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### The Netherlands: Legalized Prostitution vs. Illegal Trafficking

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**BACKGROUND:** In 2000, the Netherlands legalized prostitution and sex businesses. The Dutch government has since made extensive efforts to ensure the safety and license status of sex workers; however, despite similar efforts to combat human trafficking, with the institution of the National Human Trafficking Action Plan in 2004 and the annual National Report on Trafficking in Human Beings, the Netherlands still struggles to measure the exact number of prostitutes who are being illegally trafficked.

**METHODOLOGY**

1. Critical analysis of human trafficking guidelines in Dutch Criminal Code Section 273f
2. Analysis of government documents regarding the improvement of regulations in the sex work industry
3. Analysis of data National Coordination Centre against Human Trafficking in the Netherlands (CoMensha)
4. Secondary sources regarding actions to fight trafficking in the Netherlands

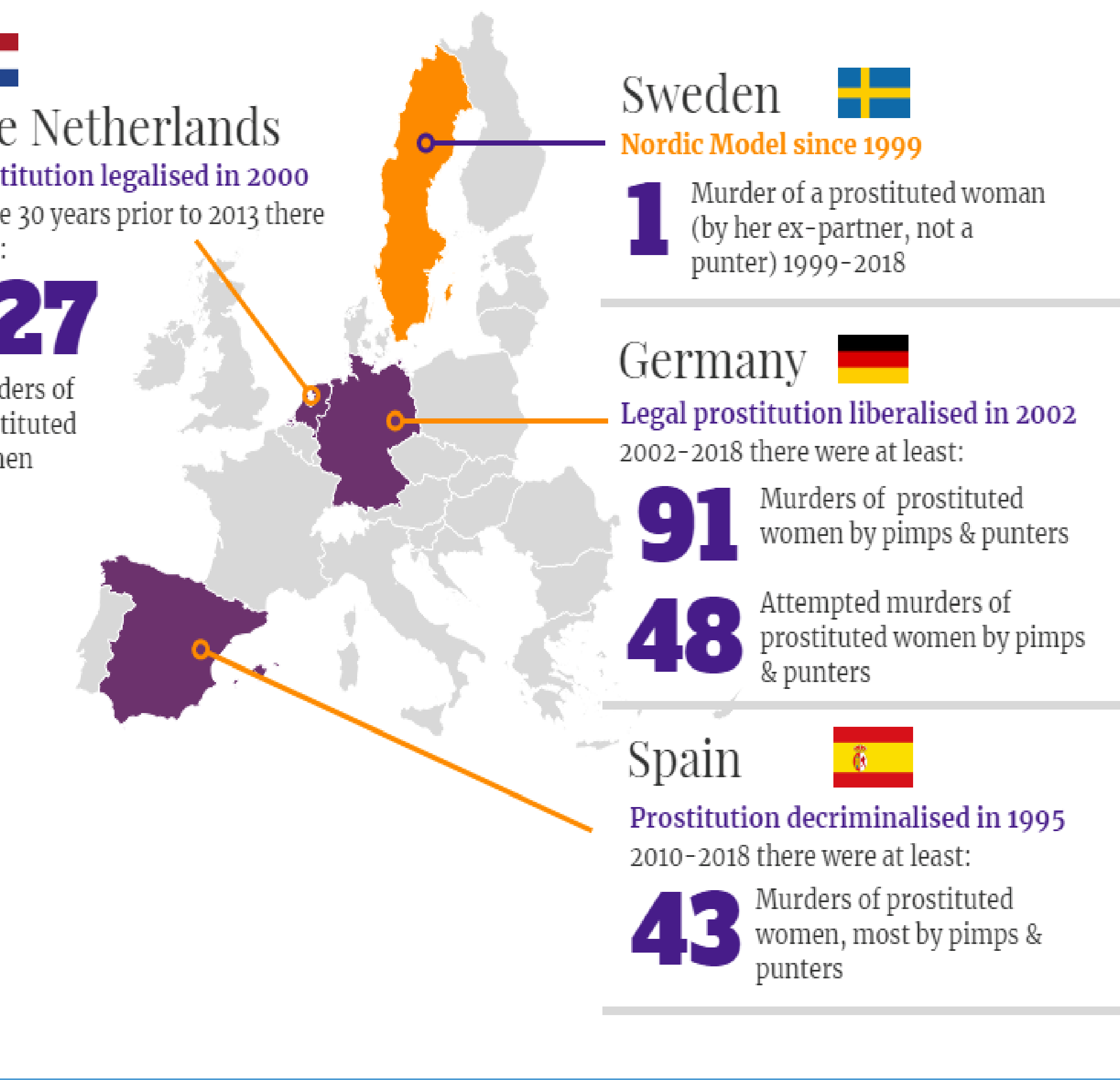


Figure 1: <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

The above image shows the number of murders of sex workers in the Netherlands prior to 2013. It could be inferred that the high number of deaths of sex workers led to the 2014 decision of the Dutch government to amend legislation to include more clauses to protect prostitutes and regulate operators of sex businesses.

# The Netherlands: Legalized Prostitution vs. Illegal Trafficking

| Legalized Prostitution  | Illegal Trafficking in Human Beings   |
|---|---|
| <ul style="list-style-type: none"><li>• The Netherlands legalized prostitution in 2000 despite international law (Palermo Protocol) deeming it part of illicit human trafficking</li><li>• The Dutch requires prostitutes to register for a sex work license so that it can tax them</li><li>• Stricter legislation to regulate sex businesses has been enacted to protect prostitutes from exploitation since legalization in 2000</li></ul> | <ul style="list-style-type: none"><li>• Human trafficking is illegal under Dutch Criminal Code 273f and has been edited to match guidelines in the 2000 UN Palermo Protocol</li><li>• The Dutch government has instituted a Human Trafficking Task Force and experts on trafficking publish the Dutch National Rapporteur on Human Trafficking in Human Beings to each year to be included into Dutch legislation</li></ul> |

**Table 1** Number of licenses per type of sex business in participating municipalities, in 2006 and 2014<sup>a, b</sup>

| Type of sex business                           | Number in 2006 | Number in 2014 |
|--|----------------|----------------|
| Window brothels                                | 507            | 195            |
| Sex clubs/private houses/theatres <sup>c</sup> | 403            | 247            |
| Escort agencies                                | 81             | 125            |
| Erotic massage parlours                        | 54             | 47             |
| Swinger clubs                                  | 19             | 21             |
| Other  | 63             | 39             |
| Total  | 1,127          | 674            |

- <sup>a</sup> For the year 2014 this table also incorporates the data of sixteen municipalities that had not responded in 2014 but that had indicated in 2006 to have licensed sex businesses in their municipality.
- <sup>b</sup> Based on data from Flight et al., 2006 and Van Wijk et al., 2014.
- <sup>c</sup> This category combines sex clubs, private houses, sex theatres and sex cinemas to permit a comparison between 2006 and 2014.

Figure 2: <https://www.government.nl/topics/prostitution/documents/reports/2015/06/01/prostitution-in-the-netherlands-in-2014>

## RESULTS

Two factors have been integral to the progress achieved in the Netherlands to combat human trafficking in the sex work industry.

- 1) Adding an amendment in 2014 (“Rules Concerning the Regulation of Prostitution and the Fight Against Abuses in the Sex Industry”) to the original 2000 legislation legalizing prostitution to protect prostitutes
- 2) Consistently revised editions of the Dutch National Rapporteur on Trafficking in Human Beings published; the 10<sup>th</sup> National Rapporteur was published in March 2019 and includes recommendations for the Dutch government on how to protect non-Dutch workers from exploitation in the sex work industry and provide training for medical professionals who have come in contact with sex workers that may be human trafficked.

## Additional Findings:

- 1) 2014 legislative adoption of “Rules Concerning the Regulation of Prostitution and the Fight Against Abuses in the Sex Industry”
  - a) Mandatory registration for prostitutes through CoMensha
  - b) Minimum age of participation in sex work 21 years old
  - c) Operators of sex work businesses must provide information on all employees to regulators
  - d) Figure 2 shows that since the Dutch government has instituted the amendment to regulations on prostitution in 2014, the number of licenses issued to all types of sex businesses has decreased

### 2) Recommendations in 10<sup>th</sup> National Rapporteur on Trafficking in Human Beings

- a) Minister of Justice and Security should choose specific organizations to grant the reflection period for non-Dutch sex workers who are victims of human trafficking and make the victim of trafficking aware of the importance of an intake interview in the decision to grant a reflection period
- b) Minister and State Secretary of Health should provide training to medical professionals to recognize human trafficking
- c) Minister of Security should ensure that municipalities’ policies are edited to include combatting human trafficking because despite federal efforts to fight human trafficking in the sex work industry, municipalities have been slow to adopt these policies

## REFERENCES

- 10<sup>th</sup> Report of the National Rapporteur on Trafficking in Human Beings <https://www.dutchrapporteur.nl/Publications/TenthreportHumantrafficking/doctors-need-to-identify-human-trafficking.aspx>
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