argumentations in favour of extended migration possibilities. Actual government policies however appear to be directed at the opposite.

‘Real world’ policy reactions furthermore seem to be predominantly based on a criminal justice approach, while recent EU official policy documents give the impression that trafficking is increasingly considered as a human rights problem. “While the lobbying around positions is intense, it is fair to say that policy frameworks are relatively novel, and assessment of their impact is far from complete” (Wylie & Redmond, 2010). A cynical observation is that “under the banner of anti-trafficking policy and programs, funds have been destined to create databases of migrants, reinforce borders, and strengthen law

enforcement agencies”(Friesendorf, 2007). Furthermore and not unimportantly, fear for the negative public perceptions towards prostitution and the sex industry appears to withhold local organizations from explicit involvement into anti-trafficking programs: “traditional prejudices and the conservative attitude to prostitutes and their freedom sometimes taint public perceptions of trafficking victims, thus limiting the willingness of local Ngo’s to engage in this field” (Poole, in Wylie & Mc Redmond, 2010).

On the European level the dominant policy discourse currently appears to be to deny agency to prostitutes, and to frame the trafficking issue as a demand-led problem. While the higher order goal of reducing or ‘eradicating’ the phenomenon of human trafficking is generally agreed upon, the way to work towards this goal can be compared with an unpaved path. In order to develop a better understanding of the phenomenon and more effective measures, more local knowledge and participation of local communities and actors is necessary, especially of actors most closely involved (Davitti, in: Wilie & McRedmond, 2010). Given the many unresolved issues we have seen, one may wonder how local actors deal with the issue from a governance perspective.

#### 1.4 Locus of this research

Policy studies on anti-trafficking are frequently focusing on a high macro level, continental or even global. Other studies on the contrary are located on a quite detailed micro level, with samples of victims or potential victims of primarily sexual exploitation. Anti-trafficking policies and –discourses on subnational levels appear to be under-researched. Explanations for this could be that it is a quite new field of research, or that it has a global character, or that policy scholars are less attracted to the study of unstructured problems. There might be other explanations as well. It is relevant to explore in what fashion policy actors who act on a local or regional scale concretely deal with the multitude of normative and empirical facets related to phenomenon. This thesis tries to do so from a governance perspective. In what fashion do local actors concretely deal with this complex and multifaceted phenomenon, and why do they act the way they do? How do they define the problem, which policy choices do they make, based on which information, viewpoints and assumptions? How do they measure the effects of their approaches? We will try to get some answers by evaluating the anti-trafficking policy of the Dutch municipality of Utrecht.

In this research, the argumentative structure behind one specific local government anti-trafficking policy program will be analysed and interpreted. This level is perceived as a crucial and bridging one. National and international policy arrangements and regulations do have to be implemented, adjusted to local and regional circumstances and needs and vice versa. The policy under scrutiny is related to the possible sexual exploitation by traffickers of a vulnerable category of women who prostitute themselves on a designated location within the territory of the municipality. Besides the local government, several other policy actors and stakeholders (belonging to both the public and the private sector) are involved. Hopefully this research will contribute to a more fine-grained picture of the way the issue is addressed and policy learning takes place, given the context of poor and contested empirical data, diverging normative perspectives, and assumed conflation with the related policy field of especially prostitution.

#### 1.5 Research questions

The goal of this research is to unravel and interpret the underlying policy beliefs of actors within the Utrecht policy subsystem dealing with the wicked policy problem of trafficking. Looking inside the argumentative structures behind the policy will hopefully offer a contribution to a better understanding of the policy program under scrutiny, and also shed some light on the process of policy learning pertaining to the issue. Hopefully the findings will also lead to useful conclusions that can be applied to policy decisions and -activities regarding the issue.

The central research question is:

***Which policy beliefs can be identified in the selected policy subsystem dealing with anti-trafficking, and how can they be reconstructed in terms of the 4-level Frank Fischer framework for policy evaluation and interpreted in cultural theoretical terms?***

The term 'policy beliefs' refers to the assumptions towards the central actors authorized policy that can be attributed to policy actors and other stakeholders. The term 'policy subsystem' is defined as the subset of policy actors that are actively involved in the policy program of the case as far as can be inferred from the policy documents. 'Stakeholders' are defined as any actor who can influence the issue or is influenced by it, as far as can be inferred from the documents or logically assumed. In order to deal with the problem of trafficking, authorized policy actors within a policy subsystem have to take decisions upon concrete instruments that will be utilized in order to achieve certain desired objectives. These joint objectives or effects in turn are assumed to lead to a reduction of trafficking as policy goal.

Technically speaking a 'policy measure' is a deliberate combination of means and ends, between which relations are assumed. These combinations are defining the actor's 'policy theory'. This term refers to the hierarchy of means and ends and assumed relations. This hierarchy can be depicted as a 'goal-tree', following Van de Graaf en Hoppe (1996). Policy measures are the most technical and visible aspects of policies, as expressed in authorized policy documents of the central policy actor, i.e. the local government. In order to assess the argumentative structure of the policy design and its logic and completeness, reconstruction of the policy theory with help of the FF is supposed to be a logical starting point for our assessment. Therefore, the first sub question is:

### **1. Which central actor's policy theory can be reconstructed from authorized policy documentation?**

The assumption that the policy problem of human trafficking is socially constructed is taken as an axiom. Opinions on what really is the problem and which criteria should be taken into account probably differ across actors, even within the policy subsystem. The assumed relations between policy objectives on the one hand and the more abstract policy goal on the other hand (as will be revealed by the answer on the first sub question) will have different characters. They might be causal, final, definitional and so forth. Some of them will be hard or even impossible to prove, leaving room for different lines of reasoning.

While some actors may be convinced that certain chosen policy measures will enhance the policy goal of reducing trafficking, others may have different or even opposite opinions and beliefs. Some beliefs will bolster the policy theory of the central actor, while other beliefs will criticize them. Beliefs consist of values, assumptions, convictions and ideologies of policy actors which are predicted to influence policy choices and eventually policy outcomes (Sabatier, 2007). A 'belief system' is considered as the complex of (policy) beliefs that emerges if elements of the documents or from other data-sources are attributed to actors. The term 'system' suggests integration and (scientific) completeness, which is not necessarily the case. The central actor may be expected to have a more or less complete and 'thought trough' policy theory, backed by assumptions on all levels of argumentation. This is probably less the case for the other actors of the policy subsystem, let alone for actors and stakeholders outside the policy subsystem. Their stances and beliefs towards the policy can be expected to be much more general or fragmented. The term 'belief set' is deemed more adequate to refer to the complex of beliefs held by involved (policy) actors. For this reason the term 'belief set' will be used in this research. The second sub question is:

## **2. How do other policy subsystem actors assess the authorized policy?**

The expected contribution of the chosen policy to the realization of the formulated goals will be perceived differently, depending on which actor is asked. It is known from literature (for instance Schneider & Ingram, 1997) that policy makers' positive or negative images of target groups do have an impact on the content of their policy designs, which in turn has an impact on these target groups. Policies do not only have an impact on the target group of that policy, but also on other groups of persons in the community in which the policy subsystem is embedded, and eventually also on the society as a whole. Since policies try to regulate and influence behaviour they do have impacts on groups of people in society. Some groups can be expected to have fewer advantages from policies than others, or will even be disadvantaged. Actors of the policy subsystem are assumed to assess the consequences from a commitment to the policy differently. The third research question is:

## **3. How do other policy subsystem actors and stakeholders assess the impact of the policy on the target group and society as a whole?**

Values like justice, public order, economic freedom, and the role of the private versus the public domain are creating normative frames of reference. Policy decisions are influenced by convictions and principles on the ideological level. These latter are the most invisible or even unconscious part of the belief systems of policy actors, of which they are not permanently aware. These principles probably have different meanings for the involved actors, which may result in value conflicts. According to CT, the way actors perceive (policy) interventions depends on their archetypical 'way of life' and the extent to which these interventions are perceived as a threatening or supportive in relation to the maintenance and legitimation of that way of life. Without any doubt ideological principles play an important role in dealing with the complex policy issues of human trafficking. For example, considering prostitution as 'sex work' is an ideological principle, which opposes viewing each form of prostitution as sexual oppression per definition. If the latter would be dominant, one could easily imagine an equation of prostitution with trafficking. The fourth and final sub question is:

## **4. Which ideological stances can be attributed to the policy subsystem actors and stakeholders, and how can they be interpreted in terms of cultural theory?**

In dealing with policy problems, 'policy learning' by the involved actors is expected to occur. Sabatier (1997) defines policy learning as durable alterations of policy beliefs, which appears to be very unruly, especially on the 'deeper' levels of belief systems. Especially in order to move away from the unstructured or wicked character of the problem and to deal with it from a policy perspective, learning is deemed very important. The wicked character of the issue means that knowledge is incomplete and normative agreement is lacking (Hoppe, 2010). The expected strategy is 'ad hoc learning'. This will be theoretically underpinned in the next chapter. Learning can for instance pertain to the framing of the problem and to the goals that should be pursued, but also to the logic of the reasoning in terms of means and ends and to strategies that should be deployed. Preferably, the learning should be directed at building understanding. In our case many circumstances may distort the learning process, like for instance the availability of information, the specific image of the target group and prejudice, and the mode of operating of the involved policy actors including the local government. The stakes are high, and a lot of public means are involved. The fifth and final sub question is:

## **5. Can the policy approach be qualified as an acceptable way of learning about the wicked problem of trafficking?**



In order to find the answers on the research question, two central ‘theoretical lenses’ will be applied: the Frank Fischer policy evaluation framework (FF) and group-grid cultural theory as developed by Thompson, Ellis and Wildavsky (CT). The FF is a multi-layered framework for the evaluation of argumentative structures on which policies are based. CT offers explanations for the existence and viability of different ways of life, each with their own perceptions of rationality. The lenses will be explained and integrated in the second (theoretical) chapter. The way they will be used in this research will be elaborated in the third (methodological) chapter.

In the fourth chapter, the policy case will be introduced. The way trafficking became an issue on the local agenda will be explained. The involved actors, the role of the local political climate, critical events and the nascence of the case policy documentation are other elements of the first section. The analysis of the policy theory of the central actor (first sub question) will be presented in the second section, which will also include some reflections upon the chosen policy approach. The way the other policy actors of the subsystem assess the policy will be presented in the third section; followed by the assumptions and beliefs towards the impact of the policy as held by different policy actors and other involved stakeholders (third sub question); and the ideological stances that can be attributed to the policy subsystem actors and stakeholders (fourth sub question). The fourth and final section of this chapter is dedicated to reflections on the way of learning about the wicked problem of trafficking (sub question 5). In the fifth and final chapter, the answers on the research questions will be presented, followed by reflections and implications.

## 2 Theory

The aim of this research is to analyse and interpret the argumentative structure of the policy approach in a specific situation. Two methodological cornerstones will be utilized to do this: the Frank Fischer (1995) multi-layered framework for policy evaluation (FF) respectively cultural theory as developed by Thompson, Ellis and Wildavsky (1990) (CT). With FF the argumentative structure of the policy approach will be unravelled and analysed, and CT will be the central theory for the interpretation. The reasons for choosing these 'lenses' and their characteristics and backgrounds will be explained more in detail below. In the first chapter it became clear that the phenomenon of trafficking is intangible and to a large extent invisible. Probably it can be best qualified as a "wicked" problem. Authors refer to this kind of policy problems in different terms like "ill-structured", "messy" or –more neutral- 'unstructured' problems, which will be treated as synonyms here. In order to underpin and explain the wicked character of trafficking from a governance perspective, the Thompson and Tuden two-dimensional problem typology as elaborated by Hoppe (Hoppe, 2011) shall serve as a theoretical starting point.

### 2.1 Anti-trafficking as a wicked policy problem

The degree of consensus on the norms, values and goals that ought to be achieved on the one hand, and the (un) certainty of knowing how to achieve these goals on the other hand result in four ideal-typical or "landmark" positions. This conceptual representation is dating from 1959 and is elaborated and refined by several authors afterwards, for instance by Hoppe & Peterse (1998) and Hoppe (2011). From the latter authors it can be learned that the way in which policy actors chose to address the policy problem for whatever reason does have very important implications for the dynamics of the problem structuring process. The way in which the problem is framed and defined determines the adequacy of the chosen policy approach. It can be expected that sooner or later the unstructured character will lead to instabilities and renewed attempts to "settle the problem".

It needs to be emphasized that different actors can typify the same policy problem differently. Applied on anti-trafficking this gives the following possibilities. Supposed a policy actor is convinced that the goal of anti-trafficking is "eradicating trafficking", and that there is absolute certainty about how to achieve this goal. In that case the actor will treat the problem as structured. As Hoppe (2006) states: "dealing with this type of problems belongs to the daily administrative routine". If this were the dominant way of framing the issue, this would have consequences for both policy decisions and implementation. The theoretical assumption is that the preferred policy strategy will be of the rule-based type: 'let's solve it'. If the uncertainty pertains the knowledge dimension, the issue is typified as 'moderately structured with consent on goals'. In this case, the assumed policy approach will be directed at finding best-suited answers on 'how to tackle trafficking'. The policy processes will include (applied) research and a substantial amount of trial and error. Since there will be adherents and adversaries for each possible way of handling the issue, this will be the subject of negotiations. There is no guarantee for definitive solutions, and the outcome of research and experiments will be used to bolster (new or existing) standpoints. The distribution of the burden between the involved actors will also play a crucial role.

If on the other hand there are different perceptions regarding norms, values and goals at stake, while knowledge is uncontested, the problem is typified as 'moderately structured with certainty on means'. This may lead to intense ethical debates and lasting disagreement on *what* exactly to handle. The struggle regarding the coming into being of the definition of trafficking may serve as an example. Even if actors succeed in reaching acceptable (temporary) compromises, the approach may change over time as a result of changes in the

political landscape. The final type is the unstructured or wicked policy problem. In this type, both consent on the normative dimension and certainty regarding which knowledge is needed to deal with the issue are lacking: the problematic aspects of the two moderately structured types coincide. Policy efforts are contested; standards to judge their effects are also contested.

The trafficking issue seems to fit the latter category. The assumed strategy in case of wicked problems is 'policy learning'. There is a considerable risk of scepticism, stalemate and conflict. For this reason it is understandable that policy actors are inclined to avoid presenting problems as unstructured, even if they are, since they are paid or mandated to put order in thorny policy issues. In studying trafficking policies we might discover that decision makers present the issue as more structured than it actually is. This may have consequences for the process of learning (however defined); maybe it will even be curtailed. Referring to the dimensions of the used typology, one can imagine that learning will be directed at improving the insight in the effects of possible policy measures, but also at clarification of values at stake. Who to involve in this learning process is relevant, not in the last place because knowledge of the (target) group at which the policies aim is required. Since the target group consists of 'unorganized' and invisible people (possible or potential victims, if defined more broadly prostitutes, and also traffickers), this will probably not be easy. One may wonder if and in what way their voice and contribution will be incorporated in the 'learning process' and the policy approach more in general.

### *Implications for policy strategies*

According to the literature –especially that belonging to the strand of argumentative policy analysis- the adequate policy approach in the case of unstructured policy problems is a learning one. In order to 'escape' towards one of the moderately structured problem types, actors do have to get involved in processes of deliberation. Maybe the expression 'we wish to find a solution for the trafficking problem' does more or less fit the starting point. The 'rule' approach can be seen as technocratic in the sense that experts dominate the policy process. Only if goals are clearly defined and normative aspects are broadly agreed upon, the focus can be on an efficient and competent way of 'solving the problem', in the relative absence of public participation. The 'negotiation' approach can be expected to be more pluralistic, in the sense that a broader variety of actors will probably be involved. Trial and error coupled to incremental steps will be logical elements of the process. Diverging viewpoints furthermore can be assumed to have a strong connection with the different positions and interests of participating actors. This has to do with aspects of distribution: who gets which burden. The 'accommodation' approach is coupled to the category of moderately structured problems with consent on means. While normative opinions strongly differ or even are opposed, negotiating is not a reasonable option, while actors will not easily risk damaging their own core values. Compared to the other moderately structured problem type this one is less structured and more complex. Therefore, the public interest and participation are expected to be relatively modest, and policy actors will try to depolarize the issue. The expected approach in case of unstructured problems can be coined as 'learning'. In this approach both expert- and practical knowledge and viewpoints will be involved, and also some 'agnostic' governance and politics will occur.

## **2.2 The Frank Fischer evaluative framework**

The so-called 'argumentative turn' is an approach that challenges the belief that policy analysis can be a value-free, technical project. Instead of (only) focusing on empirical measurement of input and output, practical arguments are the starting point, since policies are the product of argumentation. It is recognised that policy frames of those in power are normative and socially constructed per definition, and might conflict. According to the approach, one of the failures of more technically oriented forms of policy analysis is their "neglect of the role of culture, values and ideas" (Fischer & Gottweis, 2012). Especially in

case of dealing with wicked problems, the competing perspectives of (policy) actors should be taken into account. The following quote from Stone (2002): “Policy making is fundamentally an on-going discursive struggle over the definition and conceptual framing of problems, the public understanding of the issues, the shared meanings that motivate policy responses, and criteria for evaluation” clearly supports this view. The Fischer framework (FF) is a product of the argumentative turn, which tries to deal with the ‘facts and values dichotomy’ from an evaluative perspective.

The FF is based on the influential 1959 Toulmin model of analytical reasoning and can be considered as an application of it. In this latter model, the adequacy of argumentation depends on the extent to which premises or ‘warrants’ behind claims can be convincingly backed. In the Toulmin model this backing is very important, and deemed field-dependent. As a consequence not only one but also several ‘valid judgements’ by different field-experts can be in place. Van Eemeren (1993) shows that the Toulmin model can be considered as an elaboration of Aristotelian rhetoric. In his opinion, it primarily depicts the argumentative structure of pro-argumentation. The FF applies this argumentative logic on the evaluation of policies. Here it will be applied more specifically on the argumentative structures behind the stances of adherents and adversaries of a given policy.

The analytical framework distinguishes four levels or ‘discursive phases’ for the evaluation of policy discourses, in a way that “incorporates the full range of both the empirical and normative concerns that can be brought to bear on an evaluation” (Fisscher, 1995). Hoppe & Peterse, (1998, p.237)) do consider the FF as a “standard for an in-depth and comprehensive analysis of a debate”. The discourses are grouped in two orders of evaluation, each encompassing two discursive phases. The first order is focusing on arguments regarding the discretionary context of actors within a policy subsystem, while the second order is related to the larger social system in which the policy subsystem and the entire policy domain is situated.

The first FF level is indicated as ‘technical verification’ (TV). At this level the discussion is directed at the organizing question to what extent the policy program realizes its claims from a technical-analytical perspective. The three sub-questions that are asked are:

1. Does the policy empirically fulfil its stated objectives?
2. Does the empirical analysis uncover secondary or unanticipated effects that offset the program objectives?
3. Does the program fulfil its objectives more efficiently than alternative means available?

The second FF level called ‘situational validation’ (SV) is directed at the context and the circumstances that have to be taken into account. The organizing question is to what extent the program objectives are relevant to the problem situation. Although the actors do recognize the existence of the policy problem, they do not necessarily agree on the problem definition, and actors may contest the adequacy of the goals in relation to the context as perceived by them. In other words, they are not taken for granted. The three questions that are asked are:

1. Is the program objective(s) relevant to the problem situation?
2. Are the circumstances in the situation that require an exception to be made to the objectives?
3. Are two or more criteria equally relevant to the problem situation?

The third FF level is called ‘societal vindication’ (SVi) is oriented at the relation between the policy and broader political and societal values and strategies. The organizing question on this level is to what extent the policy goal is of instrumental value or contribution for the society as a whole. The three questions that are asked are:

1. Is the policy goal of instrumental value or contribution for the society as a whole?
2. Does the policy goal result in unanticipated problems with important societal consequences?
3. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged as equitably distributed?

The fourth phase 'social choice' (SC) is oriented at ideological and value questions and searches for bias for making choices at the level of societal systems and ways of life, and concerns general normative and teleological assumptions. The organising question on this level is: do the fundamental ideals or ideology that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgements? The three questions that are asked are:

1. Do the fundamental ideals (or ideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgements?
2. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?
3. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?

While the first order levels of the analysis remain within the context of policy subsystem, this order can be typified as the 'system level'. The second order levels explicitly relate the policy to societal values and ideologies; therefore this order could be typified as the 'societal level'. Hoppe and Peterse (1998) indicate the types of discussions and disagreements on the first level as 'problem solving', those on the second level as 'problem stating', on the third level as "politicising" and on the fourth level as 'ideological contradiction'. The advantage of this latter terminology is that it emphasises the character of the types of discussions on the different involved levels, while the original Fischer-terminology especially emphasises their functional role.

#### *Relation FF and ACF*

Sabatier (2007) defines policy learning as "relatively enduring alterations of thought or behavioural intentions that result from experience and/or new information and that are concerned with the attainment or revision of policy objectives". As can be inferred from this definition, Sabatier predicts that learning will only occur on the more superficial and instrumental level of belief systems, which he calls 'secondary aspects'. The concept 'belief system' also plays an important role in the ACF, which predicts that 'policy learning' will only occur on the superficial levels of belief systems. If compared, there are two important differences between the FF and the ACF way of perceiving belief systems. The first difference is that in the ACF they are coupled to advocacy coalitions and interpreted as the glue that binds individual policy actors across entities. In this research they will simply be coupled to policy actors. The second difference is that the ACF belief system is less fine-grained, since it distinguishes only three instead of four levels, and besides that the Fischer framework includes a further sub-division per level.

The deepest ACF level ('deep core') pertains to general normative assumptions on the ideological level, which are assumed to be very stable. In the Fischer framework these kinds of assumptions would be addressed to the fourth level of 'social choice'. The second level ('policy core') pertains aspects like problem definitions, strategic choices and positions, while the third level ("secondary beliefs") pertains preferred policy instruments and information (Hoppe, 2006). Unfortunately it is not so easy to relate for instance the 'secondary beliefs' of ACF to one Fischer level; it probably corresponds partly with the technical verification and partly with the situational level. If a one-on-one correspondence had been the case, the ACF prediction with respect to 'policy learning' would also apply for that specific level.

The FF and the belief systems as integrated in the ACF are both instruments to unravel the belief systems, which are recognized to play an important role in policy processes. Their core strength is that they enable assessing both the normative and empirical elements of the discourse. The application of the FF does that in the most fine-grained and operationalized way. The elements that are part of the three levels of the ACF belief system ('position', 'strategy' et cetera) do have a more behavioural and less tangible character, which complicates the reconstruction in the way this research plans to do that. In conclusion, the application of the FF instrument is will be used to generate an overview of the involved belief systems and the argumentative structure of the governmental policy program. This overview

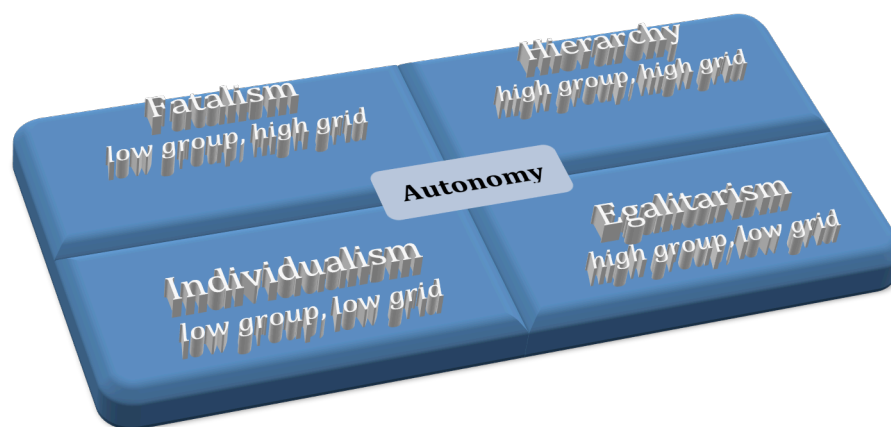
can be easily communicated and serve as a basis for an interpretative analysis, which will be based on cultural theory.

### 2.3 Group-grid cultural theory

Wildavsky, Thompson and Ellis (1990) developed cultural theory with the earlier Douglas group-grid typology as their point of departure. Douglas argued that two dimensions ('group' and 'grid') could capture individual involvement in social life. This maps the landscape of social relations in four archetypical positions, which will be shortly explained. The 'group' dimension refers to group boundaries or the level of integration or attachment to society of individuals. The 'grid' dimension refers to the level of regulation or being subject to binding prescriptions. High group and high grid characterizes the 'hierarchical' type. Individuals are subject to control by others and by their role prescriptions. Authority plays an important role in social relations. High group and low grid characterises the 'egalitarian' type. Because of the lack of internal regulations, the relations between group members are more ambiguous and conflicts are not easy to resolve. Low scores on both the group and the grid dimension characterize the 'individualist' type, which is relatively free of control by others. As the theory states, this does not mean that the individuals do not (try to) exert control over others. Low scores on group and high scores on grid finally characterise the 'fatalist' type. The fatalists are not members of a group; they are subject to regulations imposed on them by others.

Each type has its own cultural bias and archetypical (way of perceiving) problems. In the hierarchical way of life the core strategy can be best described as 'keeping everything in place'. For the fatalists it would be 'coping in order to survive', while 'prospering by serving others' fits the individualist. For the egalitarians 'rejecting coercion and inequality' will be a logical strategy. Apart from these four types, Thompson et al also distinguish a fifth type named 'hermits', of which the archetypical way of life is to deliberately withdraw from any type of social involvement. Their strategy can be described by 'self-sufficiency and autonomy'. To cite Thompson et al (1990, p. 42): "Behaviour is never rational or irrational in itself, but only in relation to a particular need-and resource managing strategy, and a rational one bolsters one's way of life". Taken together, the four archetypes and their patterns of (strategic) behaviour represent a map of social relations, which could schematically be represented as follows.

Figure 2.1 cultural archetypes



According to the theory, the types form a "mutually exclusive and jointly exhaustive set of categories" (Thompson et al, 1990, p 104). All types may be viable, but no way is flawless. For that reason they are deemed mutually dependent. This leads to all kinds of dynamics, which



are a focal theme of cultural theory. The idea is that the archetypical patterns of behaviour or ‘ways of life’ are all necessary, and that they need each other. Cultural theory elaborates the relation between (patterns of) beliefs, consisting of values, ideologies and social relations and their strength and weaknesses on the one hand and archetypical modes of organizing on the other hand. Each type has completely different stances and expectations towards the social order and social control. This explains why different bonds or ‘functional alliances’ between the different types emerge, but also why they might eventually disintegrate.

One can imagine that this has consequences for the way government attempts to deal with policy problems, in the sense of policy programs. These attempts will be perceived differently by each cultural archetype, especially if they have an impact on the way of life of the involved groups and individuals.

In his article on the usability of cultural theory in policy analysis, Hoppe (2006) mentions four possible applications. In short, these four are: (1) mapping belief systems; (2) spotting overlooked options; (3) anticipating side effects; and (4) structuring problems in a frame-reflective mode. Especially the first and fourth applications are relevant for this research. In the mapping of the belief systems with FF, CT will probably be complementary with respect to the higher order beliefs. These will be not so easy to derive from the policy documentation. In the interpretation of the ideological stances it will be the other way around: the CT lens will have to be complemented with more specific lower-order elements from the FF. For this reasons, both lenses will have to be combined. An attempt to integrate the lenses is presented in the next section.

## 2.4 Integration of theoretical lenses

Both lenses (FF and CT) are firmly rooted in the conviction that the traditional ‘rational actor’ perspective is too limited to understand (policy) actions and motives. Preferences are not only based on self-interest, but also on values, ideas, et cetera. In their joint rejection of assessing policy discussions exclusively in terms of narrow economic criteria, the chosen instruments are assumed to complement each other. The FF lends itself very well for a detailed mapping of the argumentative structure of policy programs, while CC lends itself for explaining and interpreting different stances from an ideological level. In this section an attempt to integrate the four Fischer levels into the CT archetypes for the policy issue at hand. This means that also lower-order beliefs towards anti-trafficking will have to be added to the archetypes per FF level.

Grouping eye-catching notions and statements as employed by CT per type, and clustering them into a couple of categories which are deemed relevant for the development and assessment of policies leads to an overview. The categories are derived from the theory, or logically emerged. Besides the general view of human nature and the ‘life motto’, they respectively are ‘management strategy’, ‘alliance drivers’, ‘risk perception’, ‘blame addressing’, ‘decision heuristics’, desired social order and archetypical defects. The result of the exercise can be schematized in figure 2.2.

Figure 2.2 mental maps per cultural archetype

Archetype	Hierarch	Individualist	Egalitarian	Fatalist
<b>Category</b>				
View human nature	Sinful	Stable	Virtuous	Unpredictable
Rationality	Functional, analytic	Values	Strategic, functional	Gambling
Management strategy	Planning Division of labour Specialisation	Entrepreneurial skills Network building Self-seeking	Redistribution Unmask authority	First things first Suffer in silence
Alliance driver	Representing establishment parties	Joining up with the establishment Opportunism	Anti-establishment Empower fatalists	No active alliance strategy, maybe with egalitarians
Risk perception	Manageable Counter by expertise	Opportunity Counter by innovation	To be avoided. Warn and criticize	Not knowingly taken Counter by resilience
Blame addressing	Deviants	Incompetence	System	Fate

		Bad luck		
Decision heuristics	Roles and process Use of power Apathy means consent	Pragmatism and trust Prospering by serving others Apathy means consent	No subordination, Consent Cooperatives	Apathy and distrust
Desired social order	Reincorporating or eliminating the "bad stuff"	Bidding and bargaining between consenting adults	Inclusion Equality	No specific desires Leave me/us alone
Archetypical defects	Over-regulation	Survival of the fittest	Radicalisation	Marginalisation
Motto	'Keeping things in place'	'Life's what one makes of it'	'Heaven is a place on earth'	'I will survive'

Starting from this overview, it will be imagined what would be a logical response (per FF level) to the issue of anti-trafficking. The hypothetical FF belief systems towards the issue of anti-trafficking will be constructed per archetype, starting off with 'hierarchy'. As we have seen in section 2.2 and as is also expressed in figure 2.2, 'keeping everything in place' is the core paradigm or motto that best fits this type. On the rational choice FF level, the actors of this type are assumed to consider trafficking as a disturbance of the social order, which has to be oppressed and redressed at all costs by institutional interventions. The contribution to society as a whole (societal vindication) will be perceived as freeing society of the deviant behaviour of traffickers and the undermining consequences of their behaviour. Trafficking is embedded in prostitution, which will be associated with 'bad stuff'. On the situational validation FF level, probably all prostitutes will be perceived as 'at risk' of becoming a victim of trafficking. The followed strategy on the technical verification level will probably be a systematic and planned reduction of the risk and the incidence of trafficking, utilizing a strict role division for the involved actors and expert knowledge. While mankind is deemed sinful per definition, probably new regulations will be introduced to curtail behaviour that is feared to contribute to the occurrence of trafficking. Resources will be granted to trusted experts who will be commissioned the elaboration of detailed and balanced plans. Correcting traffickers and getting them imprisoned will be relied on to be the just approach, in order to accomplish this challenge.

The individualist core paradigm on the ideological level is 'life is what one makes of it'. On the FF rational choice level, people are supposed to bid and bargain their own position as consenting adults. This implies a minimal (hierarchical) interference. Probably the archetypical individualist perspective on the FF societal vindication level is that people will only be victimised by their own fault, or due to bad luck. This means that the individualist will not be automatically inclined to recognise trafficking as a social problem, unless it threatens his or her own way of life. The chance of involvement in anti-trafficking will be higher if this also squares with the archetypical self-seeking character of the individualist worldview. Only by assuming that this is the case, it makes sense to assume beliefs on the other levels of the FF. If that is the case, the archetypical preference on the situational validation level will be a pragmatic approach. Fair competition should be guaranteed, and regulated in a way that only minimally disturbs the market of prostitution (in which trafficking is embedded). The individualist does not prefer to follow rules made by others. A criterion that can be inferred from this stance is that only the excesses of trafficking should be addressed. On the technical verification level finally, the individualist will probably cooperate with hierarchy on an opportunistic basis. Available entrepreneurial and innovative skills and expertise will be utilized.

The egalitarian core paradigm on the ideological level is 'heaven is a place on earth'. On the FF rational choice level, egalitarians will consider trafficking at odds with human rights. In the egalitarian perspective, people are assumed to be (re) included in a specific group. Egalitarians are inclined to actively build alliances with fatalists. Beliefs towards trafficking on the societal vindication level will probably encompass thoughts about equal treatment of victims of trafficking, and protection against harm from outside. On the situational validation level, egalitarians probably try to warn prostitutes and others for the inherent risks of prostitution for health and wellbeing. On the FF technical verification level, egalitarians probably support measures (or deploy concrete actions themselves) that help prostitutes

and potential victims of trafficking to empower themselves or to get out of the business. If the egalitarian is part of an action- or outspoken religious group, prostitutes and (potential) victims will be nudged (not coerced) to associate with these groups. Depending on the egalitarians' role, they might for instance start cooperatives or interest groups to enhance the interest of prostitutes and (potential) victims, and to protect them against the overwhelming forces of the market or hierarchy. Although criticising is the natural mode for egalitarians, they can be expected to be an ally of the establishment for opportunistic reasons. Especially if this is expected to lead to an improvement of the position of threatened and stigmatized prostitutes or (potential) victims, this could be the case.

The fatalist core paradigm on the ideological level is 'I will survive'. On the FF rational choice level, the fatalist perceives the world as a lottery. On the FF societal vindication level, fatalist accepts the (own) exclusion of the mainstream society. Probably trafficking will not be recognized or denied: what one doesn't know won't hurt. Distrust of others is the standard. The fatalist is not engaging in associations. He or she is therefore relatively isolated, and does not have many resources. On the FF situational validation level the beliefs and criteria to act or engage in alliances (with egalitarians) will be perceived in terms of the contribution to his or her own survival. On the FF technical verification level, the fatalist tries to cope by putting 'first things first'.

By coupling paradigmatic expressions to each FF level of the archetypical beliefs, they can be reduced to their essence. The resulting 'mental maps' will be kept in mind while complementing the belief systems of the case actors and stakeholders and reflecting on them. Based on the notions above, this leads to the following schematic overview.

Figure 2.3 archetypical mental maps per FF level

Archetype	Hierarch	Individualist	Egalitarian	Fatalist
FF level				
TV	Introduction of curtailing regulations	Pragmatic cooperation only if deemed necessary	Nudging, enhancing the interest of prostitutes/potential victims	Coping by putting first things first
SV	All prostitutes are at risk	Interfering only in case of excesses	Warning and supporting prostitutes/potential victims	Engaging only if this contributes to own survival
SVi	Freeing society from deviant behaviour	Prostitutes/potential victims have their own responsibilities	Protection and equal treatment	Problem is not recognised
RC	Restoring order by oppression	Bidding and bargaining	Trafficking is at odds with human rights	Own surviving

### Some expectations

Prostitution is legal in the Netherlands since the brothel ban was set-aside in 2000. In the absence of a prostitution law, the national approach is predominantly pragmatic. The two core reasons for legalisation were getting rid of the hypocrisy and related problems that the 'gedogen' policy created on the local level and granting sexual rights to those women who preferred to make a living by prostituting themselves (Oudshoorn, 2005). The first expectation is that the policy theory will appear to have a predominantly instrumental and pragmatic character.

Al lot of actors with competing demands and interests are involved in our case, especially if one looks from a governance perspective. The chosen policy approach is a co-creation of the municipality of Utrecht as the authorized central policy actor and other policy actors in reaction to a disturbance of the 'social order'. The development of the policy approach by these actors or 'chain partners' (as they call themselves) has a programmatic character. The cooperation of actors with different institutional responsibilities and interests led to a jointly adhered policy approach. This goal is to a certain extent externally imposed, since it did not organically emerge as a joint interest. The policy beliefs behind the approach will probably

still be quite different within the subsystem. The second expectation is that these differences will appear to be present and identifiable.

Local policies do not develop in a vacuum. Currently, both on the European and the national level intense debates on the criminalisation of demand are taking place. The anti-prostitution discourse is based on the belief that trafficking can only be fought effectively by reducing prostitution as a whole. Serious questions are asked about the legalisation approach of the Netherlands (and Germany), for instance in the European Parliament. As we have seen, prostitution and trafficking are very hard to dissect or are even conflated. Potential victims of trafficking are hard to distinguish from the broader population of prostitutes. While the policy is directed at combatting trafficking, it may have a considerable influence on prostitutes, regardless of their status. The third expectation therefore is that the policy is unable to target specifically at (potential) victims of trafficking, and instead will be directed at all prostitutes.

### 3 Methods

The goal of this chapter is to explain and legitimize the chosen way and the deployed research activities, which were supposed to lead to answers on the research questions of this case study. In the first section the strategy will be explained. The second section describes which information is used to construct the case, and the way the data will be gathered. The third and final section explains in what way the theoretical concepts as elaborated in the theoretical chapter are applied on the data in the next chapter, in which the case will be analysed.

#### 3.1 Methodological choices

The central strategy of this research is the systematic analysis of publicly available policy documentation. The focal 'lenses' were the FF in combination with CT. They were used for the mapping and the reconstruction of belief sets of different involved actors and stakeholders, respectively the reflection on these policy beliefs. The subject of this research is a specific anti-trafficking policy program, and the aim to get insight in the policy beliefs underlying the authorized central actors' anti-trafficking policy and in those of the other involved actors and stakeholders. The central actors' decision to set-up a joint (pilot) program in mid 2008 is taken as the starting point. The mid 2013 abrupt ending by a shut down decision was deemed a logical cut-off point. The timeslot, background, coming into being and other relevant case characteristics will be introduced and explained more in detail in the next chapter.

The FF questions were used as an analytical guideline or more precisely 'coding framework' in order to unravel the belief systems of the actors. First, the central actors' policy theory was reconstructed. As earlier mentioned, the set of beliefs of the central actor is indicated as the 'policy theory'. Second, the beliefs of the other policy actors and stakeholders were reconstructed, partly with help of this instrument. The beliefs that could be derived and inferred from the policy documents were categorized in terms of the FF as far as possible. Third, CT was used to complement the belief sets of all actors, especially those outside the policy subsystem, and to reflect on them and interpret them.

The central policy actor was assumed to have a well-integrated or 'fully-fledged' policy theory and corresponding argumentative structure. It could be doubted if the policy beliefs of the other policy actors are so well integrated that they represent a 'policy theory' in the sense of the used definition. This is probably even more the case for the actors outside the policy subsystem. These actors can be assumed to have beliefs that are relevant in order to find answers to the research questions. Searching for and revealing these beliefs and categorizing them with help of the criterion 'bolstering' versus 'criticizing' were elements of the chosen strategy.

#### 3.2 Data collection

As a first step, relevant and publicly available policy documentation concerning the Zandpad case was collected. With some help of the local government executive staff, two core documents, which conveyed respectively the policy program and the evaluation of this program, were selected. Next to this 'core policy documentation', which reveals the content of the policy, three complementary governmental documents were deemed relevant for analysis. These documents pertain to respectively a consultation round and the implementation. They reveal the practises, perceived consequences and some reactions on the policy. Apart from these publicly accessible documents, one document was available on

request. This latter document is a research report commissioned by the owner of the shutdown prostitution facility. The intention of this research was to generate contra-expertise. The analysed policy documents are listed below:

*Box 3.1 analysed policy documents*

- |             |  |
|-------------|--|
| P<br>o<br>l | <ol style="list-style-type: none"> <li>1. Gemeente Utrecht (2010), <i>Proeftuin Zandpad: programma aanpak mensenhandel Zandpad</i>, in samenwerking met het Openbaar Ministerie Utrecht, Politie Regio Utrecht en Belastingdienst Utrecht-Gooi.</li> <li>2. Gemeente Utrecht (2010), <i>Consultatie vergunningstelsel aanpak mensenhandel Zandpad, een systematisch overzicht van alle reacties van betrokkenen plus antwoorden</i>.</li> <li>3. Gemeente Utrecht (2010), <i>Aanpassing vergunningstelsel raamprostitutie in de APV, raadsvoorstel 29 juni 2010</i>.</li> <li>4. Gemeente Utrecht (2010), <i>Toelichting bij eerste partiële herziening van Hoofdstuk 3 Seksinrichtingen e.d., APV Utrecht</i>.</li> <li>5. Gemeente Utrecht (2012), <i>Evaluatie breed maatregelenpakket barrièrevorming mensenhandel</i>, Afdeling Openbare Orde en Veiligheid.</li> <li>6. Wegra (2010), <i>Het Zandpad in het juiste perspectief</i>, onderzoeksrapport</li> </ol> |
|-------------|--|

Policy documents can be considered as outcomes of policy processes or artefacts. According to Yanow (2002), they can be considered as ‘carriers of meaning’. Analysing and interpreting them will hopefully lead to answers on the research questions. The set of the two central actors’ authorized public policy documents are used as main data source. These documents (*Proeftuin Zandpad* and *Evaluatie breed maatregelenpakket mensenhandel*) taken together will be referred to as ‘the case policy documentation’ or ‘PD’. In the first document the pilot program is reported, and in the second one this program was evaluated. The background of the coming into being of the documentation will be explained in the next chapter.

The policy document ‘Proeftuin Zandpad’ (PZ) is the elaboration of the joint approach by the chain partners (with the government as the pivotal actor), while the policy document ‘Evaluatie breed maatregelenpakket barrièrevorming mensenhandel’ (EM) explicitly intends to evaluate the effects related to the governmental part of this approach. The governmental policy theory is about this latter part. It is not known in advance in what way the elements (in terms of means and ends) of the governmental policy theory are related to other elements of the joint approach. For this reason, first the whole approach will be described in so far this can be inferred from the PD. The central actors’ policy theory will be reconstructed by combining the statements and the elements of the EM and the PZ.

The central actors’ policy theory will be reconstructed in terms of means and ends with help of the concept of the ‘goal tree’, as elaborated by van de Graaf en Hoppe (1996). The policy theory will be considered as the argumentative structure behind the policy, which is build on assumed relations between means and ends. Means are perceived as the actions, measures and all other resources at the actor’s disposal, and ends are perceived as desired states that the actor hopes to reach. Coupling of means and ends leads to a set of assumed relations, which can be depicted in the mentioned form. The ‘end state’ is the desired situation as formulated on the highest level of abstraction, which will be depicted in the top of the tree. All other elements are assumed to contribute to this end state in an instrumental way. The local government is expected to define and expresses the assumed relations between the elements in her policy documentation. If this appears not to be the case, these relations will be inferred. Arrows will symbolise them, while the different ‘branches’ of the tree will symbolise the different levels in the argumentative structure. Beginning from the top and moving down, the hierarchy will consist of the desired end state, goals, sub-goals and finally concrete measures or policy instruments. The policy documentation will be scanned on the assumed final, causal and normative relations, and the result will be presented in the form of a picture with explanations.

Relevant passages in the document texts will be marked and codified with help of the twelve Fischer questions. In doing so, these codified parts will automatically also be related



to one of the four levels. The judgment of the relevance is based on the extent to which they contain an answer on one of the twelve questions, with the central actors' policy theory in mind. This leads to sets of statements, which will be gathered on separate sheets per document. These 'code sheets' are added in the appendix. Probably not all Fischer questions, especially at the higher-order levels, can be answered by analysing the core policy documentation. If too many data is lacking, this might impede the completeness of the analysis. However, this doesn't necessarily have to be the case. It might also show that the argumentative structure of the central actor is incomplete. As explained earlier, it is realized in advance that the belief sets of the other policy actors will probably represent parts of argumentative structures of terms in FF. The reason for collecting data of these policy actors is to show the way they bolster or criticize the central actors' policy theory. By also reviewing complementary policy documentation, the risk of overlooking crucial data will be diminished.

With regard to stakeholders that are no part of the policy subsystem, the policy documentation will probably reveal much less or no data. Collecting and presenting the beliefs of this category of stakeholders, like for instance victims, traffickers, and 'clients' of victims via FF codification is deemed unrealistic. These latter beliefs partly will have to be constructed by reviewing complementary sources of information like websites, newspapers, books, conferences, articles, autobiographies, and talks with professionals. Reading and listening 'with vigilance' while keeping the earlier elaborated archetypical mental maps in mind will probably generate relevant and usable data, notwithstanding a somewhat more general and behaviouristic character. In conclusion, the expected level of completeness of the data that will be derived or inferred from the policy documentation can be assessed in different ways for the different involved categories of actors. This is not considered as a problem, since the reason for collecting data for this category of stakeholders is 'only' to demonstrate their opinion and beliefs towards the (assumed or experienced) impact of the policy in a plausible way.

The involved policy actors and stakeholders will be identified during the above-described processes. Which policy actors and stakeholders should be taken into account for what reasons, or to explain why certain actors do and others do not succeed in realizing their goals are usually the instrumental objectives of a stakeholder analysis. In this research these aspects play a less important role, since the emphasis is on clarification and interpretation of the reasoning regarding the policy and towards the policy and its perceived effects. In order to avoid in-advance exclusions which might later on turn out to be unjustified, the actors whose belief systems have to be taken into account will deliberately not be decided upon in advance. It is assumed that the analysis of the documents will 'automatically' reveal whose perspectives are taken into account in what way. For practical reasons it is unavoidable to find a balance between the amount of actors on the one hand and the depth and richness of the analysis and the interpretation on the other hand. A handful of key actors are deemed sufficient to interpret the diversity in relevant belief systems. The choice for the actors is a judgement, which will be partly based on the frequency that they or their stances are referred to in the documentation, and partly on 'common sense'.

### 3.3 Data analysis

As a first step of the analysis the case is introduced, including the coming into being of the policy program and the involved policy actors and processes. In order to understand the context in which the policy case could emerge, also the political landscape, the available policy solutions and the indications and events, which led to the identification of the problem, will be described and analysed. This will done with help of the agenda theory as developed by Kingdon (1984). While the analysis of policy documents plays such an important role in the approach, the 'nascence' of these texts will also be described.

Specific statements, phrases and other elements from the policy documents were transferred to code sheets based on the FF. The criterion used for the selection of these

elements was a confirmative answer to the question if they conveyed beliefs in relation to the policy program, which could be linked to one of the twelve FF questions. The resulting sheets are included in the appendices. As a logical consequence of this first text analysis, each sheet contained relevant beliefs of more than one actor. The collected elements were attributed to the different actors and stripped from duplications, resulting in collections of statements per actor. Having completed these code sheets, the core expressions representing the belief sets per policy actor were subsequently summarized per FF level.

As a next step, the central actors' policy theory was reconstructed in the earlier described form, representing a means- and ends hierarchy, followed by reflection in terms of 'forward and backward mapping' (Van de Graaf en Hoppe, 1996). By confronting the findings with the FF framework, it was possible to evaluate the completeness and the logic of the policy theory and to test the first expectation (which was: "The policy theory will appear to have a predominantly instrumental and pragmatic character"). After having done this, the ingredients to formulate an answer on the first research question: "Which central actor's policy theory can be reconstructed from authorized policy documents?" were available.

The second research question: "How do other policy subsystem actors assess the authorized policy?" is assumed to be predominantly located on the first and the second ('situational validation') FF level. In order to answer this research question, the chosen strategy was to search for arguments of the other policy actors that bolster or criticise the policy theory as reconstructed. For the sake of readability, the essence of the coding results is presented in the form of more or less integrated pieces of texts per level and per actor. It is realized this step introduced an unavoidable interpretative element. However, the FF questions represent a quite straightforward 'coding scheme', and the amount of actors is limited. In situations in which it was not possible to derive elements directly from the policy documentation this was indicated as such. This analytic exercise is replicable by someone else, and supposed to have led to sufficiently reliable findings. Based on these findings, the second expectation ("quite different policy beliefs will appear to be present and identifiable within the subsystem") is tested, and an answer on the second research question could be given.

The third research question: "How do other policy subsystem actors and stakeholders assess the impact of the policy on the target group and society as a whole?" is assumed to be predominantly located on the second and third ('societal vindication') level. Stakeholders who are not a part of the subsystem are at a larger distance from the policy in the sense of its design, coming into being and the involved decision processes. But they are experiencing the consequences of it, and are also supposed to have an opinion towards the effects of the policy upon themselves (in case of the target group), upon others and on the society as a whole. The belief sets that emerged by gathering and presenting the data in the way as previously described are assumed to provide the necessary arguments. These arguments will be reflected upon with the mental maps based on CT as elaborated in chapter two. The third expectation: "The policy is unable to target specifically at (potential) victims of trafficking, and instead will be directed at all prostitutes" was tested, and an answer on the third research question could be given.

The fourth research question: "Which ideological stances can be attributed to the policy subsystem actors and stakeholders, and how can they be interpreted in terms of cultural theory?" is located on the fourth and highest ('rational choice') level of analysis of the FF. As indicated earlier, the belief systems that can be constructed based on the data derived from the policy documentation and other documents and sources will probably be incomplete. The way to deal with this incompleteness was to assume the missing parts of the belief systems per actor and stakeholder. In order to do this, the actors and stakeholders were first typified in terms of general cultural-theoretical archetypes. These archetypes were elaborated per Fischer level in chapter 2. The known elements (i.e. the beliefs and arguments that were already revealed by applying the FF) were 'matched' with the cultural theoretical archetypes and fit in. This resulted in an integrated overview of the known and unknown or 'missing' elements, of which the latter parts were assumed per level and per actor with help of the earlier elaborated CT mental maps and the FF.

In order to facilitate the reflection and interpretation of the beliefs on this and the other levels, they were formulated in terms of 'paradigmatic expressions' on all Fischer levels by formulating them as simple as possible. The reason for this was to emphasise and show the fundamental differences. In order to get an answer on the fourth research question, the ideological stances were reflected upon in terms of cultural theory. This reflection includes an interpretation of possible ideological conflicts in terms of CT, which led to an answer on the fourth research question.

The fifth and final research question that has to be answered is: "Can the policy approach be qualified as an acceptable way of learning about the wicked problem of trafficking?" The preceding findings will first be reviewed again and confronted with the theoretical insights regarding policy learning, given the wicked character of the trafficking problem as mentioned in section 2.1. This research activity is assumed to reveal indications for the absence or presence of the theoretically expected (and deemed most suitable) learning strategies. Some extra theoretical anchor points will be applied in order to describe and interpret possible flaws in the policy design or the implementation. These anchor points are drawn from Schneider and Ingram's (1997) theory of social construction and policy design and from Janis' (1982) theory of groupthink.

Schneider and Ingram define policy design as the content of policy as found in the text of policies, the practises through which these policies are implemented, and the subsequent consequences associated with these practises. This theory states that some groups are advantaged more than others by the application of values to target populations, and that policy designs can reinforce or alter such advantages (Pierce et al, 2014). Target groups are socially constructed along the dimensions 'deserving' or 'undeserving' respectively 'powerful' or 'lacking power' (first core proposition). The treatment of target groups in relation to a policy design creates feed-forward effects, in the sense that it shapes institutionalized practises, sends messages to target groups, and alters behaviour of the target population (second core proposition). Given the target group of the case policy, this policy is deemed susceptible for a non-neutral treatment in the sense of this theory. The findings that were the result of preceding research activities were reviewed again, confronted with these theoretical core propositions, and subsequently interpreted. This led to a partial answer on the fifth research question.

Janis developed a theory that seeks to explain imperfections in decision-making via the phenomenon of 'groupthink'. In reviewing the case policy documentation, some indications that this phenomenon might have played a role in the processes that eventually led to the shutdown decision were revealed. This decision not only entailed great impacts on future learning possibilities pertaining to the issue of trafficking (in the sense of blocking them), but is also rooted in certain conditions. These 'antecedent conditions' (as Janis calls them), taken together with the symptoms of groupthink and of defective decision-making to which they eventually may have led will be scrutinized and interpreted from the perspective of possible hindrances for 'acceptable policy learning'. Although it is realized that thoroughly researching the presence and impact of this phenomenon would have required a separate in-depth case study of the day-to-day decision processes of the governmental executive staff, this exercise clarified some relevant aspects of the process of policy learning and enabled the formulation of some plausible statements. Taken together with the findings that were generated by the preceding activities, this led to an answer on the fifth research question.

After having generated the findings in the above-described way, answers on the five sub questions and the central research question were formulated in the chapter 'conclusions'. This chapter ends with a discussion and some policy recommendations. In the discussion part the freedom is taken to reflect on current and future challenges in a somewhat more speculative manner. The shutdown decision demarcated the end of the case and of the policy program, and the target group 'disappeared from the radar'. However, the problem with which the policy program was intended to deal is still there. The discussion part will draw on the findings and also involve some 'post-case' information.

## 4 Analysis

The case under scrutiny is the Utrecht anti-trafficking policy program that eventually led to the closure of the Zandpad prostitution facility by a decision of the mayor in mid 2013. The case is surrounded by many puzzles. Why did the anti-trafficking program end this dramatically? What will be the future of the prostitutes, and how will they be protected against traffickers? How can the traffickers be traced and caught? Will the facility ever be re-opened? What about the operator? Which role did local political parties play? What did the local administration do? What do the prostitutes do? One thing is for sure: this draconic policy decision has a great impact on the hundreds of prostitutes who earned their living on that spot. They all lost their legal source of income over-night.

### 4.1 Case introduction

In this section the case logic, the coming into being of the policy program and of the nascence of the central policy documentation will be explained.

#### *The June 2013 shutdown*

Most windows were already sealed. The last prostitutes had to be taken out of the prostitution boats by police force. The women were screaming and shouting their protests on the street. The facility, which was the Utrecht legal prostitution icon for over forty years, is named after the street next to the river Vecht. The operator of the facility was set aside and excluded from the discourse. Until that moment he had been a partner of the authorities, in the sense of enhancing safe prostitution, reducing and preventing public nuisance, and being the ‘eyes and ears’ for the police and the local administration. In 2013, the owner-operator of the prostitution facility had increased his local market share till 73% since the early 70’s. In the 80’s the responsibility for the daily exploitation was commissioned to a private company (Wegra B.V.), and since the 90s this company has the role of owner-operator.

Until then the spot was known as the safest place for legal prostitution in the Netherlands, which is backed by data from the police and can be read in the 2010 research report “Het Zandpad in het juiste perspectief” commissioned by Wegra B.V. (the operator). According to this report, the alliance was broken because the local government started expressing ‘unwarranted statements’. The business owner (‘operator’) lost all trust in government, and probably vice versa. He announced that Utrecht would ‘regret her choices’. Government immediately announced that the closure would be a ‘temporary situation’, and stated that they did not have another choice, since there were serious signals that the operator was facilitating trafficking. The facility would be re-opened very soon. But that was not what happened. More than a year after the facility is still closed. Shortly after the closure, the rental agreements for the places of the boats were withdrawn. According to the mayor, this was an initiative of the “waterschap”. But from other media it can be learned that this public body denied being involved in the withdrawal and referred to ‘a private party’. What exactly happened will probably stay unclear, but it is plausible that a soon re-opening of the facility as hoped-for by several stakeholders was severely obstructed by these kind of processes, which had apparently little to do with the original goals of the policy program.

At the end of the year, the social-democratic mayor under whose authority the program was developed and implemented resigned. This mayor did not have a very good overall reputation among the Utrecht citizens. A mayor with a liberal political denomination replaced him. Meantime, members of the city council asked dozens of questions and expressed worries about the fate of the prostitutes. The social democrats were the only party that explicitly expressed their political support to the shutdown decision. Several special hearings were held to ‘interrogate’ the mayor and ask questions. The councillors didn’t seem to understand either what was exactly happening for what reasons, or didn’t agree with it, or both. The operator is

stating on his blog that this whole thing is a trick: the mayor and the social democratic establishment are creating a moral panic and want to get rid of prostitution as a whole, and build expensive houses on the (attractive) location.

In the meanwhile, some prostitutes continuously proposed initiatives by organizing themselves in cooperative collectives. Several political parties and both mayors received these ideas with great enthusiasm, and also expressed that enthusiasm in the media. Later on however the initiatives were blocked for a variety of reasons. Restrictions and prerequisites seemed to change and cumulate, preventing the ideas from becoming reality: for instance arguments like 'too expensive rents', 'fear for monopolistic operator positions', 'the need for extra research', 'fear for infringement upon other regulations', et cetera were introduced. Some prostitutes went to other locations, some went back to their home country, some disappeared in the illegal circuit. Social- and healthcare workers expressed their complaints to politicians because they were losing all signs of life of the women. In this way it will never become clear if these women were trafficked. And if this were the case, their traffickers would probably never be caught. Until now no one is convicted in the legal lawsuits that resulted from the accusations of facilitating trafficking. The prostitutes' chances of being protected against trafficking by whatever government-induced efforts are gone. One could rhetorically ask: is this what 'anti-trafficking policy' means?

A myriad of individual beliefs, choices, actions and decisions of many involved actors preceded the dramatic end or 'cliff hanger' of this anti-trafficking program. It would be an impossible and useless effort to trace back and describe them all. What is deemed useful and doable however is to analyse which main actors and stakeholders played a role in the coming into being of the policy programme, which were the main policy choices underlying the programme, what were the original goals and related measures, and what were the stances towards these measures and their effects as perceived by the main actors. First a short background will be sketched, in order to give an impression of how the issue of the programme became a topic on the local government agenda.

### *Background of the case policy program*

On 30 October 2008 the mayor of Utrecht stated in late night talk show "Pauw & Witteman" that possibly 50% till 90% of all Utrecht window prostitution might be forced. Current Utrecht policy efforts were deemed insufficient compared with national and regional arrangements. In the words of the mayor, combatting the crime of trafficking had to compete for attention and resources with too many other criminal acts. The policy documentation refers to these public revelations as an impulse for setting up a coalition of actors grouped around the pushed-forward common goal of stopping trafficking. The firm statement of the mayor, who is an important actor within the policy subsystem around our case, was a shock to the system and to the public opinion. Indications that trafficking was occurring on a large scale in the legal prostitution branch was perceived as surprising: it was not expected. The legalisation of the prostitution branch was until then supposed to 'normalise' itself, and the excesses of force were generally assumed to disappear during the process of normalisation. Since the opposite was revealed by research and reports by the KLPD (national police) and local health services (GGD), this was apparently a false assumption. The issue already existed, and insiders knew of its existence. It was pushed forward and made visible for a broader public by the mayor's statements.

In 2006, the crucial "Sneep report" pertaining the first large-scale Dutch human trafficking case stated that the follow-up of signals of trafficking, the administrative and legal responses to signals of trafficking related to window prostitution was inadequate. From mid 2007 and onwards the local Utrecht anti-trafficking approach led to the creation a network or 'chain' in order to jointly raise barriers against traffickers. In this period, the Utrecht regional triangle of local governments, police and public prosecutor formulated a new 'regional safety strategy 2008-20011'. As can be read in the central policy document 'Proeftuin Zandpad' (p.13), it mentioned five core themes: (1) public nuisance; (2) organized criminality; (3) cases with a big societal impact; (4) inequality; and (5) undermining activities. The latter theme is split up in

sub-themes, of which trafficking was part. The Utrecht mayor was appointed as 'driver' of the approach that should be developed to deal with it.

In 2008 GG&GD (local health service) and social work brought new alarming signals under the attention of the police and the local government. The 'triangle' commissioned Utrecht to report on the specific situation regarding Zandpad. The results were presented in the report "Signals of trafficking on Zandpad". The conclusion of this report, presented in May 2008, was that forced prostitution "frequently occurred". In the same period, the KLPD (police) report "Schone Schijn" was presented. It elaborated a specific approach in order to deal with trafficking, perceived as a safety issue. The conclusion of this report was that the only way to successfully deal with trafficking would be to combine legal and administrative measures. Shortly afterwards, the authorities decided to set up the joint anti-trafficking program of this case. The chosen approach was to set up a programmatic structure, in which each of the participating entities (which were called 'chain partners') was asked to elaborate a specific field of attention. A 'steering group', manned by members of the earlier mentioned triangle, would lead the cooperation.

The chain partners were divided in sub-project teams, each responsible for the elaboration of a designated field of attention. The pilot program, which is elaborated in the report known as *Proeftuin Zandpad*, was implemented in 2008 under the name 'barriers against trafficking'. Series of changes in the local provision pertaining prostitution were prepared by the executive staff, launched and deliberated in the local council. They were meant to re-regulate prostitution in such a way that trafficking would be prevented. The proposals were partly amended or watered down under the influence of the opposition and interest group pressure, which emerged for instance from consultation rounds. Eventually the measures were accepted and taken over to the new, adjusted prostitution section: the local government anti-trafficking efforts primarily went through the channel of prostitution regulation. As a precondition for supporting these measures (predominantly opposition) political parties insisted on an evaluation at the end of 2012. The adjustments of the local provision prostitution section were implemented from 2010 and onwards. These adjustments can be considered as the spin-off of the anti-trafficking pilot program, which formally ended in 2010. In 2012 the effects were indeed evaluated, leading to the report *Evaluatie breed maatregelenpakket barrièrevorming mensenhandel*. The two mentioned policy documents form the central policy documentation for this case study.

### *The 'barrier model'*

The development of the case' anti-trafficking pilot policy program was heavily inspired by a specific approach, the so-called 'barrier model'. This approach was successfully applied for the first time in the already mentioned trafficking case known as the 'Sneep' case. The model was a deliverable of the SIOD (Social Intelligence Unit) who developed it in cooperation with the KLPD (National Police). It served as basis for the local government approach under scrutiny. For that reason, it will be briefly explained. Five administrative barriers should be built in policies against potential (foreign) traffickers. They pertain to the fields: (1) identity; (2) entrance; (3) financial behaviour; (4) housing and (5) labour.

In the Utrecht case, most women are independent entrepreneurs, so the Labour Inspection was designated only a marginal role with respect to a potentially illegal character of labour. Due to EU regulations, the entrance barrier is only effective in the case of non-EU citizens, while most of the Utrecht women are (Eastern) European<sup>1</sup> citizens. In conclusion, not all barriers could be enacted and taken over 'one on one' in the actual approach. In practise, the following 7 sub-project teams were enacted: (1) Information; (2) camera-monitoring; (3) oversight; (4) licenses; (5) tracing and prosecution; (6) care and reception and (7) communication and information.

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<sup>1</sup> According data of the operator: 96%: 66% western European, 30% eastern Europeans in 2009.



### *Involved policy actors*

The central policy actor is the local government. This local government is not a unitary actor: apart from the mayor and the aldermen, the executive staff, civil servants and politicians can be considered as 'internal participants'. The executive staff ('Bestuursdienst') was responsible for elaborating the concrete proposals and for writing them down in the reports, which will be analysed. In the development of the new approach, technical expertise of different partners of the newly formed chain was integrated. Especially the earlier mentioned 'barrier model' which originates from the police can be clearly recognised. The number of involved actors steadily grew: in first instance certified anti-trafficking police officers and financial and fiscal experts were involved. The IND, administrative en health- and social care expertise and the chamber of commerce followed them. A research commissioned by the police (check, reference) showed that not all partners had a sufficient signalling capacity. Later on, the number of partners who were actively involved in the programme was reduced. The partners that remained in the chain and actively co-constructed the policy program (besides the government) were respectively the police, the public prosecutor, and health- and social care.

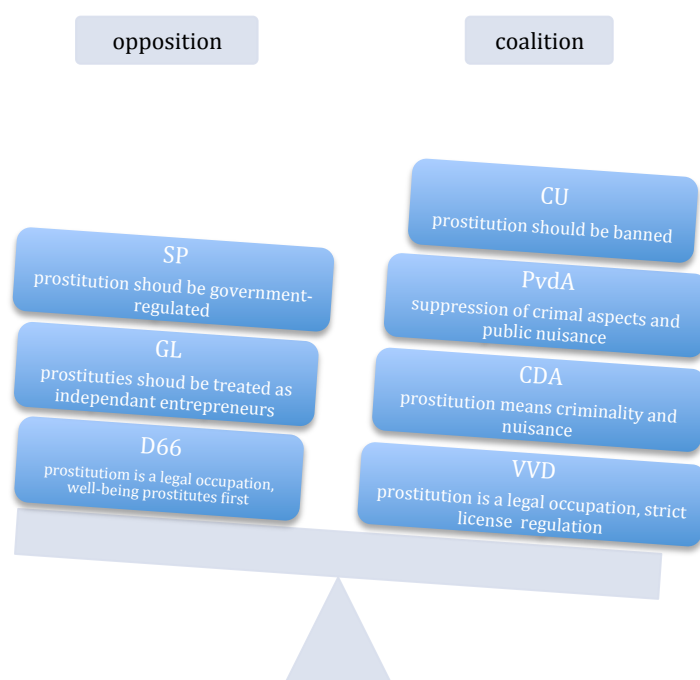
The executive staff adjusted her estimates of forced prostitution from 20% to 85% in 2009 (sic), equalling the earlier mentioned (now 80-90%) mayor estimate in 2009. As can be inferred from a research commissioned by the operator, 2010 was the first year that pilot program under study was operational. Other actors would stick to their own (much lower) estimates regarding the prevalence of trafficking. Health services had remarkably high estimates. These services depend on local government money in order to deliver their health-related services, including (potential) victims of trafficking and prostitutes. Maybe the health services successfully tried to influence and convince the mayor of their high estimates; maybe the mayor used the high estimates to influence the public opinion in order to push the issue higher on the agenda, to legitimate firm interventions in the prostitution branch, or to restore his reputation. The mayor's popularity plummeted to a low level shortly after his installation: he was not very loved in the city. As can be checked in publicly available media, his state of conduit was far from unspoken. On the Internet one finds a gross list of scandals and other remarkable acts, varying from the 'injunction' to destruct of a local newspaper edition<sup>2</sup>, exorbitant declarations, hindering journalists, deliberate party-political obstruction, to the blame of acting in a too soft and vacillating way. His own national party leader's 2012 commentary was that "a second term would be unwise". Overall, it is not implausible that the mayor's 'decisive' 2013 decision to shut down the prostitution facility is prompted by the desire to pimp his blazon: we will probably never know.

The operator was by all other chain partners assumed to have a high 'signalling capacity', and cooperation and communication with the operator was deemed very important. The operator was viewing the entire policy program as counter-productive from the start. In his eyes, it was enacting barriers for prostitution instead of barriers for traffickers. However, the operator cooperated and implemented all newly introduced or stricter regulations and measures. However, the relation between the local government and the operator deteriorated during the process. Later on in the process, political parties of the coalition introduced several new arguments that were directed against the operator: his rents were deemed of an exploitative height, he was accused of occupying a monopolistic position in the local prostitution branch, et cetera.

During the nascence of the pilot programme, the political coalition consisted of social democratic PvdA, Christian CU, Christian democratic CDA and liberal VVD. Liberal left Groen Links. Socialist SP, and liberal left D66 formed the opposition. The political programmes did hardly pay any attention to the phenomenon of trafficking as such. An analysis of the programmes based on "kieswijzer" (weblog [www.utrechtkrijgtspijt.nl](http://www.utrechtkrijgtspijt.nl)) showed that only four political parties mentioned the phenomenon by name. These parties can be placed in the (liberal) left political spectrum. Maybe this moderate amount of attention had to do the relative invisibility of the phenomenon from the perspective of citizens, or with the assumption that

the fate of victims of trafficking does not have much impact on voters. The stances of the parties towards prostitution in general appeared to be more broadly present: all coalition- and opposition parties espoused them. They give an insight in the political climate that surrounded the political debates pertaining the proposed policy program and measures. In the figure below (figure 4.1), an overview of political core stances of the coalition and opposition parties towards prostitution is given.

Figure 4.1 local political coalition and opposition



Trafficking is predominantly viewed as criminal excess that should be dealt with. Only incidentally, standpoints towards objectives and criteria related to concrete policy measures (of which the most visible one is the closure of Zandpad) did find their way to the programs. If we look at the programs, the statements of Groen Links can be interpreted as revealing an explicit 'sex work perspective'. Apparently, though not made explicit in these statements, the party believes that freeing these women from pimps and empowering them will reduce the risk of exploitation by traffickers. The set of D66 statements can be typified as 'normalization perspective'. Although not expressed explicitly, the party does clearly not believe that criminalizing prostitution helps to combat trafficking. A 'public order perspective' can be coupled to the PvdA statements, while the VVD statements quit explicitly espouse a 'market perspective'. The SP statement reveals a classical 'state paradigm', and the CU statement finally an 'abolishment paradigm'. In conclusion, the joint stances towards prostitution as represented by the coalition parties in this case are on average more repressive towards prostitution than those of the opposition. This is deemed important while elected politicians are expected to have an influence in setting general directions of the debate

### Policy window

Kindon (2011) discerns three important streams in his theory of agenda setting: (1) the problems stream; (2) the policy stream; and (3) the political stream. If 'policy entrepreneurs' are successfully joining these three streams, a so-called 'window of opportunity' opens. In this case, we have seen that the trafficking problem was pushed by indications of health-care service GG&GD, which brought severe concerns about the incidence of trafficking in the local legal prostitution branch under the attention of the mayor. The mayor informed a broader

public, and tried to influence the public mood. The political climate seemed very receptive: as we have seen, national (and international) arrangements created pressures for compliance. This would necessitate extra investments of time and efforts. At the same time, the police expressed complaints about having too little capacity to prioritise this problem and to solve it alone. Besides that, the new local coalition consisted of parties who were on average in favour of a stricter regulation of prostitution. In the policy stream a pre-existing solution was available. The earlier mentioned barrier was deemed a logical choice. Recent successful arrests and convictions of traffickers in the first Dutch trafficking case were attributed to the application of this model. Although the context of assumed incidence of trafficking within legal window-prostitution was different, the authorities apparently placed confidence in this approach, and based their policy design on it. In conclusion, three crucial elements colluded: the problem, an expected solution, and the political will to deal with the problem. The joint actors: (of which the most important were the local government, the police and the public prosecutor, the social- and healthcare services and the operator of the prostitution facility) would elaborate the already available approach, with the local government i.e. the local government executive staff in the lead. In the next section, the way this was done will be analysed and interpreted.

## 4.2 Local government policy theory

In this section, the local government policy theory will be reconstructed and reflected upon. The used source of information is the already introduced policy documentation (PD) consisting of two policy documents, which will further be referred to as respectively the policy document (PZ) and the evaluation report (EM). Both documents are analysed with help of the FF. The reader can find the results of this analysis in the form of codified FF sheets in the appendix.

The PZ states that the goal of the joint trafficking approach is the realization of a *safe legal local prostitution branch on Zandpad*. The approach (p.18) is directed at the “prevention (of trafficking), prosecution (of traffickers) and protection (of potential and proven victims of traffickers)”. The following nine ‘central objectives’ are listed in the PT:

1. Intensified cooperation of all involved actors
2. Actual data-position
3. Regulation of the public space
4. Adequate license regulation
5. Extra oversight and maintenance
6. Administrative, legal and fiscal interventions in response to signals
7. Adequate care and reception of (potential) victims of trafficking
8. Coordinated external communication
9. Informing all involved people that directly or indirectly work on Zandpad

First of all, it needs to be mentioned that these statements are not adequately formulated in terms of ‘goals’. The first statement for example is apparently a desired characteristic of a process, or a prerequisite for reaching something else. The second, the fifth and the eighth are clearly instrumental to another, unspecified goal. However, from Van de Graaf & Hoppe (1996) it can be learned that the reflection on the policy theory needs to be kept clearly separate from the reconstruction. We will start with the latter, and postpone reflections.

The policy problem that triggered the policy program was *structural presence of trafficking on Zandpad*, as stated in the EM on (p.5), and the stated policy goal *combating trafficking* (p.13). In the documents, the term ‘forced prostitution’ is used as a synonym for ‘trafficking’, but the use of the latter term prevails. Forced prostitution is covered by the legal circumscription of trafficking. However, it is a more narrow and precise term. In the case context, ‘forced prostitution’ is probably the more adequate term. The EM refers to 7 preventive measures related to these central objectives as “the broad package”. More precisely, government only reckons to the governmental part: (1) obliged registration; (2) shift regulation; (3) rental period regulation; (4) extra oversight and (combined) maintenance; (5) sufficient social- and healthcare; (6) physical improvements on the site, and (7) informing

clients what to do in case of signals of trafficking. Measures (1), (2) and (3) are all related to the prostitution section of the local provision (APV), and will be referred to as 'license regulation'. The 7 measures will be taken as the starting point in reconstructing the means-ends hierarchy, which in turn will be presented as 'goal tree'.

### *License regulation*

The PZ document states (on p.39): "The sub-project team licenses realized that the open character of the occupation, the isolated position of the women, their long working times and their quick change of location might enhance trafficking". The conclusion was that "by complementing and changing the system of licenses, an extra preventive barrier against trafficking could be raised". The project sub team and the governmental executive staff realized that "these proposals would have an enormous impact on the prostitution branch as such, and that therefore the decision process should be very careful (p.41)".

By introducing an *obliged registration*, "the isolated position would be temporarily removed" (p.39). Isolation is assumed to be one of the risk factors that make women vulnerable for the actions of traffickers. The moment of registration would create a contact possibility. If the prostitutes are easier to contact, this is also assumed to enhance their safety. The registration consisted of a one-hour talk with a GG&GD professional. Handing over an identity card or passport and prove of subscription at the chamber of commerce were built-in elements. The data would be uploaded on a special website, as a part of a digital registration information system (RIS). Police, operators, and governmental inspectors would be authorized to get 24/7 accesses to (a part of) this data with approval of GG&GD. A broad access time was deemed necessary because of the work times of prostitutes are not synchronized with 'office hours'. However, due to legal restrictions on the national level denial of registration (and license) would only be possible if women appeared to have an illegal status or were under the age of 18. Due to the same legal restrictions, GG&GD was not allowed to include signals about trafficking in the system, but was allowed to mention signals directly to police and social care. Thus, no third party could check this information. Unless the information- and interpretative monopolies (the police and social work only received information via this source), the contact was also assumed to improve the amount and the quality of signals that the chain partners did agree to gather and share in order to learn and act.

Shift regulation was assumed to limit the hours that prostitutes were allowed to work to 10 hours per day. This would also "reduce the possibilities for traffickers to exploit the women by forcing them to work extreme long shifts" (p.45). Originally this measure was accompanied with a proposal for strict night closing, the 'recommendation' to forbid clients to pay the women in cash, and to set the minimum age for prostitutes at 21 (in stead of 18). The intended night closing was assumed to contribute to and 'easier maintenance of the public order', and to a 'reduction of the number of annoying and hindering clients visiting the women' (p.45). Due to resistance from the women themselves and the operator and lack of support by several political parties, this measure was watered down. Eventually only *shift-maximization* to 12 hours per day and the minimum age recommendation of 21 made it.

The introduction of minimal rental periods is announced in the PT document (on p.41). According to research and practical experience, fast replacement of women is a feature of the way in which traffickers operate. From the EM, it can be inferred (p.20) that a minimum rental period is assumed to lead to a lower velocity of replacement of the women by traffickers. Another intended effect of this measure would be the improvement of contact possibilities, which was in turn expected to lead to more and better signals.

### *Extra oversight and maintenance*

In order to know what is concretely happening on the spot and to gather data, extra inspections and observations are introduced. Inspections were also assumed to improve the contacts with the prostitutes. A broad spectrum of systematic and 'surprise' checks were incorporated in a '*checks calendar*'. Three types are deployed: (1) inspections by civil servants and fiscal authorities, (2) joint inspection and monitoring by civil servants and police, and (3)

inspections directed at prosecution by the police trafficking unit. Civil servants of the local government 'oversight and maintenance' department checks were increased from 4 to 40 times per year in order to check all licenses of the prostitutes, their age, the physical adequacy of their workspace, their administration, et cetera. The intended result of this measure was to check *every new woman*.

### *Extra social- and healthcare*

The document states (on p. 55) "getting insight in the prostitutes opinions, stances and reactions regarding the policy measures should be a crucial measure". Three indicators were deemed to play a role in successful policy interventions: (1) social worker visible on location, (2) personal contacts with the women, and (3) practical responses to the needs of the women. This should be realised by (1) appointing two governmental contact persons for the prostitutes to whom they could mention signals and express their reactions towards the policy measures; (2) introducing a consultation possibility to send out the signal to the prostitutes that they were taken seriously; (3) in-depth interviews with prostitutes by "Rode Draad" (foundation for prostitutes); and (4) personal visits by local government officials. The other measure deemed crucial was "extending care services". The instruments were: (1) investment in exit programs; (2) researching hidden prostitution; (3) longer opening times of a designated 'saloon' (HAP) for prostitutes, and (4) extra shelter places for victims. The stimulation of exit programs was based on two notions: (1) according to research<sup>3</sup>, 2 out of 3 prostitutes ever considered leaving the business of prostitution, and (2) half of the women who express an exit-desire is assumed to work in a forced situation. No specification of the character of this force and the relation to trafficking is researched or displayed. In relation to the policy, it might have been worthwhile if also the reasons for entry had been taken into account.

### *Physical improvements; camera monitoring*

Cameras literally lead to getting 'a better view' (PZ p.29) for police and the local government. Both have the 24/7 possibilities to monitor the street. This is assumed "to contribute to the gathering of more signals, and to contribute to calmer behaviour of people on the spot". It also is assumed "to reduce the number of people that are not desired in the public area" (p.31). How this mechanism is supposed to work however is not elaborated in the PD. For sure traffickers are part of the undesired population. It can be inferred that people that are not clients of prostitutes and hang around with no reason are 'not desired'. If a threatening situation occurs, the idea furthermore is that with help of this instrument, the involved partners that should interfere can be quickly informed. Finally, during legal cases, the cameras could contribute to the gathering of quantitative data by directing them at suspect spots: from earlier experiences it is known that this can be of added value to the necessary research processes. As 'supporting measures', the intensity of the streetlights was raised, the boats and work spots were indicated with explicit numbers in order to facilitate the precise location from a distance. Finally, the public space was cleaned up in order to reduce the chance that people could hide themselves too easy.

### *Informing clients*

This measure consisted of an Internet campaign commissioned by local government to foundation M<sup>4</sup> to inform clients about how to recognise the signals of force. By clicking on a banner, they were led to an animation. The clients who viewed the animation were also asked to mention these signals to the local police. The outcome cannot be perceived as supporting the suspicions regarding the incidence of trafficking.

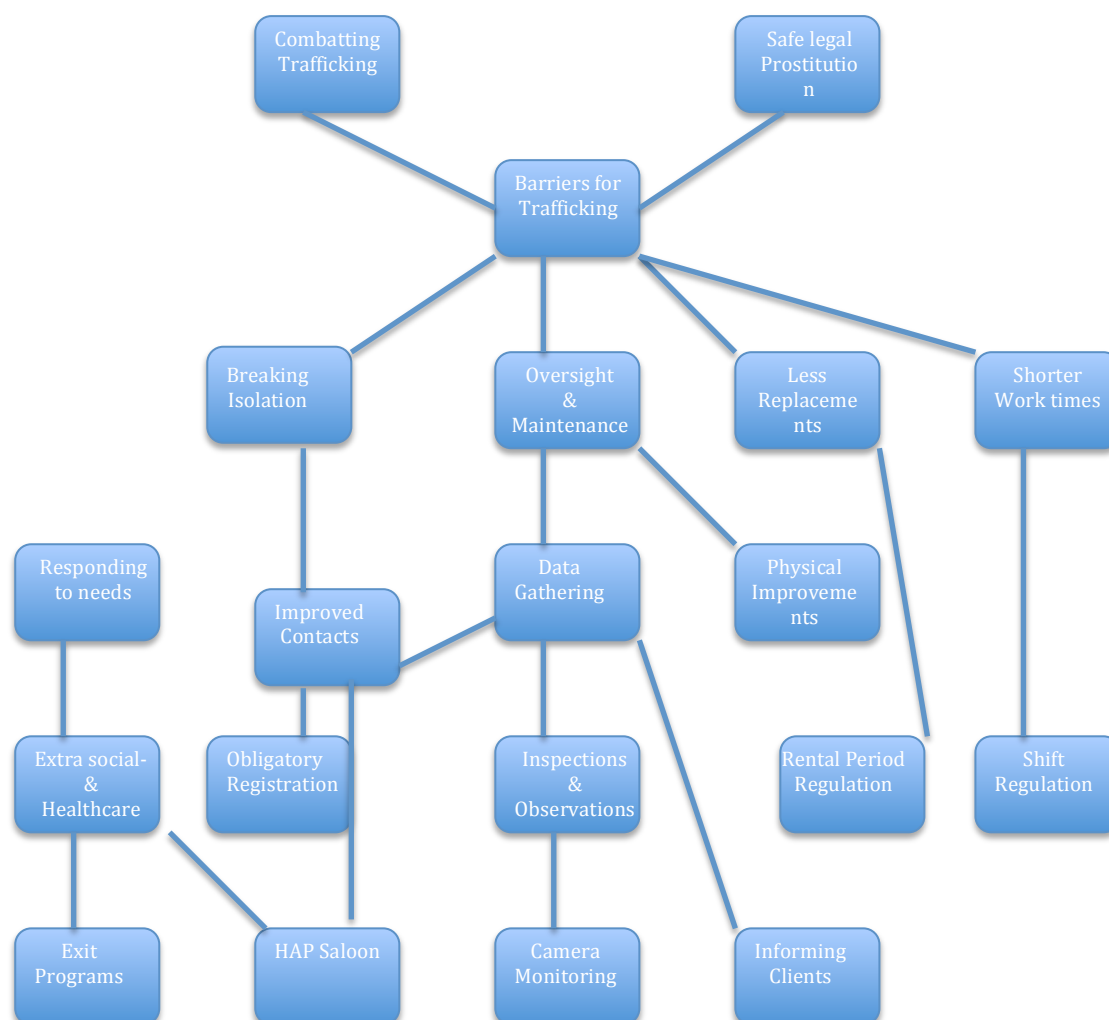
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Interviews with 39 Zandpad prostitutes by 'De Rode Draad' referred to in the EM report on p.58 reveal that '2/3 *ever* did consider leaving the prostitution branch'. The majority of these women however expressed not to be in need of (exit) help.

<sup>4</sup> Meld Misdaad Anoniem, 2011, title 'Schijn Bedriegt'. The campaign led to 1 (!) signal. Nevertheless, in June 2012 the Ministry of Safety & Justice introduced the campaign on a National scale.



Figure 4.2 governmental policy theory goal tree



### Reflection on the local government policy theory

The goal tree as depicted in figure 4.2 was reconstructed on the basis of the relations between means and ends in so far they could be derived from the PD. The first thing that catches the eye is that the argumentative structure behind the governmental policy consists of assumed means-ends relations on the lower-order FF levels of technical verification and situational validation. Apparently instrumentalism played an important role in the governmental policy plan. While the end state originally was expressed as 'safe prostitution' (in the 2010 PZ document), the 2012 EM document refers to 'combatting trafficking' without explicating an assumed relation in terms of means and ends. Maybe this represents a paradigmatic shift, but it could also be interpreted as an expression of the confluence of 'safe legal prostitution' and 'absence of trafficking', the inability to dissect them, or a discrepancy between the broader goal of the joint program and that of the local government. In any case, it is known how it ended in 2013: after the dismantling of the legal prostitution facility the original goal of 'safe legal prostitution' goal did not have relevance any more, because legal prostitution ceased existing.

The espoused governmental policy theory is restricted to 'preventive measures' (p.5 EM). As we have seen, the governmental conviction at the same time is that the majority of the women were already victimized. Prevention only helps to stop new women to become victims. Prosecution and protection of victims are part of the primary responsibilities of respectively



the police and the public prosecutor and national coordinating agencies with other, non-governmental organizations. From this perspective, it is understandable that local government measures do have an administrative and/or preventive character. However, according to the leading indications these women were in large part already assumed to be in the hands of traffickers. From this latter perspective, the emphasis on prevention can be qualified as quite awkward.

The governmental policy is directed at raising barriers by regulations, restrictions, inspections, and oversight. They were predominantly effectuated through the prostitution section of the local provision (license regulation) and through the channel of health- and social care. The group of victims of trafficking is very hard to identify, but the conviction is that they are part of the population of (legal) prostitutes. The success of the barrier model (which provided arguments by analogy for this policy) surfaced the barriers that were assumed to hinder traffickers as much as possible. The approach to start from a desired end state and to reason back in a logical way (by choosing sub goals and measures and instruments that are deemed most adequate to reach this state) can be coined 'backward mapping'; the opposite approach (reasoning from available instruments towards the goals and desired end state) 'forward mapping'. The choice of the 'barriers' in this policy design could be typified as a form of 'backward mapping', while it starts from the desired situation that a trafficker encounters as much hindrance as possible. The hindrances are enacted by the introducing measures, of which it is hoped for that they serve as barriers. However, exactly this part of the thinking (which would also enable mapping and analysing risks) is borrowed from the pre-existing solution. The elaboration of the measures that should in practice effectuate these barriers and the corresponding reasoning can be interpreted as basically 'forward-mapping'.

The policy theory does not make clear in what way the government assumes the intensified health- and social care efforts to contribute to raising barriers against trafficking. This part of the policy design is not connected to the policy goals, as the goal tree clearly shows. One may assume that these measures will reduce the physical and social vulnerability of prostitutes and empower them, which in turn will reduce the chance of being victimized by traffickers. This 'empowerment' however is not an explicit part of the espoused policy theory, and also the 'exit program' (which is referred to on p. 21 of the EM) is completely unconnected. At best one can imagine that if women leave the prostitution branch, they will not longer be at risk of becoming victimized. If 'responding to the needs of prostitutes' is interpreted as a goal, then the means may be a specific form of care ('backward mapping'). However, if considered as a means and a part of the plan in the sense of 'forward mapping', than relation with the goal in of combatting trafficking stays unclear. In the text, not a single word is written about the reasons for entry into prostitution. It would not have been very far-fetched to assume some relations between entry and exit, like for instance Svanstrom (2006) did. This would probably have induced a more well thought-through relation between the parts of the policies. Maybe 'taking prostitutes serious' could be interpreted as a more general goal connected to these kinds of measures; however, one can also interpret them as admonishing, paternalistic or moralizing.

At the level of means that are assumed to create barriers, the main 'chains of reasoning' are as follows. Shift regulation is expected to lead to shorter working times. Shorter working times are assumed to avoid extreme exploitation by traffickers. This is assumed to be a less lucrative situation from the perspective of traffickers. Therefore it is assumed to function as a barrier. However, this barrier serves to mitigate the problem, which is something else than preventing, let alone 'combatting' it. Rental period regulation is expected to lead to longer rental periods. This is assumed to keep prostitutes at their physical place for a longer period. This is assumed to diminish the flexibility and the amount of replacements of the prostitutes, which is expected to hinder traffickers and function as a barrier.

Obligatory registration is assumed to temporarily break the isolated position of the prostitutes. The less isolated position is assumed to directly hinder traffickers, since they are assumed to abuse exactly this isolated position of the prostitutes to exert force on them. The chance of discovery and interference in case of a lacking social network is small. The legitimization of this latter intervention is quite glimpse, especially because of the temporary character. Maybe for this reason, other ends are related to the registration: 'improving contacts' and 'gathering data'. The gathering of data is related to the next chain of reasoning. A

multitude of checks, inspections, interviews and so on is assumed to lead to signals of force and trafficking. These data are assumed to enable and legitimize interventions and other types of reactions (which not only pertain the administrative domain, as mentioned in the beginning of the section). Both 'maintenance' and keeping oversight' should be 'information-driven'. Finally, the visible presence inherent to maintenance and oversight is expected to have a deterring effect on traffickers, which is assumed to form a barrier.

Although not explicitly mentioned, exit of prostitutes out of the branch due to the stimulation of exit programmes could be interpreted as contributing to the ending of their situation of being victimized by trafficking. Apart from the success of this program (in general the figures are not very hopeful), the question stays if this also contributes to a safer legal prostitution branch or to a decline of force and trafficking. The same accounts for the measure (not included in the goal tree) of introducing a minimum age for prostitution (21 instead of 18). It is not expressed in what way this is related to the stated goals. Maybe it can be best interpreted as a norm on the level of societal vindication: women below 21 are deemed too young for being exposed to the risks of this profession, are assumed to be unable to make a balanced and conscious choice, deemed too vulnerable, should therefore be denied the agency to make this choice and kept out. Apart from the underpinning in the policy theory, one can imagine that the age restriction functions both as a barrier for prostitution as for trafficking.

The three specific policy instruments, which were respectively: (1) *stricter registration*, (2) *shift regulation* and (3) *rental period regulation* are brought into memory. A lot can be said about these three measures, but not that they are generally recognised as effective, legitimate and justified measures to serve the original objectives in the belief systems, let alone the desired end state. The involved objectives were respectively (1) *breaking isolation*, (2) *avoiding excessive exploitation* and (3) *lowering the velocity of replacement*. As we have seen, there are a lot of unknown factors. The incidence of illegal prostitution for example is unknown, just like the replacement effects from the legal to the illegal sector due to the policy (however there are indications that it is happening). The occurrence of trafficking in the legal sector in comparison with the illegal sector is unknown. The effects of shift regulation on unverifiable (new) combinations of work spots are unknown. What is exactly the definition of 'isolation'? Even if it is possible to operationalize this in a technical way, it also has a subjective dimension, likewise variables as 'feeling of safety'. It is impossible to measure these kinds of variables in an objective way. The lengthened rental period did indeed lower the velocity of replacement, for the registered women on Zandpad. But does that mean traffickers are deterred, and the occurrence of trafficking has lowered? As a contra-indication, there were hardly more convictions of traffickers during and after the program timeslot. For sure there is invested a lot of time by the police, the administration, the legal apparatus, social work and health care services and so on, and the signalling and cooperation of chain partners definitely have improved. But that were prerequisites, necessary but by no means sufficient conditions in order to reach the policy goal.

In conclusion, the argumentative structure of the local government policy is less complete and far more glimpse than expected, and profiles itself by little evidence in the sense of final and causal relations. Arguments and beliefs on the higher order FF levels are hardly involved in the elaboration of the policy program by the local government executive staff as expressed in the policy documentation. The policy theory is in essence based on assumed probability relationships, given the reality of trafficking ('nearly all prostitutes are victimized subjects'). Little or no attention is given to the analysis of risks, which would be enabled by applying a more backward-mapping mode of policy design. In the next section, the arguments of the other policy actors and stakeholders that bolster or criticize the policy will be analysed and interpreted. They will be categorized along the four levels of the FF.

### 4.3 Bolstering and criticising beliefs

At the end of 2012 the local government executive staff evaluated the effects of the anti-trafficking policy, which had been in force since 2010. From the EM (on p.6) it can be learned that the local government mentions the following positive effects of the implementation of the

'enacting barriers' package of measures: (1) due to the (579) obligatory registration talks, all women were seen at least once by the health services. Only one out of eight of these talks surfaced clear signals of trafficking. There was an information component in the talks, and the women were temporarily taken out of their isolated position; (2) due to the shift regulation, traffickers were disabled to exploit women for extreme long work times per day; (3) due to the minimum rental period the velocity of replacement had declined with 33%; (4) the oversight- and maintenance efforts were tenfold extended; (5) the hours of social and healthcare were extended; (6) physical improvements were implemented. The following judged positive effects were coupled to the 'broad chain approach': (1) the insight in what is concretely happening on Zandpad and the relation with the prostitutes have improved; (2) the cooperation between the chain partners police, public prosecutor, social- and healthcare and local government has improved and can now be judged as 'really multidisciplinary', more signals were mentioned to the police.

Not all of the above stated 'results' are results in terms of barriers or of the effects they were assumed to have on the combatting of trafficking: many can be characterized as 'input-throughput statement'. The local government states (ER p.5) that "Due to the impossibility to measure trafficking, the causal relations between the measures and their effects are hard to prove". The government even states: "The measures don't seem to have reduced the problem of trafficking yet (EM p.27)". Now we will look at the effects of the policy as perceived by the other actors and stakeholders and their beliefs, and analyse their supportive or undermining character towards the local government policy theory. For the actors that are part of the policy subsystem (police, operator, social- and healthcare) and the target group of prostitutes the FF format will be followed. For the other actors and stakeholders (neighbours, public prosecutor, victims, traffickers and clients) their was to little textual information pertaining to the case to do this, and therefore a description with a more behaviouristic character is given.

#### 4.3.1 Police

In her earlier referred to 2008 report *Schone Schijn*, the police is stating that "it is an illusion to think that regulation, oversight and legalisation of prostitution alone would lead to a normalized branch without forced prostitution and extremities". This can be interpreted as advocating flanking policies.

##### *Technical Verification*

The number of signals mentioned to the police has significantly risen due to the program, from 15 in 2009 (the year before the pilot) to 118 in 2011 (during the pilot, EM p.52). Separate signals however are deemed insufficient to prove trafficking. According to the police, the gathering of signals is very important, because in many case the principle '0 + 0 + 0 = 1' applies. Gathering complementary signals is therefore deemed important by the police in order to catch traffickers (which is something else than combatting trafficking). Stricter maintenance by local government is a prerequisite, since the policy cannot do it all alone. The current follow-up is still considered as insufficient, which in the eyes of the police offsets the program. While "no women can be denied registration as long as her papers are correct, this measure is not as effective as it could be, or could even contribute to the facilitation of trafficking by the government" (EM, p.28). Not unimportantly, the police states that their capacity is too limited to focus on activities that not directly contribute to the measurable results that they are held accountable for.

Another drawback regarding the administrative efforts is that it is unclear which information can be registered by whom, and how the data should be treated. Besides that, the administrative registration should be applied more strictly (by the local government). The use of different definitions of 'independent entrepreneurship', as in use by involved actors, lead to confusion. The police are deploying both administrative and maintaining activities, which adds to confusion of involved actors and the target group. Another mentioned aspect that offsets the effectiveness of program is that the exchange of information between fiscal authorities and local government is still insufficient.

The short registration talks directed at the gathering of data will probably not reveal a possible involuntary character of the work of prostitutes. The physical expression of a woman may give the impression of a 'happy hooker', while this is not the case, and having correct papers doesn't automatically mean that women are not forced to work. "Shame and fear withholds victims to go to us, but the idea of the police is that most of the women are not so naïve at all". In the eyes of the police social care is expected to receive far more relevant signals, which they are unfortunately not allowed to share, because their professional secrecy codes and the importance of trust in relations prohibit this.

In conclusion, the police agree that the program leads to more signalling and data gathering, although they are critical towards the way this data is gathered and used. In sum, they believe in the effectiveness of the joint measures and especially in the synergy of the separate measures, but were unable to achieve this.

### *Situational Validation*

According to the police, assumed victims often deny that they are victimized. The policy measures and the barriers have the undesired effect that they drive women into illegality. Although forced prostitution (trafficking) is assumed to take place in the legal branch, it also occurs (and maybe even to a larger extent) underground. Due to the policy approach, the efforts are now focussed on the legal sector. Another circumstance is that in the eyes of the police, operators who are active in the legal branch often deny to have a relation as an employer with the girls. Apparently the owners of the real estate in which prostitution takes place can in many cases not be held accountable for the day-to-day operations, since the exploitation is in the hands of others. In our case however the situation is different, since the owner is also the operator. The posed suggestion is that owners commission the exploitation to others in order to stay at a safe distance, to 'hide behind each others' back', and state to 'know nothing'. Staying at a distance from the operational activities however is assumed to give extra space to traffickers. This might be true, but it is neither an unusual, nor a forbidden business approach to split up the ownership and management of whatever company.

In the eyes of the police, a mere legal approach and court cases are not an effective way to prevent and counter trafficking. It would even be better to have less court cases and stop traffickers in an earlier stage. The responsibilities should be divided more clearly. The police are responsible for maintaining public order, while the local government has her administrative responsibility. Administrative measures to regulate operators are (mis)used to gather information about prostitutes. The attention should be more directed at the operators and the traffickers. More in general, the police advise an *offender-directed approach*. In conclusion, the police support the local government policy emphasis on preventive measures, but also express some doubts towards their relevance. The barriers and the data gathering might be directed too much at the prostitutes, and too little at the operators and the traffickers.

### *Societal vindication*

According to the police, victims of trafficking and voluntary legal prostitutes are on two sides of the same scale. Measures that are bad for the first are also hitting the latter and vice versa. The measures against illegal and forced prostitution do actually also limit the freedom of the legal prostitutes, and potentially drive prostitutes underground ('waterbed effect'). The larger goal of normalisation and remediation of the prostitution sector is obstructed by the anti-trafficking policy. Collusion of anti-trafficking with prostitution policy is deemed very confusing for citizens and for prostitutes. Another notion that refers to undesired societal consequences is that policies are not harmonized between local governments: in the eyes of the police a national law is needed, since trafficking not only occurs in Utrecht. The police wonders: "Victims of trafficking are sometimes so naïve; how far does the responsibility of the state go"? In conclusion, the police are neutral towards the contribution of the policy towards the society as a whole, but recognises some negative societal consequences. The documents do not reveal argumentation on the FF rational choice level.

### 4.3.2 Operator

In 2010, the operator commissioned a research of which the espoused goal was “to show the right facts and figures pertaining to the issue<sup>5</sup>”. This research report, which can be read as a rebuttal of the chosen policy approach, was available for analysis. It is stressing that policies should be based on facts and evidence. The premises, the data on which the local government policy is based, and the policy itself are contested. (releasing false information refers to possible denial strategy, as for instance elaborated by Cobb & Ross, 1997). The earlier mentioned public statement of the mayor is referred to as causing an enormous deterioration of the relation between the operator and local government, which was until that moment typified as good and cooperative. To the frustration of the operator, the official figures of forced prostitution in use by the local administration suddenly changed from close to zero till ‘sky high’ without hard evidence, or even a plausible explanation.

#### *Technical Verification*

The operator states to support the overall goal of suppressing forced prostitution and any other form of exploitation, and “all measures that effectively contribute to this goal can count on our unconditional cooperation” (p.10). Of the policy measures: (1) camera monitoring; (2) intensified exit programs; (4) extra social care; (5) extra oversight; and (5) intensified data gathering efforts are deemed effective. The measures: (1) obligatory registration and (2) minimum rental period are not supported. In the opinion of the operator, the numbers (of assumed victims of trafficking) are deliberately exaggerated in order to influence public opinion. He believes that forced prostitution is not happening on such a big scale as the government is stating and contests the basic premises of the policy, which are qualified (p.10) as “weak and unproven indications and subjective sources of information”. Illustrative is the notion that not one false passport was found during the frequent and intensive administrative controls, and that the police and originally also the governmental executive staff did not confirm the ‘soft indicators’ on which the mayor based his alarming announcements. Indications of trafficking cannot be proven, while there is no visible follow-up of the gathered signals. Even in the situation of detention, it is almost impossible to recognise victims of trafficking with certainty.

Since prostitutes are able to circumvent almost any actors if they want, they are depending on contact with the operator in the role of landlord. The government does not sufficiently use the expertise of the operator. The whole idea that signals of trafficking can be derived from administrative controls is a fallacy, because the signals are not underpinned and do not lead to any form of follow-up. If this is true, this situation represents another information monopoly (next to the earlier mentioned GG&GD interpretative monopoly towards the signals). Furthermore, in the eyes of the operator the local governance does not carefully distinguish between traffickers, smugglers and (legal) pimps, and has in general insufficient expertise regarding window prostitution.

The instrument of obligatory registration will not reduce trafficking at all, because it is perceived as an administrative ritual full of misconceptions, an arbitrary ballot, which is deemed infeasible from a practical perspective. The prostitutes speak many different languages. This will lead to arbitrary decisions in the one-hour GG&GD talks (the local government however is stating that this is not the case, since interpreters are mobilized). It is an illusion that paper checks and inspections will ever be an adequate source for generating signals on which interventions can be based, apart from the fact that they are directed against the women. Victims will never be discovered in this way, this is completely incredible. Even in detention it is almost impossible to identify a victim of trafficking. Not for nothing the inspectors are not able to underpin their estimates of trafficking.

In the opinion of the operator, limitation of the length of shifts and regulation of opening times will lead to continuation of the work on other spots or in the illicit sector. This disables the gathering of relevant information. Replacement of prostitution will make it harder to control or combat the activities of traffickers, or even help them. This policy measure

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<sup>5</sup> *Het Zandpad in het juiste perspectief*, Wegra Utrecht B.V., Augustijn onderzoek, Carpe Diem Consultancy



stimulates the illegal sector and leads to a “prostitution carousel”. Governmental sources confirm that in a minority of cases (5%) prostitutes indeed do have more than one location as an assumed effect of this policy measure.

The program is overlooking circumstances like the power of traffickers and the relation between the legal and the illegal parts of the prostitution branch. The barriers are more directed at prostitutes (and disadvantaging them) than on traffickers, which should have been taken more into account. In conclusion, the policy program is not assumed to fulfil its stated objectives. The operator contests the efficacy of the measures and even judges them as counter-productive: especially the registration measure and the shift regulation will bolster the power of traffickers over the women.

### *Situational Validation*

The policy is considered as counterproductive, and building barriers for legal prostitution and the women who prefer to work as prostitutes instead of stopping traffickers. Forced prostitution predominantly takes place in the illicit part of the branch, which is also stressed by the police as a proven fact. According to the operator, business is only done with women directly. They are all above the age of 21, men are not allowed in the neighbourhood of the rented rooms, and all rooms are equipped with an alarm system. Besides that, an electronic database of all women is available.

The minimum rental period measure was coupled to an in-advance payment of the rent. In the first place, the operator doubts if it is legal to interfere in private transactions. Furthermore, the measure neglects the fact that these women in many cases don't have the money to pay the rent in advance; but traffickers do. It will turn the women even more dependant on traffickers. Besides that, it keeps women in prostitution for the period they paid for the window. Since they are less flexible now, their exit (another governmental goal) is frustrated. In this way, they cannot even take rest a couple of days if they are sick. The prostitutes and others are confused due to the fact that the administrative and legal controls are both conducted by the police.

In conclusion, the operator does not deny the relevance of the program as such, but he raises many doubts and questions about the chosen objectives. Finally, the government should communicate better with the sector, and direct her (maintenance) attention and energy more on the illegal sector.

### *Societal vindication*

One of the core espoused national policy goals is the normalization of the prostitution sector. The current measures however do not help very well to support this goal in the eyes of the operator. On the contrary, the policy is clearly obstructing a legal business. The policy neither targets the illegal circuit where the trafficking predominantly occurs, nor contributes to a safe legal branch free from forced prostitution. It is counterproductive since it is fuelling the illegal circuit. The operator thinks that the policy is targeting the legal sector because it is impossible to ‘score’ in the illegal sector.

Instead of doing this, the policy should target the excesses in the illegal sector.

The replacement to the illegal sector is not only a distortion of fair competition, because illegal prostitutes ask lower prices. It is also harmful, because fighting legal prostitution will drive vulnerable women in the hands of traffickers. It is dishonest, because prostitution and trafficking are deliberately conflated. Since there are hardly any criminal facts on the spot (with reference to police data) there is no justification for interference from a public order perspective. According to the operator, a decentralized approach of this national phenomenon is irrelevant: the steering and orchestration should take place on the national level. On top of this, the operators' impression is that government does have a secret agenda. The window prostitution is located on a very lucrative spot next to the river Vecht. In conclusion, the governmental policy is the “worst possible approach”.

### *Rational choice*

Government should not interfere in private transactions, and accept and recognise the legal prostitution sector. Prostitution will never disappear, and the demand will not be postponed or



reduced by this policy. The way the policy tries to intervene in the legal prostitution business is regarded as two-faced and dishonest. On the one hand government strives to normalization of prostitution, and on the other hand government seems to do everything to break the sector. This policy is ruining the legal prostitution sector and those who are legally acting in it, which is perceived as abject and dishonest. In conclusion, the operator clearly advocates a market model.

#### 4.3.3 Prostitutes

In general, it is not so easy to get information from prostitutes. This is for instance illustrated by an official governmental invitation to express their view (consultation), which was in first instance accepted by only 1 of 579 registered women. This can be interpreted in many ways, maybe even as sheer stupidity of the local government, but it is in any way illustrative for the fact that these women are not very motivated to share their ideas with the local authorities. In contrast with this minimal response, earlier questionnaires send out by the operator did generate a 100% (sic) response, and interviews with the foundation “De Rode Draad” also led to much higher response figures. The response apparently depends on who asks prostitutes questions, and probably they have their reasons not to trust the authorities too much. The police know this. Not for nothing, they estimate the signalling capacity of the operator and social work as ‘high’ respectively ‘more than average’, and those of the other actors as ‘below average’, ‘low’, or even ‘negligible’.

##### *Technical Verification*

Most prostitutes state that trafficking did not diminish due to the measures. They do not believe that the policy measures will stop traffickers, since they are assumed to find new tricks to circumvent whatever policy measure. This clearly demonstrates a lack of backward mapping from the target group in relation to the policy design. “The police should talk less with us, and direct their efforts on pimps and traffickers”. According to the advocacy organization “De Rode Draad” a part of the women does have more than one workplace. For those women and their potential traffickers, the shift restrictions are not effective, since after their shift they can continue their work at another location. From other sources it is confirmed that this is concretely happening. This effect offsets the effectiveness of the program. In their opinion the registration measure is redundant, because there already exists a compulsory Chamber of Commerce registration. Besides this, it is easy to circumvent this measure by leaving to other, less strictly regulated places. Traffickers could also force women to register, which is hard or even impossible to prove. This is offsetting the efficacy of the measure. Finally, the prostitutes think that camera monitoring is completely useless in relation to combatting trafficking. The documentation doesn’t make clear why they think so, but maybe it had to do with the fact that the traffickers already left the scene when the women started being monitored, or that they instructed the women to behave in such a way that no suspicions of force would be raised.

##### *Situational Validation*

The majority of the women (75%) are stating that they do have no indications for the existence of trafficking. Some women state that addressing the issue of trafficking is “not their business”, or is irrelevant to their situation. The majority of the prostitutes prefer to be ‘left alone’ and expresses to be confused and negative about the many checks and interferences. A regularly mentioned argument is that: “There are already more than enough contacts with the authorities. They can be hardly circumvented if you work as a prostitute in the Netherlands”. In large majority they are no proponents of the registration measure. It is considered as infringing upon their privacy, and highly stigmatising. Even without this (and the other) measure it is already impossible to get a loan from a bank, while they officially are independent entrepreneurs with a Chamber of Commerce subscription. Some even call this registration measure “the hooker pass”. In the opinion of the women, it is not only considered as very annoying, but also worsening their options to find a mainstream job in the future.

The shift regulation measure is perceived as infringing upon entrepreneurial freedom. The women fear that it will lead to lower earnings. In the opinion of some of the women, it will also lead to more stress and more unsafe sex. Due to the minimum rental period measure, the rent has to be paid in advance. The women state that this means that they have to work as slaves, and cannot allow themselves to take rest for a couple of days, visit their friends and family abroad, or even have to work during their period. It is known from other research that most prostituted women do have financial problems. Some are worried that only traffickers can pay the requested amount of money in advance. Others argue that in this way, it is impossible to try out the occupation because there is no easy opting-out. In conclusion, the women mention several circumstances and criteria that are not taken into account by the policy, and they do not believe in the relevance of the policy objectives in relation to the problem. They are of the opinion that the policy is infringing upon their rights of privacy, on their entrepreneurial freedom, that it is stigmatising and disadvantaging them.

### *Societal Vindication*

According to the opinion of the majority of the prostitutes, trafficking became more invisible due to the policy, or has even increased. From the consultation document it can be learned that some women express the feeling that the policy is explicitly directed against them, and against prostitution in general. Some of the women state: “please do stop the trafficking, but don’t stop prostitution. Not everything is so negative”. The policy is judged as highly stigmatising, and limiting their entrepreneurial freedom of those who legally choose to earn their living via prostitution.

### *Rational Choice*

From the documents, it can be learned that prostitutes don’t appreciate the explicit interference in their lives. They want to be left alone, since they already have difficulties enough to survive and make their living. It is unclear to what extent this is an expression of their desire to act as ‘small entrepreneurs’ or a fatalistic attitude.

## **4.3.4 Social work & health care**

Social work and healthcare actors are professionals that take care of the physical and mental wellbeing of other people. In this case, they bear responsibility for the part of the policy that is largely unconnected to the goals of the policy program, as shown in the second section of this chapter. As earlier mentioned, their signalling capacity is deemed relatively high.

### *Technical Verification*

In the opinion of these professionals, the policy pays too little attention to the women that prostitute themselves. More capacity should be invested in direct contact. In order to prevent trafficking, it is better to invest more time and effort in talking with the women themselves. According to social work, girls do not always know to whom they should express their wish to escape forced situations. The intensified exit program is judged as a useful measure, because it stimulates the awareness of the women that it is an option. The efficacy of the policy measures in general however is considered as ‘doubtful’. The amount of money that is going on in the circuit is so high, that traffickers are assumed to invent constantly new tricks, no matter which measures are introduced and deployed (EM p.26).

The bare fact that “women who don’t speak one word English, German or Dutch nevertheless succeed in arranging the necessary documents for the registration is perceived as a proof that traffickers are helping the women”. The local government comments on this statement by emphasising (EM p.28) that “the registrations measure was never intended to complicate registration as such”, and the police believes that “only if the registration could be withdrawn in case of indications of trafficking, this measure would be really effective”. Healthcare admits that trafficking is so complex that it would be impossible to base a decision with such an impact on a one-hour talk.

The way the shift regulation and minimal rental period measure are implemented is judged quite negative. The local government does not, or is not able to adequately verify and maintain these measures. Besides that social work is negative about the effect that the minimum rental period has on the prostitutes. Probably the impact on the prostitutes is bigger than on the traffickers. It disables them to “test the occupation” and quickly leave it in case of unsatisfactory experiences. On top of that, social work thinks that the that keeping women bound to their place for four weeks serves the traffickers, instead of hindering them. The local (ER, p.30) reflects on her own minimum rental period measure: “If a women walks away after one week, she can always start in another municipality without any problem. In order to be effective, the measure should be introduced on a national scale”.

What exactly happens with the gathered signals after they have been gathered is a question mark for health- and social care, especially if an assumed victim refuses to cooperate. While even exploited prostitutes are in many cases assumed earn more than they did earn in their country of origin, this is deemed a realistic situation by them. Social work can be refused entrance in the room by the women, while they have the obligation to let police in, which is considered as a disadvantage by them (which might offset the program). Social work is furthermore positive about the broader opening times of the saloon ‘HAP’, in which prostitutes can express their concerns to a professional social worker, buy condoms, or just have a talk. The number of visits has more than doubled (p.22) since the introduction of the broader opening times. In conclusion, social work and health care don’t think that the barriers are insurmountable for the traffickers. This can only be interpreted as a critical judgement of the effectiveness of the joint measures.

#### *Situational Validation*

Although especially social work does not deny the relevance of the program for the problem situation, the risk that the policy measures will drive women to other places (some women are indeed signalled in other cities), or that they will disappear in the illegal circuit is clearly recognised. This will endanger them even more. The barrier to enter prostitution is high, but the barrier to exit seems to be even bigger. Keeping the professional relation intact competes with the importance of sharing personal information about the women. In the eyes of these professionals, the consequence of sharing personal information would be that the women would not longer trust them, and not longer speak in an open manner. This would undermine effective professional relations. “We are struck between two interests: to share information or to withhold information”.

#### *Societal Vindication*

In the eyes of social work, the current policy focus on legal prostitution on Zandpad leads to the negligence of other forms of prostitution. According to the social work perspective, a local approach will never solve this international problem. Social work seems to address more agency to the women themselves, and to have a relatively stronger faith in measures that stimulate the empowerment of these women.

#### *Rational Choice*

Based on the elaborated CT mental maps, the assumed ideological belief of social- and healthcare can probably be best summarized by the idea that prostitutes are people in need of social and economical, and maybe also physical rescue. Probably a part of these care professionals also believes that this requires their ‘normalisation’ in the labour market.

### **4.3.5 Other policy actors and stakeholders**

As announced before, the FF format is left for the description of the beliefs of the following actors and stakeholders at a larger distance of the policy subsystem. Their beliefs are drawn from secondary documents and other, more general sources of information.

## Neighbours

As a result of the 2010 consultation round aiming at gathering perspectives and opinions of neighbouring citizens, only one woman accepted the invitation. She was stating that there was a lot of attention for the safety of the prostitutes, but that her problem was the number of burglaries and noise of cars. She didn't seem to be very interested in the fate of possible victims of trafficking. From other sources of information it is known that the registered number of criminal facts on Zandpad is far below the average, probably due to the strict camera and police oversight. The participation of neighbouring citizens with respect to the policy issue is remarkably low, which could be interpreted as an expression of the desire to avoid troubles. Probably they don't expect too much from the policy, or they simply prefer to avoid troubles.

## Public Prosecutor (OM)

From a legal perspective, it is even harder to prove victimization than the criminal offence of trafficking. The incidence of trafficking is unknown. It starts with realizing that offenders try to avoid identification. Not all cases are known, and not all cases known somewhere in society are reported to the police. As we have seen before, the barriers to do so are very high from the perspective of the victim. Possible cases reported to other organizations are not visible for the police and the OM. As we know, there are good reasons why (social) professionals do not always report indications to the police. One of the aims of the case programme was to raise the number and quality of signals and to report these signals to the police. From the verification level of the police belief system, we have seen that the number of signals rose substantially during the case period. However, only a small minority of the signals reached the stage of joint judgement by police and OM (case-based "signaaloverleg"). The number of convictions did not follow the trend. Approximately 1% of the signals eventually led to a conviction for trafficking (EM, p54).

The OM confirms that the 'failure rate' between reported (possible) cases of trafficking and convictions is enormous. Each case has to be researched separately, and only a minority of the cases is confirmed. Prosecution only starts with hard evidence; since that's the way our legal system works. In many cases there are no witnesses, no traces, and it is 'one against one'. This complicates getting offenders sentenced and imprisoned. The big dilemma for the OM is to find the balance between the quality of information and efficiency and costs. Of course the ambition is to stop the disgraceful and abusive practises, but in the opinion of the OM it is impossible to stop this via prosecution efforts alone. Empowerment of the victims and a preventive and multidisciplinary approach are deemed absolutely necessary (OM & Nationaal Rapporteur Mensenhandel en Seksueel geweld tegen Kinderen, symposium 28 May 2014 Den Haag).

## Victims

Since the protection of victims is –together with stopping traffickers- the desired end state of the policy program, it is relevant to take the victim's perspective into account. Predominantly due to psychological and social work research and forensic and legal investigations, knowledge about this population has currently increased. It is known that (possible) victims of (sex) trafficking generally suffered from serious bonding problems and sexual abuse since their early childhood. The great majority of them appear to have entered prostitution on the age of 13 or earlier, which has an enormous impact on their self-esteem for the rest of their lives. Without going too deep into psychological details, these people move in a 'circle of deprivation', lack trust in other people, and are very vulnerable. Victims sometimes make themselves believe that it was all 'their own fault'. The relentless way of acting of traffickers may cause the so-called 'Stockholm syndrome', called after a big hijacking drama in this city where it was first identified by psychologists. People who completely depend on one person for their survival start to trust this person, no matter the discomfort this causes. Even the mental models of this person are taken over. Some victims declared that they were proud to wear the name of their traffickers in the form of a tattoo, because wearing the name of a powerful and influential trafficker lends status and protects the girl against other traffickers. There are cases known where victims were testifying in order to free their former traffickers, and even

collecting money in order to bail them out by prostituting themselves again (Bovenkerk, 2004). The autobiography from Sophie Hayes (Hayes, 2012, p.256) states “no one (referring to traffickers, PB) can be truly invisible. One of the things needed to make it harder for traffickers is more community information”.

### Traffickers

Since stopping traffickers is part of the desired end state, they have to be considered as stakeholders according to the definition used in this case. During the development of the barrier model, which the local government ‘borrowed’ from the KLPD, an attempt was made to metaphorically step into the shoes of traffickers. The intention was to find out which actions would complicate the traffickers’ operations as much as possible. Traffickers will do everything to hide their practises; so the information depends on testifying (assumed) victims, jurisprudence and research findings. What is known is that traffickers try to monitor their victims very closely, and to keep their victims as dependant as possible. They will do this by all means, including deliberate addiction, violence, psychological manipulation, physical terror and sometimes even parental complicity. It is also known that many of them force ‘their’ girls to wear their name as a tattoo. A tattoo with a boys name in it is therefore considered as an indication of possible force for police, social- and healthcare workers. Burned on their bodies for the rest of their lives, this cruel act of will permanently remember the girl to whom she ‘belongs’, as if she were a piece of cattle. Another function of this sign is to deter other traffickers and to keep them at a distance.

“He (the trafficker, P.B.) doesn’t play the game by the rules that govern what normal people like you and me do. He makes up his own rules, which are based on just one immutable fact: no one and nothing matters to him except himself and what he wants” (Hayes, 2012). The assumed goal of traffickers is to get rich by exploiting girls for their own financial advantage. They do not hesitate to mobilize parental complicity, to intimidate, to brainwash, to use violence and threat, to engage in corruption, or misuse religious symbols in order to keep girls in a situation of submission.

### Clients

It is probably far from easy to conduct a reliable research on the mental models and behaviour of clients who visit (assumed) victims of trafficking. In the first place, it will hardly ever be a deliberate choice. The victims can be assumed to do everything in order to hide the involuntary character of their services. To choose otherwise would deter clients and lower their revenues. Since they are obliged to give money to their trafficker in order to avoid punishment and other problems, this would not be a rational choice from their perspective. This accounts for prostitutes more in general, who don’t work under forced conditions. Their ‘happy faces’ are professional masks and a marketing instrument, which do not necessarily represent their true states of mind and wellbeing. How dangerous it is to confuse ‘mask’ and ‘reality’ is shown by a surprising incident, which is cited in the KLPD “schone schijn” report. While an endangered victim tried to get police attention by waving at them, the police waved back instead of interpreting this as an alarm signal and acting on it. Apparently, certain behaviour (friendly smiling and waving) is an expected part of the social prescriptions, and probably also a way of behaving that is perceived to contribute to survival. What can be learned is that what can be interpreted as irrational from a certain perspective, can be seen as completely rational from another perspective. If even the police are misled, one can question how clients can be expected to recognise trafficking from physical expressions.

Scarce research focussing on client opinions and behaviour (for instance Staring, 2009) uses the Internet and websites like hookers.com as a source of data. From these kinds of analyses it is known that clients often state to visit prostitutes for their pleasure. Many clients express to believe that these women love to do their job, even if it possibly is a myth. Although the majority expresses to disapprove forced prostitution, especially with minors, most of them do not consider it as their ‘civil duty’ to look for indications of possible troubles related to human trafficking. Some state that due to the legalisation, ‘they’ should guarantee traffic-free women, blame the women themselves for their circumstances, do not believe being able to distinguish between forced and voluntary prostitution, or state that buying their services



means 'helping them'. Maybe these latter statements can be interpreted as 'moral neutralisation techniques', maybe they are true.

Probably for these kinds of reasons, the number of signals of trafficking that were reported by clients to the police or to social work is negligible. Client information can apparently not be expected to be of very much help in order to solve the problem of trafficking. Taken together, clients probably cannot be considered as very reliable and helpful partners in combatting trafficking.

#### 4.3.6 Bolstering and criticizing beliefs

In the previous paragraphs, an attempt was made to reconstruct the belief sets of the most important actors and stakeholders and to analyse the arguments that bolster and criticize the policy theory of the local government. The beliefs of actors and stakeholders within and outside the policy subsystem that were revealed in the previous paragraphs of this section are summarized below. They are reduced to statements, intended to express the essence of the core beliefs per actor per FF level. The beliefs that could not be typified as bolstering or criticizing, or that did not seem to be related to the policy as such are placed in a neutral position. This scheme also has the function of summarizing the main insights delivered by this section.

Table 4.1: bolstering and criticizing beliefs

<b>Local government</b>		
FF level	<b>Bolstering</b>	<b>Criticizing</b>
TV	<ul style="list-style-type: none"> <li>• More and better signalling</li> <li>• Temporarily breaking isolation</li> <li>• Reducing velocity of replacement</li> <li>• Avoidance of extreme working hours</li> </ul>	<ul style="list-style-type: none"> <li>• Trafficking is hard to measure</li> <li>• Measures don't seem to have reduced trafficking yet</li> </ul>
SV	<ul style="list-style-type: none"> <li>• More regulation is needed</li> <li>• Prostitutes are victimized subjects</li> </ul>	
SVi	<ul style="list-style-type: none"> <li>• Legalisation didn't stop the excesses!</li> </ul>	
RC	<ul style="list-style-type: none"> <li>• Let's build barriers everywhere!</li> </ul>	

<b>Police</b>		
FF level	<b>Bolstering</b>	<b>Criticizing</b>
TV	<ul style="list-style-type: none"> <li>• More and better signalling</li> </ul>	<ul style="list-style-type: none"> <li>• Our time and capacity are limited</li> <li>• We experience too little synergy</li> <li>• Registration talks will not reveal trafficking</li> </ul>
SV	<ul style="list-style-type: none"> <li>• Let's concentrate more on the offenders</li> </ul>	<ul style="list-style-type: none"> <li>• Negative consequences for prostitutes</li> <li>• Normalisation of prostitution is obstructed</li> </ul>
SVi		<ul style="list-style-type: none"> <li>• Policy should be harmonized nationally</li> <li>• We cannot do this alone</li> </ul>
RC		<ul style="list-style-type: none"> <li>• Victims also have their own responsibilities</li> </ul>



Operator		
FF level	Bolstering	Criticizing
TV	<ul style="list-style-type: none"> <li>Measures against trafficking are important</li> </ul>	<ul style="list-style-type: none"> <li>No evidence, evidence can be confuted</li> <li>Trafficking doesn't happen on such a large scale in legal prostitution</li> <li>Prostitution and trafficking move underground due to this policy</li> <li>Policy overlooks power of traffickers</li> <li>Unused expertise</li> </ul>
SV		<ul style="list-style-type: none"> <li>This policy is counterproductive</li> <li>Secret agenda local government</li> </ul>
SVi		<ul style="list-style-type: none"> <li>Harmful for the women</li> <li>Barriers against prostitution instead of traffickers</li> <li>Policy targets the wrong sector!</li> <li>Policy destroys a legal business!</li> <li>Distortion of fair competition!</li> </ul>
RC		<ul style="list-style-type: none"> <li>Government should not interfere in private business</li> </ul>

Prostitutes		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>We don't recognise it, it's not all that bad</li> <li>These measures are easy to circumvent and will not stop traffickers</li> <li>Camera monitoring doesn't reveal trafficking</li> <li>Registration is redundant</li> </ul>
SV		<ul style="list-style-type: none"> <li>Policy is very annoying for us</li> <li>Policy infringes on our entrepreneurial freedom</li> <li>Policy is directed against us</li> </ul>
SVi		<ul style="list-style-type: none"> <li>We are stigmatized even more</li> </ul>
RC		<ul style="list-style-type: none"> <li>Please leave us alone</li> <li>Let us do our job</li> </ul>

Social & healthcare		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>The barriers are not insurmountable</li> <li>This is a doubtful policy</li> <li>Trafficking is too complex for one-hour talks</li> </ul>
SV	<ul style="list-style-type: none"> <li>The program as such is relevant</li> </ul>	<ul style="list-style-type: none"> <li>Replacement of problems</li> <li>Negative impact on prostitutes</li> <li>Let's talk to the women</li> </ul>
SVi		<ul style="list-style-type: none"> <li>Think also about the illegal sector</li> <li>This is an international problem</li> <li>Struck between interests of (sharing or keeping information)</li> </ul>
RC		<ul style="list-style-type: none"> <li>Let's take these women in need seriously</li> </ul>

Public Prosecutor		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>Trafficking is very difficult to prove</li> <li>Only 1% of signals leads to conviction of traffickers</li> <li>Empowerment and prevention are deemed more efficient measures</li> </ul>
SV	<ul style="list-style-type: none"> <li>Unknown incidence</li> </ul>	
SVi		<ul style="list-style-type: none"> <li>Prosecution is the last resort</li> </ul>
RC		

Neighbours		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>We don't expect too much from the policy</li> </ul>
SV	<ul style="list-style-type: none"> <li>We would like to avoid trouble</li> </ul>	
SVi		
RC		

Victims		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>• They will never get them</li> <li>• More community information is needed</li> </ul>
SV		<ul style="list-style-type: none"> <li>• I am not important</li> <li>• It was my fault</li> <li>• No one can help me</li> </ul>
SVi		<ul style="list-style-type: none"> <li>• I didn't see another opportunity</li> </ul>
RC		<ul style="list-style-type: none"> <li>• I trusted and loved him</li> </ul>

Traffickers		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>• They will not catch us</li> </ul>
SV		<ul style="list-style-type: none"> <li>• The girls are ours</li> </ul>
SVi		<ul style="list-style-type: none"> <li>• They didn't have a future anyway</li> <li>• We need money no matter the consequences</li> </ul>
RC		

Clients		
FF level	Bolstering	Criticizing
TV		<ul style="list-style-type: none"> <li>• I don't see it happen</li> </ul>
SV		<ul style="list-style-type: none"> <li>• I don't do anything wrong</li> <li>• It is not my responsibility to stop trafficking</li> </ul>
SVi		<ul style="list-style-type: none"> <li>• Paid sex between consenting adults is okay</li> <li>• I have the right to have pleasure</li> </ul>
RC		

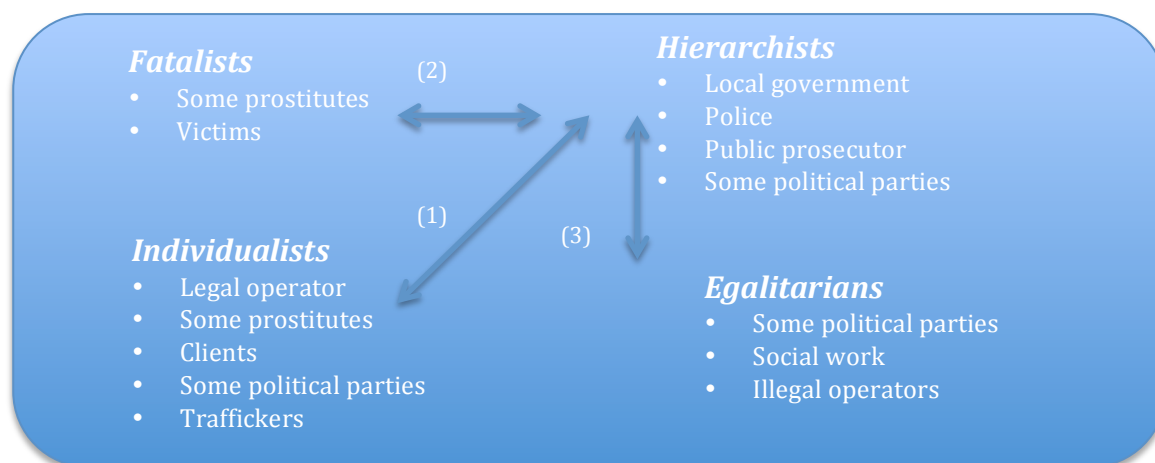
An interpretation of these statements with help of the archetypical mental maps (which were constructed in section 2.4) will follow in the next and final paragraph of this chapter. In this section also an attempt will be made to explain some of the relations between these different beliefs, and will conclude with a reflection on the ideological stances that are revealed, and the potential conflicts they might lead to.

#### 4.3.7 Reflection and interpretation

*"How people make a living is central to their lives. Social scientists generally assume that it is needs and ends that constrain behaviour. This is not the case. Needs and resources, we insist, are socially constructed. The conceptions of needs and resources are, in effect, supplied to the members of a way of live, thereby enabling them to justify that way of life" (Thompson, Ellis & Wildavsky, 1990).*

The expressions as formulated at the end of the previous section are simplifications. Nevertheless it becomes clear that they express different realities, which are not related very harmoniously, not to say at odds with each other. They will now be confronted with archetypical mental maps as elaborated and depicted in chapter 2 (figure 2.4). To start off, the actors and stakeholders of the case are proposed to fit as follows into the main cultural theoretical archetypes (figure 4.1).

Figure 4.3 actors and stakeholders of the case as CT archetypes



In cultural theory, individualists and hierarchists respectively represent the ‘market’ and the ‘state’. Before the 2000 brothel ban was set aside, operators were illegal. Therefore, they did not have the opportunity to engage in ‘establishment alliances’ (in the wording of the theory) with government hierarchy helping to enhance their commercial interests. In the before 2000 situation, they probably could be compared best with egalitarians, characterized by a high level of internal cohesion and regulation, but striving to circumvent the rules of law and social order (that criminalized them) as much as possible. After 2000 this changed; an alliance of legal operators with the government hierarchy suddenly became mutually beneficial. Operators did get an interest in receiving and maintaining legal licences, and these licenses were dispatched and regulated under the responsibility of local governance.

In the eyes of the government, the local social order is disturbed by the occurrence of trafficking in ‘their’ legal prostitution facility. Unsurprisingly, the government predominantly appears to think in terms of regulation. The chosen policy measures, rules and norms are deemed very important to restore this order and to eliminate the deviant behaviour of traffickers. Exit programmes for prostitutes who try to escape their occupation are explicitly stimulated. Strictly speaking this is at odds with the larger normalisation paradigm (as also recognised by the police). The normalisation paradigm intends to convey the message to prostitutes (and others) that they should be treated as small entrepreneurs with agency. While prostitution is formally normalized, this is neither effectuated from a societal perspective, nor from a policy perspective. The policy of the case espouses to target traffickers, but actually targets all prostitutes, as we have seen. This can be interpreted as a preference for re-inclusion of the target group into the ‘mainstream society’. The local government is establishing and imposing all kinds of extra regulations on this relatively broad target group, and ‘bureaucratizes’ the occupation of prostitutes while doing so. Probably, representing prostitutes as victims of trafficking helped the government in legitimizing their measures. Not surprisingly, the government fits best into the hierarchic type.

The prostitutes are confused and bothered by all the extra regulations and prescriptions, while they don’t believe the approach will help at all. The implicit message that the policy sends to them as a target group (in terms of Schneider and Ingram, 1997) is that they are ‘undeserving’. In their own words they express this by stating that the policy is ‘directed against us’. The clash is symbolized by arrow 2 in figure 4.1. The prostitutes depreciate the interference into their lives, and express the desire to be ‘left alone’. The fatalist is the type that represents the people who are ‘out’. They are only loosely bound to a group, and are not expected to be very attached to detailed rules. One of the policy objectives is to break the recognised isolation of prostitutes. It is known from literature that the majority of prostitutes do have very limited social lives. If we bring back into mind the earlier noted outcry “leave us alone”, it is clear that a part the prostitutes fit the fatalist type. However, before fitting them all

into the category of fatalists, it should be realized that this could also mean an individualist way of life. The CT archetypes are not meant to define static situations. Some prostitutes may deliberately choose to prostitute themselves temporarily, in order to earn enough money to continue their carrier in mainstream society. If interpreted in this way, exit out of the branch perfectly fits their way of life. In the analysed documentation, the governmental exit programmes are solely legitimized by reference to the notion that 'two thirds of the prostitutes had *ever* considered to leave the branch', without considering or analysing the reasons. The majority of the prostitutes however declare that they do not need institutionalized help with exit.

The operator is inclined to focus on aspects of economical fairness. He emphasises the freedom of entrepreneurship, which is infringed upon. The game has to be played fair, and competition should be guaranteed as much as possible. The operator is stressing both the counter-productivity and the experienced unfairness of the policy, which is limiting his competitive freedom. Between the lines one can read the judgement of the governmental policy as 'incompetent'. This corresponds with the figure 2.2 archetypical mental map of the individualist, in which this characteristic is mentioned. An individualist might state that 'rules are important, but especially for others'. The operator can clearly be considered as advocating of the market model, or as an individualist in CT terms.

On the deepest level the police may doubt if the state of which they represent the strong arm can even be held responsible for solving this problem. The same applies for the public prosecutor, who sees her own role as the 'last resort'. The police are searching for the balance in the distribution of responsibilities: who should do what, and are depending on the sharing of information. Although they criticize the policy to a certain extent (since this doesn't help them enough to succeed in accomplishing their mission: namely catching traffickers), they share the majority of the characteristics as depicted in the archetypical mental maps of figure 2.2 and 2.3 with the government: eliminating bad stuff, preference for a functional approach etcetera.

Social- and healthcare is typified as 'egalitarian'. Inequalities, stigmatisation and lack of protection do not go along very well with this type. The negative effects for prostitutes are clearly recognised. While (re) inclusion by 'nudging' prostitutes is deemed important, the tight application of administrative norms and rules directed at control are clearly not desired. This is symbolized by arrow (3) in figure 4.3. Especially social workers probably have far more knowledge about the personalities and the characteristics of prostitutes and the situation that they are in, which may be an explanation for their focus on empowerment (or vice versa). At the same time, their archetypically different beliefs compared to the regulatory beliefs of the local government might be an explanation for the isolated position in the policy theory and - approach. In the literature, some extra indications can be found that ideological clashes between social work and administrations regarding local prostitution policies have a more general character. Doelemeyer et al. (2010, p.191) for example state: "...the more *heterogeneous discourse*, which is a symptom of the clash between social workers and public-order servants". 'Talking' and empowering the women is deemed a better approach (which is not the same as a 'consultation round' or sending a questionnaire; especially of this leads to response figures as mentioned earlier). The beliefs of social- and healthcare seem to fit the egalitarian type quite well. In a certain sense, care actors serve as a countervailing power against the local government. However, if one looks at the design and the implementation of the policy and the place of this actor in it, one may conclude that they were not very influential. Maybe with one exception: the governmental staff seemed susceptible for the very high estimates of the occurrence of trafficking among the prostitutes, as signalled by healthcare.

The beliefs of the other actors towards the policy as such are less explicit (like those of the neighbours), or could not be inferred from the documents (like those the traffickers, their victims and clients of prostitutes). In so far these beliefs could be inferred or assumed, the involved actors appear to live in different worlds, leading to -in the wording of Douglas- 'dialogues of the deaf'. Clients appeared to be no reliable partners for the government in the signalling of trafficking. Irreconcilable relations appeared to exist between the local government herself and the operator on the one hand and the prostitutes on the other hand. From the documentation, one gets the impression that the relation between the operator and the prostitutes was a trustful and cooperative one; this relation stopped existing after the

shutdown decision. The most crucial potential or real ideological conflicts can probably all be located in the relations between these actors. The 'hierarchic' policy approach of the government apparently dissatisfies 'fatalist' or 'individualist' prostitutes, puts the burden on them and does little to win their trust; it is likely to discourage them from cooperation. The relation between the 'individualist' operator and the government (as symbolized by arrow 1 in figure 4.3) seems to be immersed by mutual distrust: the operator accuses the government from having a hidden agenda and doing everything wrong, and vice versa the government accuses their former 'eyes and ears' from facilitating trafficking. The latter accusation was the direct reason for the shutdown decision of the mayor, as mentioned in the case introduction. It is known from literature (for example Sabatier, but also others) that distrust can lead to phenomena like stalemate, blame shift, dwindling of the force of good arguments and other deterrents of (policy) learning.

During the case period, the way the prostitutes and the operator were socially constructed seems to have substantially changed. According to Schneider and Ingram (1997, p.199) the framing of the target population is "at least as important as political power in understanding what kinds of designs will be produced and the effects of these designs on the population." In terms of typology of Schneider and Ingram, the operator might have been typified as 'advantaged' in first instance: a powerful and deserving policy partner, fully cooperating with the policy, and perceived as the 'eyes and ears for the government'. At the end he was framed as 'deviant': a powerless and undeserving actor, excluded from the discourse and legally charged. Somewhere in the middle of the case period, probably when the frequent occurrence of trafficking in the operators' facility was taken for truth, he will have been reframed as a 'contender': a still powerful but underserving actor. The rising distrust and the eventual collapse of the alliance can be considered as indications for the existence of these dynamics. In the beginning, the prostitutes maybe were perceived as 'dependants' (powerless but deserving victims of trafficking in need of protection). Taking into account the policy design as reconstructed, the burdensome effects of it, and especially the shutdown decision, they were practically treated as 'deviants'. Nearly all prostitutes apparently were assumed to be victimised subjects of trafficking. This means 'pathologizing' them, instead of treating them as 'small entrepreneurs'. Maybe the combination of migrant women who prostitute themselves worked as a 'toxic mix'. In conclusion, this stigmatisation as embedded in the policy can be assumed to have had a deterring effect on their participation, and to have hampered the idea that the local government approach would be a remedy for their problems.

In the case introduction (first section of chapter 4) reference was made to the idea that the mayor's shut down decision might have been prompted by opportunistic political considerations. If this is the case, not the 'force of best argument' but purported superior rationality or morality prevail in the decision-making processes. The huge and unexplained shift of the local governmental estimates of the occurrence of trafficking can be labelled as a 'collective rationalization'. The governmental executive staff and the mayor seemed to have discarded all more modest estimates by other authoritative actors, which were available, and to have relied completely on the GG&GD figures. Although a bit speculative, this might be considered as a symptom of groupthink in the way elaborated by Janis (1982) in his like-named theory.

Stereotyping (nearly) all prostitutes as victims of trafficking is another symptom that could be inferred from the findings. The scant considerations of alternatives as traced in the policy documentation can be interpreted as a symptom of defective decision-making, which can plausibly be assigned to the same phenomenon. Janis furthermore states that the failure to work out contingency plans is also a symptom. In our case, there was no reasonable alternative at hand, neither for the situation that emerged after the closure, nor to deal with a lack of successful outcomes. In the theory, recent failures of the responsible policy actor, excessive difficulties on current decision-making, and high stress from external threats without a better solution than the one advocated or enforced by the leader (the mayor) are representing 'provocative situational context variables'. Looking at the findings, all three seem to be more or less the case. Within the framework of this research, it was not possible to study the extent to which the mayor and the executive staff functioned as a 'cohesive group' in the sense of the theory. This would have required studying minutes of all staff meetings, and interviewing all

key actors and advisers. Nevertheless, if one looks at the findings, even these cursory notions bolster the idea that the decision-makers were susceptible for groupthink, and that the case can be considered as a 'candidate' for the occurrence of the phenomenon.

In conclusion, the role and responsibility of the government in dealing with the policy problem is certainly not simplified by these differences between the 'ways of life' with their corresponding beliefs and attitudes in this climate of distrust. The target group of prostitutes and the operator seem to have been framed as deviants. On top of that, several symptoms of concurrence-seeking behaviour and defective decision-making could be interpreted as consequences of 'groupthink'.



## 5 Conclusion

The chosen methods led to answers on the posed research questions. Starting from the document analysis and with help of the FF, the policy theory of the local government could be reconstructed and commented, which was done in the second section of the previous chapter (*first sub question*). The chains of logic that were at the heart of the policy design were depicted via the method of the 'goal tree'. Several flaws of the policy theory were revealed by the analysis. In certain respects the argumentation was quite glimpse, and to a large extent based on probabilistic relations. These assumed relations were backed by very little evidence. The policy goal was not defined or operationalized very precisely, and seemed to shift during the case period. The target group of the policy appeared to consist of the population of prostitutes, and not of traffickers. Hardly one passage in the policy text could be found about the latter group. The health- and social care part of the program did not appear to be a convincingly integrated part of the policy theory. The analysis furthermore showed that little backward mapping was applied. This might be related to the fact that the approach was copied from a pre-existing model (the 'barrier model') and the invoked way of organizing ('chain approach'). If the reasoning had started from the 'target group' this would have enabled a more in depth analysis of involved risks of this policy approach, and a deepening of the knowledge pertaining to the issue. Probably the policy learning would also have been arranged along intellectual, instead of bureaucratic and organizational lines to a larger extent.

The sole gathering and interpreting of data by professionals based on conceptual apparatuses and protocolled criteria lowered the chance of meaningful involvement of non-professionals. Several 'information monopolies' were brought to light: the GG&GZ interpretative monopoly of the signals which was probably based on or legitimized by fear for misinterpretation or misuse, the non-disclosure of signals by social work rooted in and legitimized by professional secrecy codes, and the inability of the local government to use signals of trafficking as revealed by registration talks for withdrawing licenses. Although they were recognised (and probably also unavoidable due to legal restraints), they complicated an effective cooperation and policy learning by the involved partners of the policy subsystem; no third parties could check the information. In conclusion, the fashion in which the data was gathered, processed and interpreted functioned (in the words of Pellizoni, 2001) as 'exclusive devices'.

By stressing the gathering of data in the way the policy did (as was showed via monitoring, routine inspections, building data sets et cetera), the approach seemed to focus more on the increase of knowledge of the involved partners and serving their institutional goals than on alleviating the problem of trafficking as such and experienced by the victims. The initial governmental approach of prostitutes by sending them questionnaires (which as we have seen none of them answered) was illustrative, and fits into their archetypical instrumental way of reasoning. The prostitutes were only consulted, and only some efforts were made to warn and involve clients via the Internet and to consult 'neighbours'. However, this is all quite indirect, and signifies the relative absence of the involvement of practical or community knowledge.

The policy approached the target group with essentially administrative measures, while the local government stated to emphasise the 'preventive' side of the approach. It was assumed in advance by the local government executive staff that this group consisted predominantly of already victimized prostitutes. As we have seen before, the signals and estimates of the governmental healthcare service were taken for 'truth'. Given this reality, a focus on prevention is quite awkward, and one can even question if this was justified in this situation. Apart from the doubtful relations between these measures and the desired effect of mitigating or stopping trafficking, these measures placed serious burdens on the prostitutes. The local government admits in her evaluation report that trafficking is "very hard or even

impossible to measure”, and later on in the report that “the (policy) measures didn’t seem to have reduced trafficking *yet*”. This immediately raises the question how the latter can be stated, if the former is true. In summarizing the results of the policy, only a lowered velocity of replacement of the women could be plausibly assigned to the policy efforts. The other reported ‘results’, like more oversight efforts, more gathered data and registration talks et cetera all have to be classified as instrumental outcomes: there is no evidence at all that the reported outcomes are related to the policy goal as such. These findings square with the *first expectation* (as formulated in chapter 2) that the policy would have a predominantly instrumental character.

Collecting and analysing bolstering and criticizing beliefs led to the identification of the way in which other policy subsystem actors assessed the policy (*second sub question*) and the way in which the actors and other stakeholders outside the subsystem assessed the impact of the policy on the target group and the society as a whole (*third sub question*). It was shown that the majority of the involved actors had serious doubts about the effectiveness and rationale of the policy. The case policy programme grouped actors in a new coalition around one joint responsibility, namely to combat human trafficking in the sphere of legal window prostitution. The diverse societal roles and responsibilities were not fundamentally changed for the occasion of this programme. The chosen approach, which can be coined as ‘instrumental co-operation’, meant that each partner had to mesh his plans with the others. This condition did not enhance the changing of viewpoints by force of good arguments, or even espousing them in detail, as would have been the case in a more deliberative approach.

As the analysis revealed, the beliefs of the involved actors towards the authorized policy as analysed and commented in the third section of the previous chapter did indeed have a far from unitary character: they displayed a heterogeneous discourse. At all levels of the FF significantly discordant views could be identified, of which some had a quite fundamental character. These findings confirm the *second expectation* as formulated in chapter 2 that the differences would be identifiable and pretty large. The police for instance believe that the policy should be directed at the offenders more specifically. This criticizing belief implies that in their eyes the current policy targets the wrong group. Instead of focussing on the traffickers, the policy appeared to target all prostitutes (which confirmed the *third expectation* as formulated in chapter 2). Although expressed differently, other actors held similar critical beliefs towards the ‘distribution of the burdens’ of the policy, each endowed with their own validity. Social work for instance appeared to believe that the policy meant ‘replacement of the problems’. The operator believes that the government targets the legal sector instead of the illegal sector (where the trafficking really is assumed to take place), because of her inability to ‘score’ in this latter part of the prostitution branch. Many other fiercely critical beliefs appeared to be held by actors who were part of the subsystem. What these beliefs have in common is the notion that the mere ‘regulatory’ approach would absolutely not be sufficient to stop traffickers. Regulation is static per definition, and constantly lags behind new developments; traffickers apparently are assumed to succeed in circumventing all the regulatory policy efforts. In whatever way one looks at the findings: the beliefs of the actors of the policy subsystem towards the policy and its efficacy are fairly critical.

Especially for the stakeholders outside the policy subsystem (neighbours, clients, traffickers and victims), it was at best possible to infer fragmentary beliefs, and no more or less coherent beliefs sets from the documentation. With help of the constructed CT mental maps and other sources these beliefs could be complemented and interpreted, which was done in the final paragraph of the previous chapter. The neighbours didn’t seem to care much and probably didn’t like to risk getting involved in potential troubles. Victims can only be helped if they release the information that leads to the tracing of offenders. The literature revealed that victims have many reasons, of which fear is an important one, not to release this information. Clients appeared not to be very reliable partners in signalling trafficking for several reasons. It is very difficult to recognise the signals even for professionals, and besides that many clients not consider it as their responsibility or ‘civil duty’ to help solving the problem of trafficking. As we have seen, the government keeps on trying to involve clients in their approach, and does this in a rather indirect fashion. The way the government possibly

tried to involve the community in a broader sense is not elaborated, and hardly given any attention.

Based on the revealed and assumed beliefs, the actors and stakeholders could be coupled to cultural theoretical archetypes. Looking from the archetypical mental maps as elaborated in the theoretical chapter helped to understand and explain the way in which different actors and stakeholders perceived the chosen governmental approach, and the consequences of it for their ways of life. Crucially different and probably incontrovertible ideological stances could be located in the relations between (1) the government and the prostitutes; (2) the government and the operator; and (3) the government and social- and healthcare. It is deemed likely that the eventual shutdown decision is at least partially a result of these ideological differences, and the mutually charged claims of 'reprehensible behaviour', which deteriorated the relations and invoked distrust.

At the end of chapter 2 the following was stated, based on theoretical insights:

*"In this approach (of wicked problems) both expert- and practical knowledge and viewpoints will be involved, and also some 'agnostic' governance and politics will occur."*

In reviewing the findings, several 'flaws' in process of policy learning were discovered. They can be listed as: (1) a lack of backward mapping from the target group; (2) the existence of several information monopolies; (3) the relative 'stand alone' position of the exit programmes; (4) the treatment of prostitutes as victimized subjects as an effect of the policy design; (5) a lack of involvement of community knowledge; and (6) some symptoms of groupthink. The learning process seemed to be organized basically along bureaucratic lines, at the cost of learning about substantive aspects of the issue itself. Apparently, there was very little or no leeway for experiments and agnostic learning. It is assumed that the effect is renouncement of the search for 'the best arguments'. For these reasons, a positive answer on the fifth sub question: "Can the policy approach be qualified as an acceptable way of learning about the wicked problem of trafficking?" would be untenable. In conclusion, the application of the 'barrier model', directed at mitigating and preventing trafficking by raising barriers for traffickers, can be legitimately stated to have enacted more barriers for policy learning and for prostitutes than for traffickers.

### *Developments after the case timeslot; some speculations*

The decision to dismantle the Zandpad facility was ultimately legitimized by the local government by publicly stating "we did not have another possibility, what else could we have done". Self-evidently there would have been other possibilities, since there are always other possibilities. Probably this statement had to be complemented with the unspoken words "not within our frame of reference". The decision can be framed in different ways. One ('restoring' the mayor's blazon by taking an overtly decisive measure) has already been referred to in the first section of chapter 4. In a certain sense it can also be framed as a 'narrow escape': an opportunity to deflect the attention from the lack of successful outcomes of the policy itself. This however is deemed less likely. As written in chapter 4, the government did already admit in an earlier stage that the measures didn't seem to reduce trafficking (without explaining how this was measured). Now the government referred to "indications that the operator was facilitating trafficking". It needs to be noted that even at the moment of writing this conclusion, more than a year after the dismantling, this accusation is still not proved. Notwithstanding continuous promises of 'swift solutions', the prostitutes still don't have new workplaces. On July 31 of 2014, it could be read on the independent weblog *Utrechtkrijgtspijt.nl* that the local government seemed to stimulate citizens to raise objections<sup>6</sup> against the designated new prostitution location. After frequently changing the plans (which is an indication itself for the earlier mentioned absence of contingency plans, that should have accompanied the dismantling decision, and also shows how the government

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<sup>6</sup> Governmental information round on July 9, about the future of Zandpad. Objections would signify a postponement of the availability of new workplaces till at least 2016. Source: [www.utrechtkrijgtspijt.nl](http://www.utrechtkrijgtspijt.nl)

struggles with the issue...) this new location is planned in an apartment building within a stone's throw of the old location, but not at the riverside. Apparently, after the 'collective hysteria' of assumed massive trafficking had spent itself, the government had to resort to other means in order to enhance her goals. If one assumes that the goal is to get rid of (visible) prostitution instead of creating the espoused 'swift solution', the governmental approach can be explained much easier. In the first section of chapter 4, the following post-case information was given:

*"Prostitutes continuously proposed initiatives by organizing themselves in cooperative collectives. Several political parties and both mayors received these ideas with great enthusiasm, and also expressed that enthusiasm in the media. Later on however the initiatives were blocked for a variety of reasons. Restrictions and prerequisites seemed to change and cumulate, preventing the ideas from becoming reality: for instance arguments like 'too expensive rents', 'fear for monopolistic operator positions', 'the need for extra research', 'fear for infringement upon other regulations', et cetera."*

Taking the findings into account, the government apparently had made up her mind: repress (visible) prostitution. The argument of 'feared monopolistic operator positions' for instance, which was expressed in the media after the shut down decision, cannot be retrieved in the policy documentation, let alone in relation to the mitigation of trafficking. This can be interpreted as a confirmation of the earlier mentioned social construction of the operator as 'undeserving'. The adduced arguments have the effect of suffocating constraints on the prostitutes' initiatives. The impression is that the efforts of the prostitutes (the other 'undeserving' group) to organize themselves are deliberately obstructed by government.

In CT terms, the organization in the form of cooperatives can be interpreted as a movement from the fatalist (or individualist) type towards more egalitarian ways of life. As mentioned earlier, the archetypes are not meant as 'frozen positions'. Fatalists have to be creative and innovative in order to survive. Given the circumstances and keeping the archetypical mental map (figure 2.2) in mind, this strategic choice can be understood as a reaction against the experienced subordination by the local government policy, and on the falling-apart of the 'old' alliance with the operator, upon which they could not longer fall back. It can be reasoned that this way of organizing empowers prostitutes against their 'institutional environment'. More importantly, joining up in cooperatives might, under certain conditions, also strengthen the social networks of prostitutes, reduce their isolated position, and harness them against the risks of being victimized by traffickers.

### **Concluding remarks and policy recommendation**

From a perspective of policy learning, the irreversible dismantling decision without any form of back up or alternative destroyed all learning opportunities. It is realized that reasoning with hindsight is relatively easy. Nevertheless, postponement of this decision and lining up with the idea of a more gradual 'normalisation' process would have given far more leeway to learn about the issue, to gather evidence, to save the prostitutes from 'disappearing from the radar' and –last but not least- placing such an unjustified and severe burden on them. In the end, the local government appeared to be an untrustworthy partner in protecting the prostitutes and their interests, which is shameful. Unfortunately, it also exactly confirms what these women already felt and expressed: directly by their statements, and indirectly by not responding on governmental questionnaires and invitations. All citizens have the right to be governed by a reliable government that at least strives to serve their interests. If the local government *really* had believed that 90% of all these women were victims of the severe crime of trafficking and force, how could they have allowed them on top of that to become also the victim of the foreseeable effects of the dismantling? That would be outright scandalous. What about the consequences in terms of trafficking risks? If the government thinks they all started working in the local supermarket they are really making a very big mistake. In conclusion, the governmental approach doesn't solve any of the problems that originally triggered the policy program, is absolutely at odds with the logics of normalisation, and also with ideas about inclusion and empowerment.

In the opinion of the author, an explicit policy choice for stimulating and facilitating self-regulating and self-steering of the target group would have been a far better one than

frustrating them collectively by wielding a regulatory repertoire as the Utrecht local government did. The 'governance of prostitution' is not a sole question of law and regulation; there is always leeway within such frameworks. Probably some new and different arguments would have been adduced to the discourse, which could have been of help to improve the knowledge and understanding pertaining to the complex issue of trafficking. Maybe the problem of trafficking would have been reduced or prevented more effectively. Such an approach would certainly have evoked much less resistance and distrust than the policy that was actually chosen and deployed. It is realized that this would have required a completely alternative policy design, since *responsibilization* does not go along very well with the chosen approach of regulation and enforcement. It is not unwarranted to assume that if such an alternative policy approach also had involved more knowledge and insights of peripheral groups (of which the members are not subject to suffocating political and opportunistic constraints), things would have developed differently. As we have seen, the belief set of especially social work tends towards the responsabilisation approach. Next to a symptom of discordant views on the problem, this also provided a partial explanation for the relatively isolated position of the part of the policy theory. In the hypothetical 'alternative' policy design, this part would have had a well-integrated place.

To wrap up, it is recommended: (1) to experiment with new ways of (self) organization within legal prostitution and to research the way in which other local governments make use of available leeway to facilitate these kinds of experiments; (2) to research which of these experimental approaches really contribute to ways out of social isolation, reduction of extreme work times and of haphazard replacements by gathering evidence about it; (3) to research more in general local 'governance of prostitution' practises in relation to trafficking; (4) to enhance the neutral character of policies and to guarantee that they square with the intention of the law, and do not convey the message that prostitutes are all victimized subjects of trafficking, but in stead normal citizens and/or small entrepreneurs with agency who made other occupational choices than most people would do, until the contrary can be proven; (5) to experiment with the involvement of broader community knowledge, given the notion that no one is invisible (which even applies to traffickers), maybe in the form of public conferences or 'mini publics' as for instance elaborated by Dryzek (2010); and finally (6) to continue exit programmes, but to investigate more in-depth the reasons for exit in relation to trafficking (and maybe also the reasons for entry).

Finally, it can be hoped for that other local governments facing the same issue don't copy or repeat the policy practises that have proven to generate such disappointing outcomes, pertaining both to the outcomes in terms of the stated policy goals, in terms of justice and in terms of policy learning. Hopefully, they will also pay more attention to aspects of justice, utilize the potential of the target group and the community in a more comprehensive way, look for opportunities to utilize or create leeway within given frameworks of present and future legislation, and succeed in avoiding the 'Utrecht accident'.

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## Appendices

## 1 Frank Fisher template (1995), taken from Hoppe & Peterse (1998)

	Political parties	Interest groups	Executive organizations	Target groups
<b>1. Problem-solving argumentation</b> a. Does the program empirically fulfill its stated objectives? b. Does the empirical analysis uncover secondary or unanticipated effects that offset the program objectives? c. Does the program fulfill the objectives more efficiently than alternative means available?				
<b>2. Problem-seeking argumentation</b> a. Is/are the program objective(s) relevant to the problem situation? b. Are there circumstances in the situation that require an exception to be made to the objective(s)? c. Are two or more criteria equally relevant to the problem situation?				
<b>3. Politicizing argumentation</b> a. Does the policy goal have instrumental or contributive value for the society as a whole? b. Does the policy goal result in unanticipated problems with important societal consequences? c. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged to be equitably distributed?				
<b>4. Ideological argumentation</b> a. Do the fundamental ideals (or ideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments? b. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect? c. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?				

## 2 List of analysed documents

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2. Gemeente Utrecht (2012), *Evaluatie breed maatregelenpakket barrièrevorming mensenhandel*, Afdeling Openbare Orde en Veiligheid.
3. Gemeente Utrecht (2010), *Consultatie vergunningstelsel aanpak mensenhandel Zandpad, een systematisch overzicht van alle reacties van betrokkenen plus antwoorden*.
4. Wegra (2010), *Het Zandpad in het juiste perspectief*, onderzoeksrapport
5. Gemeente Utrecht (2010), *Aanpassing vergunningstelsel raamprostitutie in de APV, raadsvoorstel 29 juni*.
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# Proeftuin Zandpad

*aanpak mensenhandel op het Zandpad*



# Proeftuin Zandpad, aanpak mensenhandel

## 1. Problem-solving argumentation

### a. Does the program empirically fulfill its stated objectives?

-2008: Police activities were judged insufficient within the framework of combatting prostitution and trafficking (Korpsmonitor Prostitutie en mensenhandel). ("external shock"). Reason: trafficking had to compete with other severe criminal acts. Policy reaction: UMH, Unit mensenhandel. Certified anti-trafficking police officers, financial experts, vreemdelingenpolitie. Later public administration expertise is added, information can and should also be used by other players than Police/OM and the sole legal/prosecution perspective.

-(new) policy goal 2008 was the realization of safe and regulated (by licenses) prostitution. Prevention, detection and prosecution of trafficking and offering (after) care for victims.

-Fight at several fronts, cooperation between police, OM, fiscal authorities, local services and social care.  
-Sharing of information and getting a more complete picture (offenders, facilitators and victims) of character and scale is considered as a prerequisite for reaching the other goals. Based on this, concrete actions (tracing, maintenance of public order, etc.) can be deployed in order to combat trafficking. New system "monitor intelligence is set up.

By means of:

#### *Information position*

-“Monitor intelligence mensenhandel zandpad” Improvement of the process of gathering, elaborating and discussing relevant information at a central point:

-“Scorecard”. A separate “Signaleringsoverleg” since 2009, while OM and police have the obligation to research serious/severe indications, and are not allowed to apply “volume-policy”, while in the regular “Regionaal Overleg Opspring” the result could have been not to continue investigation and efforts. A policy officer is added recently for broader information sharing among involved chain partners and in order to incorporate an “administrative lens”. 67 signaling documents were completed (2009 – 2011). Measurement of efficacy is: number of potential court cases, number of project proposals, administrative cases, fiscal cases, indications for IND, “trend watching”.

-“Signaling form”: chain partners can fill in this form and send it to the police. Intensified cooperation involved actors: positioning in the chain, mutually explaining roles and positions,

-“Convenant integrale aanpak mensenhandel en mensensmokkel in de regio Utrecht”, directed at complete information exchange and signed by: Gemeente Utrecht, OM Utrecht, police Utrecht, Fiscal authority, FIOD, SIOD, Labour Inspection, and UWV.

-“Casusoverleg mensenhandel” OM and the chain partners. Goal is to act and intervene from a legal, preventive and administrative perspective, with an emphasis on preventive and administrative measures. Supportive role in enacting barriers. Information sharing, mutual adjustment and timing of measures, professionalization. Multi-disciplinary approach, to see which partner is best able to counter the safety problem (...).

-RIS (Registration Information System). Became a web-based application, in which police and others can log in with permission of health care authority GGD. Signals of human trafficking however no ground for denial of registration and may not be mentioned in the system (via signaling form or directly to police or social care).

-information packages for prostitutes in 9 languages.

#### *Camera monitoring*

Since 2009. Instrumental goals: better view (literally), decrease of suspect people hanging around, tracing information, increase of signals. Conclusion: camera output does not sufficient in to detect human trafficking.

#### *Oversight and maintenance*

Goal to be reached with this instrument: combining control activities.

Police and local authority: maintenance of APV, regarding sex installations,

Fiscal authority: declaration of earnings and profits,

vreemdelingenpolitie: (il)legal stay, police: general oversight and public order.

Partners do their own task, but in an intelligent way, with an eye on mutual benefit.

Fiscal authorities: check suspect earnings; automatic number plate recognition.

Local authorities: check license, physical check workspace; check presence of housing manager; check administration of number of working prostitutes with real present and working persons, age check 18+. Since 2010 new APV: minimal rental period 4w, maximum labour time 12 h.

#### *Improved license system*

-Proposal 2009: personalized license system.: first city in the Netherlands, compulsory registration for prostitutes (APV 2010) and at the same time check of health, identity check, subscription chamber of commerce check, check permit for legal stay. For only one month, has to be prolonged. Working hours from 12 decreased to 9 h per day. Closing time at 2.00. These measures are assumed to prevent exploitation, improve social- and health care possibilities, and to limit public nuisance. Effectuated by RIS system.

-Only bank transactions for rental payment and no bar money (cannot be enforced, did not have any effect)

#### *Better care and shelter*

-Client consultation: GGD and social work. Reactions and opinion will be taken into account as a longer term measure (“resonance group”). Indicators: personal contacts, physical presence, practical and reacting on the needs and demands of the prostitute.

-Prostitutes are coupled with two contact persons (public order and health care) in order to speak about indications of trafficking, and to send the signal that they will be taken seriously.



- In-depth interviews with help of "de Rode Draad"
- Handing over information material to prostitutes by local government
- Information evening (involvement of prostitutes in decision-making process)
- Intensified exit program via "de Tussenvoorziening".
- Research by Verwey Jonker institute regarding hidden prostitution and the (potential) need for extra care and exit facilities
- Extra shelter facilities for three month (via Comensha).

#### *Communication*

- Improving cooperation chain partners. Starting from already existing communicative structures. Around tielzone and Stedelijk Prostitutie Overleg and so called "vinger aan de pols overleg" for practical bottlenecks. (partners: GG&GD, wijkteam toezicht en handhaving, unit mensenhandel, belastingdienst, huiskamer aanloop prostituees; chaired by gemeente Utrecht).
- training for professionals: "beroepsgeheim in relation to trafficking", reception of victims", "the involvement (or not) of customers of prostitution"

#### *Result:*

4 convictions.

#### b. Does the empirical analysis uncover secondary or unanticipated effects that offset the program?

- Regulation of volume and location was expected (2000) to be sufficient. However Indications of human Trafficking necessitate extra and different efforts
- Also direct signals of large-scale involuntary work from prostitutes themselves. 2008 research led to potential victims and offenders.
  - The idea (2008) became to create barriers ("barrier model") against human trafficking in every potential step the trafficker would need to set. The discerned steps were: entrance in country/prostitution, housing, identity, work, and financial aspects. Led to "Program against trafficking Zandpad".
  - Window prostitution is isolated work. Windows are open, creating good opportunities for trafficker to monitor, which increases the risk of trafficking. More preventive license system and maintenance deemed necessary.
  - Short rental period, flexibility for trafficker to choose other location for exploitation and not much time for authorities for contact and oversight
  - Because of fast "turnover" of the women almost 1000 (!) women per year populate the 162 legal allowed work places.
  - No regulation of working times leads to the risk of extremes
  - Prostitutes that are considered as "independent entrepreneurs" tell to the fiscal authority that they have to give away a part of their legal earnings to an exploiter, but they do not tell to whom.

#### c. Does the program fulfill the objectives more efficiently than alternative means available?

-Night closing: prostitutes and rental cooperation are negative and think it will not be effective at all, because (illegal) prostitution will be moved to other spots, but research in other cities indicates that customers easily adjust their behavior. Politicians express they are afraid of the "waterbed-effect". In order to keep support, local authorities choose to postpone this measure. Rest of the measures are approved by local council (June 2010) with the promise of evaluation (...other document)

- The improvement of the "information position" is regarded as the most crucial prerequisite by chain partners
- The approach should be program-based and integrated and not only form a legal and administrative Perspective (Sneep report)
- Stage 1: adequate communicative structure (drivers group: police, OM, local authorities; 5 themes: nuisance, criminality, societal impact, inequality, undermining aspects specifically wheat growth, trafficking, and unexplainable wealth in real estate.
- Stage 2: Learning and experimenting approach in combination with dealing with concrete affairs. Stimulating innovative measures by using knowledge and skills of employees of chain partners, and setting up network cooperation and -management in order to combat organized crime (related to trafficking). Scenarios for intervention and defining roles of chain partners including a program manager. Instruments: camera's, oversight, license system, tracing and prosecution, social care, information and advice.
- stage 3: broadening of involved actors (social care services) via "consultation rounds" with the prostitutes, exploiters, interest group "Stichting De Rode Draad", "Stichting De Tussenvoorziening", other social care institutions.

## 2. Problem-seeking argumentation

#### a. Is/are the program objective(s) relevant to the problem situation?

- 2008 the perspective of the problem became a "safety issue" and should be dealt with from an offender perspective(!)
- 75% of the prostitutes express that in their opinion the program will not be effective in order to combat trafficking, but (personalized licenses) will limit and harm entrepreneurial freedom (questionnaire Wegra, exploitation organization)

-(new) Prosecuting offenders and helping victims

b. Are there circumstances in the situation that require an exception to be made to the objective(s)?

- Signals of human trafficking were insufficiently recognized, administrative and legal reactions towards criminal facts and abuse inadequate (Sneep report)
- trial and error process

c. Are two or more criteria equally relevant to the problem situation?

### 3. Politicizing argumentation

a. Does the policy goal have instrumental or contributive value for the society as a whole?

- An estimated 50 – 80% of the women are not doing their job on a voluntary basis.
- Part of the prostitutes is of minor age and thus illegal, which should be strongly combatted
- “Utrecht has a hidden agenda and wants to get rid of prostitution in order to build houses. Housing and prostitution do not go along with each other. Of course we support the measures against human trafficking” (Wegra).

- It is justified that national and regional attention is paid to this criminal offense.
- Illegal profits should be taken away from criminals (money laundering)

-Advice (2010) to increase the minimum age should be increased to 21 for window prostitution. The legal (national) minimum age is 18., but at Zandpad 21 as a minimum age was already (formally) in use.

Fiscal authorities started earlier (2004) with extra monitoring at Zandpad, because of political pressure to combat fiscal “vrijplaatsen”; places with unexplicable earnings or profits that could not be measured. (Sabatier ACF: “external shock”)

b. Does the policy goal result in unanticipated problems with important societal consequences?

- the original idea was that by no longer criminalizing the exploitation of prostitution criminal facts were expected to diminish by regulation and oversight. The other idea was that women were emancipated and could decide for themselves to choose for prostitution
- in practice abolishing the prohibition of brothels worked out completely different than expected.

c. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged to be equitably distributed?

### 4. Ideological argumentation

a. Do the fundamental ideals (orideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?

b. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?

c. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?



## Evaluatie breed maatregelenpakket barrièrevorming mensenhandel



December 2012

# Evaluatie breed maatregelenpakket barrièrevorming mensenhandel

*External shock: for years Zandpad was considered as a safe place to work for prostitutes, until the Sneep 2007 report and the GG&D 2008 report signals of human trafficking.*

## 1. Problem-solving argumentation

a. Does the program empirically fulfill its stated objectives?

- number of police/legal case researches 2010 till beginning of 2012: 18; 5 people convicted
- do measures create barriers as intended? The general impression as stated in the report is that it works, and that "the elements strengthen each other"; it is a chain approach.
- but: human trafficking is very difficult to measure, causal relations measure and effect is hard to prove. However: 0+0+0 = sometimes 1 (Police)
- 4 core measures:
  - adjustment of APV (registration, limitation working time, minimal rental period)  
positive according to GG&GD: physical meeting at least once, clearer insight potential victimization (1 out of 8 talks concrete indications of "good quality" mentioned to police, vaguer signals mentioned to social care), better awareness and possibility to inform prostitutes about social- and healthcare and safety, temporary out of isolated position; empowering effect. No more extreme long (forced) shifts. No added value in the eyes of two third of the women ("we already knew this"). The velocity of circulation of the women has lowered: from 750 to an estimated 500 women per year.
  - intensified oversight and maintenance, VTH (Vergunningen, Toezicht en Handhaving) frequency from 4 times to 40 times per year, led to easier contact with the women and better signaling. Some women are commenting that they are too frequently checked. Signals number rose from 15 (2010) to 118 more (2011 and estimated 300 (2013). (Signals of human trafficking were not registered until 2010) But number of signals leading to potential police interventions did however not rise.
  - more care and support, exit support (2/3 ever considered stopping. Of stopping women an estimated 50% tried to escape forced situation), opening time "living room facility (HAP)" doubled to 4 days per week, help more positively appreciated.
  - physical improvements on the location (camera's), less criminality, improved feeling of safety (women, although they do not think it helps against trafficking).
- improved (multidisciplinary) cooperation chain actors is visible (multidisciplinary) and also increase of awareness.
- However, the involved all state that they feel trafficking did not diminish..."traffickers find new tricks to circumvent the rule; you will never catch the pimps (women").
- 60% of the interviewed women have no idea if the measures are diminishing trafficking. 20% states it has increased, 20% states that it has become "less visible"(!)
- most of the reactions of the women themselves towards the measures are very skeptical (p.63). To give an impression:  
as long as the girls don't talk it will be there,  
you can not stop it, the problems are behind the front door of the prostitutes houses,  
now local government is the pimp  
some of us are living like animals  
do you really think this solves anything at all?

b. Does the empirical analysis uncover secondary or unanticipated effects that offset the program?

- the impression of involved actors is that traffickers don't consider the barriers as insurmountable.
- Eastern European women that don't speak the language can arrange all registration requirements within one week is leading to the suspicious feelings (police and social care) that traffickers are still active
- over 60 women chose to not register themselves and "disappeared" (probably in the illegal circuit or to a place without the obligation to register themselves, it is unknown if traffickers forced them to do so). Unless nationally applied less useful (local authorities)
- The Chamber of Commerce registration obligation is infringing upon safety feelings and the justified desire of the women to be untraceable.
- the enormous amount of involved departments of local government makes it complicated to take the leading role as an actor; "noses in different directions".
- Increase of illegal prostitution, feeling of involved actors, national trend. Trafficking takes place in other venues.
- Shorter shifts make it difficult for the women to cover their costs
- longer rental period is an extra barrier especially for the women themselves, and hinders exit policy.
- traffickers always find new tricks to circumvent measures, because there is so much money going on in the business.
- in Amsterdam women can rent a window for one day.
- police The Hague can give negative advice to women to rent a room (waterbed effect to Utrecht)
- national tendency: replacement to illegal circuits
- 2/3 of the women state they would go to police (wijkagent) in case of safety problems, 1/3 would not go to police because "they only observe, drive around and do nothing" (combined with low thrust).
- 75% of the women is Eastern European
- 13% registration talks: signals of force send through to police.
- 1,3%: (light) suspicion of force, women send to police.
- Less than 10% of the women seriously consider an exit (at a certain moment). Of the women who enter an exit program less than -25% leaves the business (unknown for how long). 50% ever considered stopping.
- 50% of the exits are related to an assumed forced situation. Force in the eyes of the (social) care professionals. The women themselves mostly do not experience their work as forced and are not prepared to go to police.

c. Does the program fulfill the objectives more efficiently than alternative means available?

- according to the police the registration measure should be applied more strictly, there is no possibility to withdraw the license in case of indications of trafficking (only in case of illegal stay or minor age it is possible to withdraw the 2-year license)
- also care institutions state that registration and shorter shifts only help in case of strict maintenance
- prostitutes themselves are not pro registration because of privacy and because they don't think it helps to counter trafficking. In their eyes traffickers force women to register, and it becomes impossible to "try out" the occupation. Some even state registration is completely useless.
- Combination of information still insufficient
- Measures should be implemented on national scale
- Chain partners should be trained better to recognize signals
- According to the evaluation, the "waterbed-effect" is negligible. However, according to other information sources (Amsterdam, 2013) this is not true.
- Fragmentation local government actors
- Too little involvement of target group and interest groups (Rode Draad)
- Problems with information arise due to professional secrecy code. Information covenants necessary (however, legal pitfalls and dilemmas.)
- Information sometimes not available or fragmented or only in the heads of people, no integral information database.

## 2. Problem-seeking argumentation

a. Is/are the program objective(s) relevant to the problem situation?

- 2008 serious indications from GG&GD professionals, police and other involved actors of structural human trafficking and forced labor at Zandpad, which is probably much bigger than can be proved by hard facts concerning victims and potential offenders, led to programmatic approach 2008-2010 "Proeftuin Zandpad" (Local authorities, OM, police, fiscal authorities, and social & health care institutions).

- only since 2010-2011 empirical facts and figures so the evaluation is maybe a bit too early

- local government realizes that she also has her own responsibility to address the problem

- shorter shifts: the impression is that the women increasingly have other, complementary places to work besides Zandpad to compensate, overthrowing this policy objective. (other source of information: this indeed is the case, 580 euro taxi costs per month...)

- 75% of the women state they have no indications for the existence of trafficking. But: not all women feel free to speak. "Not my business". Those who speak state it is becoming less and less visible.

- an "official invitation" of all women (roughly 579 registered 2012 ) to give their opinion on the approach of human trafficking was accepted by only one(!) woman in first instance, second round led to 0 women.

- Complementary interviews by Rode Draad (age:21-48; nationality:

- 10% Dutch, 62% Romanian/Bulgarian,

- 59% works between 1 and 3 years at Zandpad, 23% shorter than 1 year, 8% shorter than 1 month

- 5% also works at another location

- (Operator) the policies have a counterproductive effect and increase the power of traffickers.. The registration talks are ridiculous, infeasible ("ballotage")

- Police and legal officers: : court cases and legal approach only is not the way to prevent trafficking, it would be better to have less cases as an effect of stopping traffickers earlier in the process, structural solutions.

b. Are there circumstances in the situation that require an exception to be made to the objective(s)?

- trafficking also happens in the illegal circuit which is under-estimated

- there are already more than enough contacts with the authorities they hardly can be circumvented in the Netherlands (p.18)

c. Are two or more criteria equally relevant to the problem situation?

- privacy and safety of prostitutes (in relation to registration)

- Barrier for women themselves (4 week period forces them to continue working when sick or having their period)

- "stopping trafficking is okay but don't stop prostitution, not everything is so negative"(prostitute)

- "can I please do my work and be left alone? All okay here."

## 3. Politicizing argumentation

a. Does the policy goal have instrumental or contributive value for the society as a whole?

- potential movement of prostitutes and problems to other cities (waterbed effect)

- social care: stimulation of illegal circuit (national tendency)

- focus on Zandpad leads to negligence of other forms of prostitution

b. Does the policy goal result in unanticipated problems with important societal consequences?

- measures do limit freedom of others that work legally

c. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged to be equitably distributed?

- stigmatization; "hooker card" (registration)

## 2. Ideological argumentation

a. Do the fundamental ideals (ideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?

b. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the

relevant interests and needs that the conflicts reflect?

c. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?



WEGRA UTRECHT B.V.

# HET ZANDPAD

In het juiste perspectief



Het

# Zandpad in het juiste perspectief, Wegra utrecht B.V.

## 1. Problem-solving argumentation

a. Does the program empirically fulfill its stated objectives?

- Main objectives are: protecting women and creating barriers for traffickers, not only by legal, but also (new!) administrative measures
- Wegra does not agree with the information on which the policy measures are based.
- numbers of "B9" requests for victims of human trafficking and court cases is very low in Utrecht
- not one false passport found in check of administration
- Forced prostitution mainly takes place in the illegal circuit (KLPD)
- Involved institutions are unable to underpin their estimations, with a lacking follow up as a consequence
- The idea that signals of human trafficking can be derived from administrative checks applied on legal prostitution business is false.
- Wegra:
  - Only business transactions with women.
  - No man allowed in or in the neighborhood of the rented rooms (except customers).
  - 24/7 oversight
  - Electronic database of all women who rent a room
  - No women under the age of 21, with identify documents and work permit
  - Alarm system
  - Hardly any criminal facts

b. Does the empirical analysis uncover secondary or unanticipated effects that offset the program?

- victims of trafficking can hardly be recognized, even in detention, and especially if they don't feel victimized.
- Deliberate exaggeration of numbers is influencing the public opinion, destroying the relationship with the landlord, and does not help in fighting human trafficking
- Illegal circuit is assumed to grow, and illegal prostitution distorts competition
- 4 weeks rental period infringes upon exit program
- Lack of cooperation: fiscal authorities do not get police information (although other statements in Zandpad document)
- Restricted closure times will lead to replacement to the illegal circuit; prostitutes will keep offering their services and client demand will not be postponed.
- legal and administrative/maintenance measures and responsibilities are mixed up, mostly both conducted by police, this leads to confusion of prostitutes and others
- Decentralized policies leads to infectivity: prostitution carousel. Better : national steering, local "orchestration".

c. Does the program fulfill the objectives more efficiently than alternative means available?

- Local government does not have the expertise regarding window prostitution that Wegra has and does not use it sufficiently.
- (Local) government should communicate more with the prostitution sector
- Prostitutes can circumvent fiscal authorities, police, local authorities, social care, but not the landlord if they want to work
- Landlord is the only actor with real signaling capacity, which has personal data of the prostitute (Sneep report); 100% response in case of questionnaires (local government less than 1%)
- There are other policies possible which are more adequate in combatting forced prostitution in the legal branch.
- Restricted opening times disable the possibility of getting concrete information

## 2. Problem-seeking argumentation

a. Is/are the program objective(s) relevant to the problem situation?

- Policies should be targeting the illegal circuit and pimps and not the legal prostitutes
- The objective should be a legal branch without forced prostitution and trafficking
- Estimates of forced prostitution vary enormously: Local government 0% till 2009, 50- 90% after 2009, KLPD 20%, Comensha 207: 6%, Fiscal authority 0.5%,
- Policies should be based on concrete figures instead of weak signals, it is simply not true that 50-90% of prostitution is forced (30 October 2008 statement of Mayor in "Pauw and Witteman" talkshow),
- There is no solid basis for the chosen policy measures, figures are misused for influencing the public opinion.
- Government is supposed to have a hidden agenda; houses should be built on the location and prostitution does not go along with this very well
- local authority translates policy wishes of local Court of Mayor and Aldermen and is not neutral, does not base itself on facts that are not in compliance with policy wishes and does not communicate this facts

b. Are there circumstances in the situation that require an exception to be made to the objective(s)?

- The prostitutes speak many different languages, leading to misconceptions and arbitrary decisions in the registration and intake talks with GGD
- local government is not discerning "pimps" and "exploitanten" (legal operators) from "traffickers" and "smugglers" very carefully, all are indicated as "exploiters".

c. Are two or more criteria equally relevant to the problem situation?

- Prostitution- and anti-trafficking policies are conflated, which is infringing upon normalization of the prostitution branch
- In advance payment of 4 week rental period can only be afforded by women who are exploited by traffickers(...)

## 3. Politicizing argumentation

- a. Does the policy goal have instrumental or contributive value for the society as a whole?
  - policies are targeting the legal sector because it is impossible to "score" in the illegal sector
  - Wegra thinks the position of prostitutes does worsen because of the policies
  - Opening restriction measurers are not legitimate in relation to numbers of calamities, which are already declining for years now, and are very unappreciated in the eyes of prostitutes
  - Wegra is against any form of exploitation and shares this common interest with other actors
  - Wegra thinks that local government wants to get rid of prostitution branch as a whole and therefor obstructs legal business activities
  - Prostitution policy should be clearly discerned and not intermingled
- b. Does the policy goal result in unanticipated problems with important societal consequences?
  - prostitutes feel that they are treated incorrectly by the policy approach
  - prostitutes are already discriminated enough; also banks do not grant them or sex operators loans, registration makes finding future jobs more difficult
  - policies harm legal business in stead of illegal prostitution
  - Fighting prostitution will drive prostitutes in the hands of illegal actors who abuse and exploit them
  - Registration barriers will not work, because they lead to illegal prostitution, which is obstructing oversight
- c. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged to be equitably distributed?
  - Obligatory rental period of 4 weeks, which has to be paid in advance, is disadvantaging the prostitutes, who usually have financial problems;
  -

#### **4. Ideological argumentation**

- a. Do the fundamental ideals (or ideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?
  - Closing legal prostitution facility is an abject policy instrument to eradicate a legal business branch.
  - Government should not interfere in private transactions
- b. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?
- c. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?

## CONSULTATIE VERGUNNINGSTELSEL

### Aanpak Mensenhandel Zandpad

Een systematisch overzicht van alle reacties van de betrokkenen + antwoorden

Gemeente Utrecht  
Utrecht, februari 2010

# Consultation

## 1. Problem-solving argumentation

a. Does the program empirically fulfill its stated objectives?

-Trafficking is not related to my situation

-Sw: doubtful, women will disappear.

b. Does the empirical analysis uncover secondary or unanticipated effects that offset the program?

-Pr. shorter shifts make it difficult to earn enough money, probably leads to more stress and unsafe sex.

-Pr. only pimps can pay one month rental (2400 euro) in advance. Solution: 1 week in advance.

-Pr. it will be impossible to stop working or temporary go home in case of disease, no rest possible for couple of days (local auth.: watered down: sharing with other prostitutes is made possible)

-Pr. Standard closing times will stimulate robbery

-Sw: registration leads to other workplaces for forced women, disappearance, and replacement of problems: trafficking is a national and international problem that cannot be addressed locally

c. Does the program fulfill the objectives more efficiently than alternative means available?

-Registration is unnecessary, already registered at Chamber of Commerce (however, local authority states: incomplete, not compulsory, cannot be accessible on individual level by local authority)

-Pr.: Forced women probably will not register themselves (local authority: that is one of the goals)

-Sw: better to invest in more contact with the women

## 2. Problem-seeking argumentation

a. Is/are the program objective(s) relevant to the problem situation?

b. Are there circumstances in the situation that require an exception to be made to the objective(s)?

c. Are two or more criteria equally relevant to the problem situation?

## 3. Politicizing argumentation

a. Does the policy goal have instrumental or contributive value for the society as a whole?

-Pr: stigmatization of registration, "hooker card", frustrating future job opportunities

b. Does the policy goal result in unanticipated problems with important societal consequences?

c. Does a commitment to the policy goal lead to consequences (e.g., benefits and costs) that are judged to be equitably distributed?

## 2. Ideological argumentation

a. Do the fundamental ideals (orideology) that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?

b. If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?

c. Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes?

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