

A feminist perspective on human trafficking: How the victimized migrant woman is reflected in Dutch anti-human trafficking policies

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Abstract

Human trafficking is a crime that occurs on a global scale, with tens of millions of trafficked persons a year. Most of these trafficked persons are sex trafficked. Therefore, a lot of efforts have been made on a global, international, and local scale to combat this crime. Policies and other means to combat especially sex trafficking are based on a certain idea of a “victim”. Research has pointed out that the victim narrative is inaccurate and harms the “victims” rather than helping them. This paper answers two questions: Who is the “sex trafficking victim” and what is her role in Dutch anti-human trafficking regulations? Through a conceptual and historical analysis, I conclude that the contemporary “sex trafficked victim” is portrayed as an innocent and helpless girl from the Global South who has been tricked into working in prostitution. This portrayal has led to the exclusion of women from the Global South from the legal Dutch sex industry, consequently making her vulnerable to force and coercion in sex work.

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Introduction

Human trafficking is crime that occurs on a global scale. Estimations as to how many “victims” there are run well into the tens of millions (ILO, 2017), but the actual detected and reported number of human trafficking victims is much lower.¹ In 2018, the United Nations published a report stating that 50,000 detected human trafficked persons had been reported, of which 50% are sex trafficked persons. Of these sex trafficked persons, 67% are female (UNODC, 2020). Consequently, a great number of protocols, policies, and organizations have been established to fight human and sex trafficking, on a global, international, and national scale. The existing approaches, however, are limited by their idea of the “sex trafficked woman” they are fighting for.

Numerous factors have resulted in a rather limited view of the “sex trafficked person”, influencing the effectiveness of actions and policies based on this idea of the “sex trafficked person”. Foremost, these factors include the view on prostitution and (migrant) women. The sex trafficked person in the contemporary human trafficking discourse is often reduced to an innocent and helpless woman from the Global South, who has been deceived by an evil man and is then forced into prostitution in the Global North (e.g. Andrijasevic & Mai, 2016; Doezema, 1999).² Research has demonstrated that trafficked women are often wrongly portrayed and that anti-sex trafficking measures and mechanisms based on this view harm the women they aim to protect more than they benefit them. Instead of improving the lives of these women, anti-sex trafficking measures and mechanisms reflect and reinforce more traditional values (e.g. Bernstein, 2007; Cojocar, 2015). A leading researcher in this field, Jo Doezema, sums this up as follows:

Through the denial of migrant sex workers' agency, these discourses serve to reinforce notions of female dependence and purity that serve to further marginalise sex workers and undermine their human rights. (Doezema, 1999, pp.23)

In this essay, I aim to answer two questions: Who is the “sex trafficking victim” and what is her role in current Dutch anti-human trafficking regulations? I believe that the concept of the sex trafficking victim refers to a migrant woman from Eastern Europe or the Global South, who is portrayed as being young, innocent, helpless and forced into prostitution. In Dutch anti-sex trafficking regulations, she is reflected as a potential victim of sex trafficking and therefore excluded from working as a legal sex worker in the Netherlands, as opposed to women with other nationalities who can work as a legal prostitute in the Netherlands. I refer to the “victim” as “her” because the majority of reported and estimated persons who have been trafficked are female. This

¹ Survivors of human trafficking have indicated that they prefer to be termed “human trafficking *survivors*” or “trafficked *persons*” (Baker, 2010). Because I focus on women only, I will instead of using “human/sex trafficked victim”, use “human/sex trafficked women/woman” or “human/sex trafficking survivor”. When I do use “victim”, I am referring to the general idea of trafficked persons, which is that they are “victims”.

² For the purpose of this dissertation, the term “Global South” includes women from former Soviet countries in Eastern Europe.

has consequently led to anti-human trafficking measures and mechanisms focusing on women. For this reason, I will focus solely on the female “victim” in this paper (UNODC, 2020).

In order to answer these posed questions, in this introduction, I will start out with establishing some basic terms, describing the relationships between human trafficking, sex trafficking, and related concepts such as prostitution and forced labor. Next, in Chapter I, I will outline the history and development of the “sex trafficking victim”. I will analyze who she is and why people are interested in her. Lastly, in Chapter II, I will perform a case study of the consequences for the “female migrant sex trafficking victim” in the Netherlands. I will do this by analyzing different anti-human and anti-sex trafficking measures the Netherlands has implemented, demonstrating how the “victim concept” is incorporated in its policies, and outlining the consequences this has on the “female (migrant) sex trafficking victim”.

This dissertation is a work of applied political theory, where I engage in genealogical and discourse analysis of the concept of a “victim” of sex trafficking and then apply this to the Dutch context.

Key terms

There are different ways to understand the concepts human trafficking, forced labor and sex labor and their relationships. I will briefly describe this using Marjan Wijers’ (2015) morality and labor approach, after which I will apply them separately to define these concepts and their relationships. Then I will demonstrate how these approaches are combined in the human trafficking definition of the United Nations Office on Drugs and Crime (UNODC).

Briefly, human trafficking refers to the use of force on people for some form of exploitation. Forced labor is any work that is performed involuntary, but that people are coerced to do through threats or a lack of options, often in poor working conditions. Sex labor concerns the use of force to exploit people sexually, such as forcing people to work in prostitution. Different approaches combine or confuse the different phenomena depending on the underlying intellectual framework or ideology, which I will now discuss.

Morality approach

The moral approach recognizes an inherent link between trafficking and prostitution, viewing prostitution as the problem (Wijers, 2015). Women working in prostitution are either a “victim” or a “whore” who has tainted her morality. This is because women’s morality in this approach, is linked to their sexual behavior: women taint their morality by working in the sex industry (Doezema, 1999; Jacobsen & Skilbrei, 2010; Comte, 2014; Wijers, 2015). This is the result of mostly Judeo-Christian influences on norms and values still lingering today. From the Judeo-

Christian perspective, women's value depends 1) on their virginity until she is married and 2) on her loyalty to her husband afterwards (Comte, 2014). To work in the sex industry means to deviate from the implied sexual norm and consequently to taint one's morality: the (in)voluntary sex worker has lost her value. Still, she cannot continue working in the sex industry due to its inherent sinful nature. Involuntary sex workers, or "victims", need to be rescued and voluntary sex workers, or "whores", need to be punished (Doezema, 1999; Jacobsen & Skilbrei, 2010; Comte, 2014; Wijers, 2015).

Consequently, the morality approach makes a distinction between prostitution and forced labor. Prostitution is simply not considered a form of labor and can therefore not be a form of forced labor. They constitute two different forms of human trafficking. By making this distinction, sex labor only violates human rights, whereas forced labor violates human rights and workers rights. This influences the way sex trafficking is combatted: the aim in the morality approach is to completely ban any form of sex work (Wijers & Lap-Chew, 1999).

Labor approach

The labor approach views the sex industry as a legitimate labor industry. For this reason, sex work is seen as a form of labor and involuntary sex work a form of forced labor (Wijers, 2015). In addition, the labor approach recognizes two more things: outlawing sex work is not a solution to sex trafficking and anti-human trafficking measures harm sex workers. The latter is a result of conflating prostitution with human trafficking, as this implies that 1) sex work is not considered labor and 2) forced labor does not exist in sex work (Ditmore & Wijers, 2013; Wijers, 2015). Having discussed the consequences of the first implication in the morality approach section, I will now zoom in on the consequences of the second implication.

By rejecting sex work as a form of labor, a huge gap forms between the rights of sex workers and other workers: those of workers' rights. By not regulating the sex industry, sex workers lack protection against forced labor in the sex industry. There are no basic labor rights and there is no safety net of the government to turn to when the line between voluntary and involuntary prostitution is crossed. By rejecting sex work as a legitimate industry, sex workers are more vulnerable to forced labor in the industry (Ditmore & Wijers, 2003).

The problem according to the labor approach is the lack of a good framework regulating the sex industry as a legitimate industry. Working from this approach, the aim is to decriminalize sex work and the sex industry and to shift the debate to working conditions and workers' rights. In the case of the latter, use could be made of already existing workers' rights and labor laws to improve working conditions and protect women from abuse in the industry (Wijers & Lap-Chew, 1999).

The UNODC definition

The UNODC defines human trafficking as follows:

Article 3(a): the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC, 2022).

Following the morality approach, the UNODC makes a distinction between sex labor and forced labor, listing these as two of eight forms of human trafficking.³ On the other hand, it is made clear that prostitution is only human trafficking if it involves exploitation. Therefore, only involuntary prostitution is considered human trafficking, which is in line with the labor approach.

There are different ways to understand the concepts human trafficking, sex labor and forced labor and their relationships to each other. The morality approach conflates prostitution and human trafficking and aims to outlaw prostitution all together to combat human trafficking. The labor approach considers sex labor a form of forced labor and aims to decriminalize as well as regulate the sex industry. The UNODC borrows from both approaches. In this paper, I make a distinction between human trafficking and prostitution. I consider prostitution a form of labor unless otherwise indicated and consider involuntary prostitution human trafficking. I personally recognize forced prostitution as a form of forced labor, but for the sake of clarity will continue referring to forced prostitution with “forced prostitution” and “involuntary sex work”.

After establishing the different understandings of especially sex labor and its relationships to other concepts, I will now analyze the consequences of these different narratives on the conceptualized victim of this crime.

³ The UNODC identifies eight types of human trafficking. These include sexual exploitation (or sex labor), forced labor, debt bondage, domestic servitude, organ removal, forced begging, child soldiers, and forced marriage (UNODC, 2022).

Conceptualizing the female sex trafficking victim

In the introduction, I explored the different definitions of human trafficking, sex trafficking, and sex labor and laid out their relationships. In this chapter, I will explore the roots of the human trafficking and victim narrative. This will also explain the origins of the different definitions and relationships defined in the first chapter. I will start out by discussing the concept “White slavery” and explain how it established the first characteristics of the sex trafficking victim trope, which I will then explore in more detail.⁴ Examining the next influential time period, I will analyze the shift that occurred in the sex trafficking victim trope and identify the new trope. Then, I will explore some aspects of the victim narrative from the point of view of trafficked persons. Lastly, I will probe the appeal of the sex trafficking victim trope and explore why it continues to fascinate people.

White slavery

The earlier described moral approach is echoed in the concept “White slavery”. White slavery refers to the recruitment through either force, deceit, or drugs, of White women and girls for prostitution against their will (Doezema, 1999, p.25). It is a term that started the sex trafficking debate, by gaining great popularity in the late nineteenth century in North America and Europe: a great number of organizations dedicated themselves to its extermination, international conferences drew up protocols and agreements, the subject was extensively covered in international media, and it made a frequent appearance in novels, films, and plays. This shows that White slavery, its extensiveness, and consequential urgency were an accepted truth to many. However, its actual resemblance to reality was hardly questioned; the methods used to estimate the number of trafficked persons and the corresponding results were met with very little scrutiny. This was until a few decades ago, when contemporary historians and other researchers started questioning the number of trafficked persons used in awareness raising campaigns and reports (Bristow, 1982; Corbin, 1990; Doezema, 1999; Guy, 1991; Rosen, 1982; Walkowitz, 1980).⁵ Instead of representing the actual extent of the White slave trade, it is better argued that White slavery came to represent “[...] a number of fears and anxieties in turn of the [twentieth] century [in] European and American society” (Doezema, 1999, p.26).

When the “White slavery” panic arose the first decade of the twentieth century, European and American societies distinguished two discourses on prostitution: that of the “abolitionists” who

⁴ I will capitalize the “B” in “Black” and “W” in “White” when referring to racial identities. My reason for this is to reflect that these are not natural categories but social ones. Though there is debate to only capitalize the “B” in “Black”, I have decided to capitalize both, recognizing that “White” is not the default and that both are equal.

⁵ There is a consensus that human trafficking is an underreported crime. Campaigns, foundations, policies, and funding largely depend on estimates of human trafficking victims. However, according to research by i.e., Wijers and Lap-Chew (1997), Doezema (1999), Bernstein (2007), McGaha and Evans (2009), and Kyckelhahn et al., (2009), the number of human trafficking victims is hardly reliable due to the lack of a definition of a human trafficking victim, as well as overestimation on behalf of researchers.

aimed to abolish the prostitution sector; and that of the “regulationists” who aimed to regulate the prostitution sector. Abolitionists perceived prostitutes as “fallen women”, whereas regulationists considered prostitutes sexual deviants and prostitution a “necessary evil” (Doezema, 1999; Guy, 1991; Walkowitz, 1980). Abolitionists soon learned that the “White slavery” narrative led to greater support for their cause, precisely because it responded to the fears and anxieties that dominated European and American societies (Grittner, 1990). In the following paragraph I aim to briefly disclose and discuss these fear and anxieties.

The start of the twentieth century marks a period of great changes in norms and values in European and American societies. As women were gaining more independence outside the household, society feared for her sexual peril and the breakdown of the family. Combined with an influx of migrants, there was an additional fear for loss of national identity (Bristow, 1982; Doezema, 1999; Grittner, 1990; Guy, 1992). These fears resonated particularly with conservative Christians, who recognized the opportunity to emphasize and reinforce their values concerning the family, abstinence, and conservative norms such as the role of the woman to work in the home only (Berman, 2006). Campaigns warning women and girls about White slavery sent a message to women and girls concerning sexual peril. Women were encouraged to stay under the protection of the family, instead of trying to gain a respectable livelihood elsewhere and risk abduction, seduction, and deception by “migrant” men (Bernstein, 2007; Doezema, 1999; Guy, 1991). These developments influenced the way women, sex trafficking, and sex trafficking victims were perceived. In the next section I will analyze how this has influenced the depiction of the White sex trafficking victim.

Perceptions of the victim of the White slave trade

As mentioned earlier, the West maintained two oppositional discourses in the discussion on prostitution, representing the prostitute either as a “sexual deviant / dirty whore” or “fallen woman”. Neither of these perceptions generate a lot of sympathy from the public. For this reason, abolitionists reinvented the victim of the “White slave trade”. By removing her agency and responsibility from her situation, she was recreated as the ideal victim: an innocent, pure, and a White girl, completely blameless and helpless (Andrijasevic & Mai, 2016; Cheng, 2021; Doezema, 1999; Grittner, 1990; Walkovitz, 1980; Wijers, 2015). I will now discuss some of these characteristics in more detail.

One of the primary characteristics of the trafficked White girl is her “innocence”. This characteristic is very well integrated in the way she is often depicted: a young White girl lured by a Black or migrant man into sex work. This narrative establishes her innocence in several ways through different characteristics that reinforce each other. The first way her innocence is emphasized, is through stressing the fact that she is young and therefore most likely sexually unaware / a virgin. Other characteristics stressing innocence include her Whiteness (which is often

associated with purity), her unawareness and her potential unwillingness to perform sex work. This is also reflected in her depiction as a poor and often rural girl who has little choice in and knowledge of what is happening to her. Lastly, this narrative reinforces her victim status through the horrific violence she experiences (Andrijasevic & Mai, 2016; Doezema, 1999).

These depictions have consequences for the way in which White trafficked persons are generally perceived. By depicting victims as “young girls”, the distinction between child and adult is blurred. This stresses the idea of the young, pure, sexually unaware, and helpless girl, who is more innocent than a young or older woman. This is important because the latter is most likely sexually aware and less pure for that matter. Consequently, by treating women as children, they are denied the right of control over their own lives and bodies. They are perceived as to have no agency over what is happening to them (Wijers, 2015). This perceived lack of agency and personal responsibility is well demonstrated by laws taken up around that time. In Greece, for example, women younger than twenty-one were not allowed to go abroad without a special permit (Bristow, 1977).⁶

Another key aspect to the narrative of the innocent White victim, is her antagonist, the “Black or foreign evil man”. This reveals one of the few ways in which the concept “White slavery” is inherently racist. The first racist aspect to “White slavery” is the name of concept itself. It seems to imply that the slavery of White women is worse than that of Black people. The second aspect is revealed by the clear distinction between the roles of Black people and White people in the narrative: the victim is always portrayed by a White girl, whereas the perpetrator is most frequently a Black or foreign man. This distinction stresses that “whiteness” is associated with purity, whereas “blackness” is equated with depravity (Doezema, 1999; Grittner, 1990; Guy, 1991).

Fear and anxiety about changing norms and values in European and American centuries at the dawn of the 20th century gave abolitionists the opportunity to reinforce Christian norms and values concerning traditional gender roles, responding to the White slavery panic. They succeeded in this by framing the voluntary and involuntary sex worker as an innocent, helpless, young, pure, and White girl who had been deceived and consequently sexually exploited, aiming to outlaw prostitution. In the next section I will discuss her successor: the trafficking victim from the Global South.

The new sex trafficking victim

In 1914, migration from Europe halted due to WWI, which led to a cooling down of the “White slavery” panic. Today, the discourse has moved on from White slavery to “trafficking in women”: the sex trafficking victim is no longer a White girl from the Global North, she is now a girl from

⁶ See Doezema (1999) p.30 for more examples.

Eastern Europe or the Global South who has been tricked into becoming a prostitute in Europe, the U.S., and Asia. However, the depiction of this new victim is not built from scratch and largely resembles the sex trafficked White girl from this earlier era: she is still innocent, young, helpless, childlike, violated, virginal, and largely deceived (Bernstein, 2007; Doezema, 1999). I will now analyze the differences between the former and the new, contemporary perspective on the sex trafficking victim.

The White girl her innocence is established by her age, sexual unawareness, poverty, and lack of knowledge of what is happening to her. In a similar manner, this new victim is a poor girl from the Global South who is lured to the West by a promise of a better life through marriage or a well-paid job. However, it is recognized that a large part of these “trafficked” women are aware that they will be working in the sex industry. They are simply not aware of the conditions of their work. Despite this, she can still be framed as the innocent victim in need of help. The “trafficked” woman accepting to work in the sex industry, remains “trafficked” due to her poverty and desperation. She is depicted as having little other choice, for example to earn a livelihood to sustain her family and children. This way, despite the fact that she chooses to work in the sex industry, she is still considered a trafficking victim because of her poverty (Doezema, 1999; Matheson, 1994).

The theme “youth and virginity” also makes a reappearance in this narrative, resulting in a blurred distinction between a woman and a girl, leading to the consequences mentioned earlier. Same goes for the theme “violence”: the more violence is present, the more helpless she is (Doezema, 1999; Grittner, 1990). There is thus no change in these aspects when changing the narrative, as both add to the innocence and victimization of the trafficked girl, asking the public for their sympathy.

The biggest difference between the White girl and the girl from the Global South is the extent of the influence of the colonial gaze in shaping the story. The perpetrator deceiving innocent victims is still a Black or foreign man who would in this scenario sell his poor Global Southern village daughter into sex work (Cojocar, 2015; Doezema, 1999). However, the influence of the colonial gaze extends to how the girl from the Global South is perceived. Women and girls from the Global South are depicted as “victimized and lacking in agency”, who live constrained lives as a result of their gender and who are considered poor, ignorant, uneducated, tradition-bound, family oriented, and victimized as a result of her being from the Global South (Jaggar, 2005). She is perceived as being unempowered and naïve, and as mentioned earlier, more likely to end up working in the sex industry without use of coercion, due to her poverty and lack of choice (Doezema, 1999; Jacobsen & Skilbrei, 2010). This difference is emphasized by the change in perception of White women (who are no longer depicted as girls): instead of being considered the mainstream potential victim of sex trafficking, they are now seen “as educated, as modern, as having control over their own bodies and sexualities, and the freedom to make their own decisions [...]” (Jaggar, 2005).

Like the “White slave” narrative, the “sex trafficking victim from the Global South” narrative is only a narrative, an idea, of trafficked persons. The idea of the innocent, young and pure victim does not necessarily represent the story and person of all who do experience force or coercion in the sex industry. In the next section I will analyze a less popular narrative of trafficked persons.

The trafficking victim as an agent

These two narratives very clearly demonstrate the main perspective on “trafficking victims”. However, sex trafficked persons do not necessarily see themselves represented in this trope. In this section I aim to frame the different narratives from the point of view of sex trafficked persons, who would otherwise be categorized as the “sexual deviant” or “dirty whore”, due to the role of agency and sometimes also willingness to work in the sex industry. This narrative aligns better with the labor approach, recognizing sex work as labor. I do not claim that the next paragraphs will reflect all experiences of trafficked persons, I simply wish to provide an alternative narrative to that of the helpless and innocent victim.

The lives of the so-called “trafficking victims” have been simplified to fit a narrow frame that creates sympathy from the public but neglects the way these people perceive themselves and their own influence in their lives. As Rutvica Andrijasevic & Nicola Mai (2016) explain, simplifying people’s lives to fit this narrative, results in ignoring the fact that some people choose to work in the sex industry because they see it as an opportunity. These narratives conflate the sex worker with the “trafficking victim” and ignore that for most migrant women, men, and transgender people, working in the sex industry gives them the opportunity to earn a decent income and to achieve social mobility. It can aid them in becoming who they want to be, as it for example finances the modern lifestyle they desire (Andrijasevic & Mai, 2016). This is supported by an interviewee from research by Christine M. Jacobsen & May-Len Skilbrei (2010), who claims that despite that she was forced into prostitution at a young age, she has started working as a prostitute on an organized and individualized basis, traveling to different European countries. She explains that working as a prostitute has allowed her to maintain the type of life she desires, which she otherwise would not have been able to afford. She regards this as her personal achievement. Acknowledging both the positive and negative aspects of working in prostitution, it becomes clear she does not consider herself a victim, but rather someone who is in control of her life and able to overcome obstacles.⁷ A second interviewee supports this idea of working in the sex industry for the opportunities it brings financially. She describes how she started to sell sex on her own, to satisfy her desire to be economically independent from her parents. Jacobsen and Skilbrei (2010) note that their interviewees do not see prostitution as a form of survival but rather as a means to live the consumer lifestyle they associate with “modernity” and “the West” (Jacobsen & Skilbrei,

⁷ She denotes negative aspects not being able to live a “normal family life” and that it may be difficult to move on from a life working in prostitution (Jacobsen & Skilbrei, 2010, pp.198).

2010). These women consider themselves agents, who are in control of shaping their lives according to their desire and appear content with achieving this through their work as a sex worker.

This does not negate the fact that some prostitutes do end up in situations of coercion, or that they did not mean to end up as a prostitute at all, like one of the earlier described interviewees from Jacobsen and Skilbrei (2010). However, to frame these women as young, virginal, helpless, uneducated, and more, simply does not draw an accurate picture of them and their experiences. Despite that some women and girls do end up in prostitution because they made a mistake—as the first interviewee describes it: “I was just unlucky” (Jacobsen & Skilbrei, 2010, p.197)—, working in prostitution is most often a calculated move (Jacobsen & Skilbrei, 2010; Russell, 2014). In the situations in which it is not, it is inaccurate to erase agency from the story. Amy Russell (2014) demonstrates this in her research, in which she analyzed different letters written by “female human trafficking victims”, applying for the Right to Remain visa of Israel which can be granted to “victims” of human trafficking. What is interesting about these letters is that the women are trying to do two things in these letters: they try to earn sympathy for their situation by taking on aspects of the “victim role” and they try to remain agents of their own story. One woman, Lena, wrote that she accepted a job offer as a maid with little information, as it promised to pay well. She explained that she needed this money to take care of her ill brother and child with medical issues and that three days later, she was flown to another country to start working as a prostitute. Despite that she would like to get out of the situation, she does not draw herself as a helpless victim. She remarks that she was naïve in accepting the job offer, but that she is making use of her current situation and taking steps to start living the life she has mapped out for herself (Russell, 2014). Because the women employ the victim narrative and demonstrate agency in their experiences, these letters can be considered conflicting. This is because by doing this, they contradict the forced/chosen division present in the human trafficking discourse.

Women and girls working in the sex industry either by choice or through force, employ a great deal more agency than acknowledged by the narratives leading the human trafficking debate. I firstly demonstrated that some people who work in the sex industry chose this work consciously to realize their dreams. Then I analyzed the experiences of a few women who did not want to work in the sex industry, but who, through their own decision-making, ended up working in prostitution and who through their own decision-making intend to move on from working in prostitution.

The lingering of the helpless victim narrative

How come the narrative of the helpless and innocent victim remains the dominant narrative, despite the evidence of it being largely inaccurate? I described earlier how this narrative resonated with people’s fear and anxieties and gave them an opportunity to reinforce their norms and values. I have also described that the helpless innocent victim is worthy of “rescue” because she is innocent and pure, unlike other victims, and that she is most successful in creating sympathy from the

public. In this section, I will discuss the aim to maintain norms and values and the fascination of the public with the sexually abused girl.

The sexual deviant does not fit the Judeo-Christian idea of a valuable woman. She is considered a sinner and should be punished. Instead, the focus remains on the girl from the Global South who is worthy of saving, because of her innocence and purity. The way she is framed as a perfect victim does two things: it reinforces gender stereotypes, in which women are considered weak and men are considered strong; and it reinforces colonial and ethnocentric values.

Maintaining “traditional gender roles” could be argued to play a big part in the interest of Christian organizations in sex trafficking and its prevention. Human trafficking prevention strategies are used to frame women as the innocent and helpless victim in need of a rescuer. The latter role is fulfilled by a man displaying “moral leadership” and “headship” in his effort to save her. The framing of these traditional roles in anti-human trafficking measures is used by different Christian organizations such as the International Justice Mission (IJM), Concerned Women for America, the Wilberforce Forum, and more. A good example of this technique is employed by the IJM, which plays a big role in the “rescue” of sex trafficked victims in the U.S. Their main mission models reflect these gender roles: missions are structured in such a way that men fulfill the rescue role, to “save” the “helpless” woman, for instance by acting as a potential client, but instead helping her to escape the place where she is held “captive” (Bernstein, 2007; Cojocaru, 2015; Lobasz, 2009; Zimmerman, 2016).

In a similar fashion, it is argued that framing the woman or girl from the Global South as an “innocent, helpless and uneducated victim” who relies on “rescue” from Western organizations reinforces colonial and ethnocentric values. This framing makes a clear distinction between people, and especially women, from the Global South who are depicted as in need of help—as opposed to White women who are now perceived to be autonomous—and Western organizations who have taken on the role of a leader and rescuer, aiming to save these female “victims” from the Global South (Bernstein, 2007). This is resembled in several ways. The most obvious manner is through conversion testimonials performed in front of church members, where women would preach their experiences of abuse and rescue. The salvation of the women then depended on the acceptance or denial of the church members. These testimonials were preached to the public by chosen “ambassadors”—women who have been saved and now preach their experiences of abuse, survival, rescue, and salvation to the public—consequently, affirming their own helplessness and the powers of both the state and church elders in their rescue (Cojocaru, 2015).

These two examples mostly explain why certain organizations and groups of people are interested in keeping alive the helpless, innocent victim narrative. However, it does not explain the strength with which it has been maintained in more secular societies and amongst the public. The main reason this trope has lingered for so long is best explained by the public’s fascination for her

innocence, helplessness, and foremostly, her sexual abuse. Claudia Cojocaru (2015) compares this with a circus: the public is fascinated and excited by the “victims” who entertain them with their stories of rape, abuse, and exploitation. The female victim is fetishized and sexually objectified and is completely at the mercy of her perpetrator. Cojocaru, who is a sex trafficking survivor herself, explains that when she told her story focusing on her agency, her audience was too excited and captivated by her story of degradation and humiliation to hear anything else but the tale of a helpless victim. Instead of hearing the story of a person who they could care for, the stories of sex trafficking survivors have become a form of entertainment to the public (Cojocaru, 2015; Lancaster, 2011; Bernstein, 2007). They can show their sympathy for her cause, “after secretly enjoying the sexual rush the imagery of naked and bruised sex slave bodies incites in their minds” (Cojocaru, 2015, p.191).

There are various reasons that have resulted in the maintained narrative of the innocent and helpless victim from the Global South in the human trafficking discourse. These include reinforcing traditional gender roles and colonialist power relations, as well as a pure fascination and excitement that comes with listening to the stories of helplessly sexually abused girls.

In this chapter, I have analyzed the development of the concept of the “trafficking victim”. Fearing changing norms and values, I have demonstrated how Christian abolitionists reframed the voluntary and involuntary sex worker as an innocent and helpless White girl in need of rescue. After this panic concerning “White slavery”, the fear for women their purity and helplessness was aimed at the girl from the Global South, who largely maintained the characteristics of her White predecessor. I then provided an alternative to the helpless victim, aiming to reinstate her agency in her own story. Lastly, I discussed the reason for why the narrative of the innocent, helpless and sexually abused girl remains the dominant narrative in the human trafficking discourse.

The female migrant sex trafficking victim: consequences on Dutch law, regulations, and practice

In this chapter, I am going to assess the question: “How does the narrative of the female migrant sex trafficking victim influence Dutch law, regulations, and practice concerning sex trafficking?” I will do this (1) by exploring Dutch law and regulations concerning sex trafficking, (2) by considering the development of the Dutch narrative of trafficking victims, and (3) by analyzing the actual consequences of these laws and regulations on the so-called female migrant sex trafficking victim. However, before delving into this assessment, I would like to clarify my choice for the Netherlands as well as provide some statistics on sex trafficking in the Netherlands.

Case study: The Netherlands

In 2020, CoMensha (the Dutch center of expertise on human trafficking and official hotline for victims of human trafficking) registered 984 instances of human trafficking. 408 of these instances consisted of suspected sex trafficking cases. There has been a decrease in registered cases as compared to 2019 (when there were a total of 1334 human trafficking cases, 849 were sex trafficking cases), which is attributed to measures of the COVID-19 pandemic such as travel restrictions and a change in the B8/3 regulation.⁸ It is estimated that the actual amount of human trafficked persons in the Netherlands adds up to 5.000-7.500 people (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen or Nationaal Rapporteur, 2021). To put this into context, the Netherlands has a population of about 17.6 million people (CBS, 2022). Do keep in mind that not all registered human trafficking victims are registered as Dutch citizens.

The Netherlands is an interesting country for this case study for multiple reasons. First of all, it uses a rather unique approach to combat human trafficking: they make use of their legalized prostitution sector as an anti-human trafficking mechanism. Furthermore, the Netherlands is considered progressive in its perspective of sex trafficked persons, recognizing that men, boys, and trans people are sex trafficked and that sex trafficking recruitment happens on its native soil too (Breuil et al., 2011; GRETA, 2018; Musto, 2010; Nationaal Rapporteur, 2016; 2021). This is reflected by the Trafficking Victims Protections Act (TVPA), which rated the Netherlands as a Tier 1 country, which is the highest ranking a country can get for their anti-human trafficking efforts (TVPA, 2021). However, this does not mean it does not maintain the narrative of the female migrant sex trafficked victim. It is therefore interesting to explore in what way and to what extent this narrative presents itself in Dutch law, regulation, and practice.

⁸ This regulation will be discussed in the section “Dutch law and regulations concerning sex trafficking.”

Dutch law and regulations concerning sex trafficking

In order to get a holistic understanding of Dutch efforts against sex trafficking, it is important to recognize that it has not developed in isolation. Therefore, we will consider three levels of anti-sex trafficking mechanisms: global level, EU level, and national level. I will refer to the regional level of sex trafficking policy and implications, however I will not discuss this in detail.

On the global level, the Netherlands signed and ratified the United Nations (UN) Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) in 2005 (UN, 2022). Parties to this convention agree “To prevent and combat trafficking in persons, paying particular attention to women and children;” and “To protect and assist the victims of such trafficking, with full respect for their human rights [...]” (General Assembly resolution 55/25, 2000).

As a member of the European Union, the Netherlands is bound by EU legislation. With regards to sex trafficking, this concerns EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; EU Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities; EU Directive 2012/29/EU on the minimum standards for rights, support and protection of victims of crime; and the Framework Decision of the European Union. Furthermore, the European Commission adopted the EU Strategy on Combatting Trafficking in Human Beings (2021-2025), focusing on reducing demand; promoting international cooperation; and protecting, supporting, and empowering the victims with a specific focus on women and children (Breuil et al., 2011; European Commission, 2021; Greta, 2018). There is a lot to say about the contents of each of these directives and the EU strategy. However, in order to maintain a focus on the Netherlands I will not discuss the details of these mechanisms. It should be assumed that most Dutch regulations are based on these mechanisms.

Next, we zoom in on the Netherlands. The year 2000 was a busy year for the Dutch anti-sex trafficking efforts: a National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (in Dutch: *Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen*) was established and the brothel ban was lifted. The National Rapporteur is an independent institution which writes reports to the Dutch government containing both information and advice on human trafficking and sexual violence against children in the Netherlands (Braspenning, 2006; Musto, 2010; Nationaal Rapporteur, 2022). The brothel ban was lifted in order to increase government control over this industry, which is now subject to a decentralized regional system characterized by licensing and regular inspections. The lift meant that prostitution is legal for all who are at least 18, are registered with the Dutch government and are from an EU-country or EEA-country (Braspenning, 2006; Government of the Netherlands, 2022a; Musto,

2010; Outshoorn, 2012).⁹ The lift of the brothel ban, however, together with the recognition of forms of human trafficking besides sex trafficking, has led to the implementation of Article 273f of the Dutch Code of Criminal Law (CC) in 2005. The article states that all forms of exploitation of human beings through violence and coercion is punishable. Prostitution is thus no longer punishable, unless coercion or violence is involved (Braspenning, 2006; Breuil et al., 2011; Musto, 2010).

Besides all these laws and regulations, the Netherlands has also developed the B8/3 regulation (formerly known as the B9 regulation), which provides victims of human trafficking with specific rights. It allows trafficked migrants to press charges by allocating them to a safe shelter and thus removing them from the threat posed to them. After being removed from the dangerous situation, the trafficked migrant has time to reflect upon their situation and decide whether they would like to press charges against their trafficker. The trafficked migrant has 3 months to think this over. If they decide to press charges, they will be provided with a temporary residence permit for as long as their case lasts. After the case has finished or has ceased to proceed, trafficked migrants rarely get a permanent residence permit. A trafficked migrant who decides not to press charges or whose case is finished, is asked by the police to leave the Netherlands (Braspenning, 2006; CoMensha, 2022).

What do these regulations mean in practice? As mentioned earlier, after the ban on the brothel act was lifted, the Netherlands established a regional approach against human trafficking. This means that Regional Prostitution Control Teams (RPCT) were established. Divided over different special units, they either have the task to initiate and conduct investigations; recognize, identify, and provide initial assistance to potential trafficked persons; and check the residence status of people (Braspenning, 2006). The main task of these groups is to regularly inspect licensed sex clubs for illegal prostitution (so either to detect sex workers without a relevant permit, workers younger than 18, or workers working involuntary). These licenses are distributed by the municipalities themselves. If these groups identify someone who does not meet the criteria of legal prostitution, they are detained and questioned. During this interrogation, the goal is to find out whether it concerns a case of human trafficking or not. If human trafficking is suspected, this is reported to CoMensha. The identified possible trafficked person can then be provided with “safe shelter” in the Netherlands, regardless of whether they show interest in pressing charges or not (Braspenning, 2006; Government of the Netherlands, 2022b; Outshoorn, 2012).

This is, however only one of two stories the Dutch sex industry tells. As a result of the strong regulation of the industry, the Dutch sex industry split into a legal and an illegal sex sector. The legal sector consists of licensed prostitutes, where authorities saw undocumented workers and

⁹ Switzerland is included in this as well, however Croatia is excluded. Furthermore, people from Croatia or countries other than EU- or EEA-countries can only work in the sex industry as a freelancer and if they have a valid residence permit with the status “freelance work permitted”. I will now refer to this group who cannot work in the legal Dutch sex industry as “non-EEA” sex workers.

under-age prostitutes disappear as a result of the strongly maintained licensing system and due to frequent inspections by the RPCT. Prostitutes in this sector are mainly White Dutch citizens, or other, mostly, European citizens. The second sector is characterized by prostitutes not entitled to a license (such as minors and illegal migrants who cannot get a residence or working permit), who have turned to working in more unregulated forms of prostitution such as escort services and other illegal sex branches, these being harder to control. The people working in this industry are mainly considered “foreign”, e.g., coming from West Africa (Braspenning, 2006; Outshoorn, 2012). It should be noted that despite the heavy regulation in the licensed sector, it is not entirely free of sex trafficking cases (Outshoorn, 2012).¹⁰

In 2018, the Dutch government launched its next National Action Plan Against Human Trafficking: “Together against human trafficking” (*Samen tegen Mensenhandel*) approach. This approach focuses on further developing what is there; strengthening the regional approach; and the sharing of knowledge and information (Government of the Netherlands, 2022b).

Development of the Dutch perspective on trafficked persons

The development of the Dutch perspective on trafficked persons is quite similar to the general development described in Chapter I, however it does significantly differ in some periods. In the nineteenth century, brothels were allowed in the Netherlands. This was until 1911, when the religious parties formed a majority in parliament and passed the Morality Laws, criminalizing homosexuality, contraceptives, and abortion. The Laws also prohibited brothels: pimps were criminalized, and prostitutes were thought to be in need of redemption (De Vries, 1997). The Law lacked effectiveness, however, and local authorities moved brothels to specific areas, condoning the activities as long as it did not interfere with public order (Outshoorn, 2004). Despite that prostitutes were oftentimes viewed as women in need of redemption, the Netherlands never criminalized prostitutes, recognizing them as victims instead (Outshoorn, 2012). This situation remained until the 1960’s, when Dutch society became characterized by secularization and modernization, resulting in the religious parties losing their majority in parliament in 1967. Except for brothels, all that the Morality Laws had outlawed had become legal again (Outshoorn, 2012).

When in the 1970’s global trends in the sex industry became visible in the Dutch society and “the first signs of women being trafficked from abroad” (Outshoorn, 2012, p.234) showed, municipalities tried to regulate the prostitution sector, for fear of public disorder. This shows that early on, the Dutch authorities believed that regulation is more effective than complete abolishment. This approach was however unsuccessful, when courts ruled that municipalities could not regulate what is prohibited by law. Consequently, local authorities demanded the brothel

¹⁰ There is a record of various instances of sex trafficking networks openly operating in the licensed sectors, such as the Saban B. case, when a Turkish trafficker sex trafficked 78 women, most of which are Dutch, abused them, coerced tattoos and cosmetic surgery, and sometimes forced abortion. See KLPD (2008) for more information.

act be repealed, finding an ally in the Dutch feminists. Despite that the general feminist discourse at the time was characterized by radical feminists, who are of the opinion that prostitution is a form of patriarchal oppression, Dutch feminists were in favor of legalizing voluntary sex work (Breuil et al., 2011; Huisman & Kleemans, 2014; Kempadoo 2005; Outshoorn, 2012; Segrave et al. 2009). The pro-sex coalition of Dutch feminists and local municipalities set three demands for sex work in the Netherlands: removing the ban on brothels in order to improve the working conditions of sex workers; residence permits for women who have been trafficked in order to testify against their traffickers; and increased penalties for traffickers. The second demand was the first to be accepted in 1988. This proved only the start of changing norms and values: ideas concerning individual rights and sexual freedom finally resulted in the repealed brothel ban in 2000. Consequently, in the Netherlands, the voluntary prostitute was no longer (seen by all as) an oppressed or deceived woman, she was now considered an entrepreneur (Braspenning, 2006; Breuil et al., 2011; Outshoorn, 2004; 2012).

However, this did not mean that everyone could become a sex worker in the Netherlands. The fear of migrant women being trafficked to the Netherlands for prostitution, influenced regulation in such a way that people only from certain nationalities could become a prostitute (Outshoorn, 2012).¹¹ Therefore, despite that White or European women were perceived as having agency, the woman from the Global South did not share her self-determination.

Later developments, which reflect the current Dutch narrative concerning sex trafficking, recognized that men, boys and trans people are potential victims of sex trafficking too. However, the main focus of sex trafficked persons is still on women, who are best divided in two categories: White girls who are victim to loverboys and non-EEA women who have been deceived (Herz, 2005; Musto, 2010; Outshoorn, 2012).¹² The loverboy method came to light around 2000, when it was realized that young girls often with older boyfriends were working in prostitution, in order to help them pay off their “debts”. Around 2014, more attention was paid to this method and a specific approach was dedicated to loverboy issues. In recent years, an average of 150 loverboy victims a year have been reported. At the same time, the amount of sex trafficked migrants was almost 700 in 2019 (Bovenkerk et al., 2006; Nationaal Rapporteur, 2018; Netherlands Jeugdinstuut, 2022a; 2022b).

Implications in practice

The focus in policies influence the findings. As mentioned, the main focus of the Dutch narrative concerns victims of loverboys and non-EEA women in prostitution. What can be deduced from

¹¹ I describe these requirements earlier on page 3.

¹² A loverboy is generally understood to be a young man who seduces girls, in order to eventually force her to work in prostitution for him (Musto, 2010, p.332).

the data, is that they also make up the greatest proportion of sex trafficking victims (Nationaal Rapporteur, 2018).

But what are the consequences of this focus on the non-EEA woman in prostitution? The answer to this question can best be divided in direct consequences for non-EEA women in prostitution and other direct consequences on the anti-sex trafficking system.

The “other direct consequences” mainly concerns the reason for implying this narrative for authorities and NGOs. As Musto (2010) noted: “By specifically focusing on trafficked women’s victimization within the sex industry, Dutch care coordinators, social workers and NGO advocates were able to financially sustain and legitimize anti-trafficking projects to chain partners” (p.388). As described earlier in Chapter I, people are more interested in the narrative of the helpless sexually abused girl. For this reason, NGOs are more likely to get donations from the public by making use of this narrative when advertising, but also more funding from the Dutch government (Breuil et al., 2011; Musto, 2010). This is best expressed by an interviewee from Musto (2010), who said the following:

If we would only work with voluntary sex workers and I would represent them in such a way that they are doing ok, then we’re not going to get any money. That’s what I think. But they [the funding agencies] know that for about 60% of our clients work against their will so we can mostly use that [trafficking for forced prostitution] to get a lot of money. You can also write something about ‘stigmatization of women.’ If you want to do something for sex workers, sometimes the best thing to do is not to say that you are or have been a sex worker yourself because people take you less seriously.

Furthermore, by focusing on the help they would need, NGOs aim to motivate the police to see female migrant prostitutes as “exploited, vulnerable and psychologically traumatized victims who need human rights relief” (Breuil et al., 2010, p.390) instead of illegal migrants who are to be deported. The police forces get taught that every non-EEA woman in prostitution is potentially a human trafficking victim. These victims are described to them as having PTSD, which consequently harms the position of licensed sex workers, altering the idea that sex workers have a “normal profession” (Musto, 2010).

However, the idea of this helpless female sex trafficking victim has done the opposite of motivating the police forces: according to Kragten-Heerdink et al. (2018), the strong focus on the helplessness of the victim, combined with the idea of a well-informed organized criminal network demotivates the police. Additionally, the police see it as their main job to punish perpetrators, and not to help victims (Breuil et al., 2010). Due to limited police forces and because human and sex trafficking cases are viewed as being a lot of work with a low success rate, police forces appear not to accept notifications of victims pleading for their help. This is since victim testimonies appear of little

value, as they usually do not hold up in court, and because there is often little other evidence (Breuil et al., 2010).

What are the consequences for the non-EEA woman in prostitution? As mentioned earlier, non-EEA women in prostitution are viewed as either one of two categories: a victim of sex trafficking or an illegal migrant. Illegal migrants have no right to stay in the Netherlands and those working in the sex industry must have been deceived, is the general narrative. There is no narrative that accounts for a non-EEA woman with agency who wants to work in the Dutch sex sector as a prostitute out of free will. As a result of Dutch law, non-EEA women are unable to get a working permit to work in the sex industry, legally. For this reason, the only way they can work (and receive greater pay than with other jobs is) in prostitution working in the illegal sector. This sector is not regulated, does not have a safety net or protection, and thus leaves people working there vulnerable to coercion and blackmail. They have to work under poor working conditions and receive bad pay (Outshoorn, 2012; Breuil et al., 2011). Thus, by not being eligible for working permits like women from EU-countries are, non-EEA sex workers are more prone to being coerced or blackmailed and thus to become an actual victim of sex trafficking. The most logical solution would therefore be to allow non-EEA women a working permit to work in the legal Dutch sex sector, providing them with a safety net and protecting them from potential attempts of coercion. It is, however, hard to claim that such a policy would benefit this group, as other factors are not taken into account and as there is little knowledge of the implications of such a policy. Furthermore, it seems unlikely the Netherlands would implement such a policy, considering that its own and the European strict laws and regulations concerning immigration are focusing on keeping people out instead of taking them in (HRW, 2018).

To conclude, the Netherlands is a country that has policy on human and sex trafficking on four levels. It holds progressive ideas concerning 1) human trafficking, recognizing that there are forms of human trafficking besides sex trafficking, and 2) sex trafficking, recognizing that boys, men, and trans people can be victims, as well as that victims of sex trafficking may be recruited on the national soil too. Besides all this, the Netherlands, like other countries, clings to the story of the helpless sexually abused and forced female migrant prostitute. Consequently, to combat this particular narrative of sex trafficking, this group of non-EEA sex workers is denied a working permit. This does not halt some of these non-EEA women who are not eligible for a working permit to still choose to come to the Netherlands to work in the Dutch sex industry. However, due to a lack of protection in the illegal sex sector, they are vulnerable to becoming an actual victim of sex trafficking. To focus solely on this idea, the most obvious solution to this problem would be to provide these women with a working permit so they can participate in the legal sex sector. However, the actual implications of such a policy and whether they truly benefit this group are unknown, and the likelihood that the Netherlands would implement such a policy seems small.

Conclusion

In this paper, I have analyzed the different understandings and relationships of the concepts human trafficking, sex labor, forced labor, and prostitution. Drawing on the theory of Marjan Wijers (2015), I demonstrated that the sex industry can either be considered a legitimate labor sector or not. I showed that this has implications for the way that sex trafficking is viewed and thus how the sex trafficked person is conceptualized. I then elaborated on this by, exploring the historical development of the “sex trafficking victim” and demonstrated that she was at first perceived as a White girl and later as a girl from Eastern Europe or the Global South. Throughout this development she remained perceived as a helpless, innocent, and deceived girl forced into prostitution, influenced by the White slavery panic in American and European society. I demonstrated how this reinforced traditional roles and values and how this image of the trafficked woman from the Global South has remained the mainstream narrative in the contemporary human trafficking discourse, despite evidence that proves this narrative hardly describes the real experiences of “victims” and the way they perceive themselves.

Applying this framework to the Dutch anti-human and anti-sex trafficking measures and mechanisms, I demonstrated that the Dutch system acknowledges a broader view of the victim, including White people and genders other than female. Despite this, it still emphasizes the view of the sex trafficked female migrant, resulting in regulation excluding non-EEA women from legally participating in the Dutch sex industry. Consequently, migrant women who are excluded from the legal Dutch sex industry are more vulnerable to becoming a victim of coercion or force in the sex industry. A solution to this could be to include this group in the legal sex sector. Future research could focus on the implications of this inclusion as well as other ways to make the “victim narrative” used in anti-human and anti-sex trafficking measures and mechanisms more accurate and thereby effective.

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