The Introduction of Quality Labels in the Prostitution Sector as a Means to Combat Trafficking in Human Beings

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1. Introduction

Trafficking in human beings (THB) continues to be one of the most serious crimes with enormous human rights implications for the victims. Although the definition of THB adopted in the Palermo Protocol to the UN Convention on Transnational Organised Crime, now includes all forms of labour exploitation in addition to exploitation for sexual services, this article focuses only on the latter form of THB.¹ Since THB is difficult to recognise and often has a transnational aspect, which makes it more difficult to investigate and to prosecute this crime, states look for alternative means to prevent and combat it. One of these alternative means might be to regulate the prostitution sector. It is believed that through strict supervision, this sector can be separated from illegal and criminal activities. The subject of this article is the regulation of the prostitution sector by way of using quality labels. It is a more analytical reflection on the results of a pilot study conducted by the authors on the development and the feasibility of introducing European quality labels in the prostitution sector in the Netherlands.²

²) C. Rijken and L. van Krimpen, ‘European Quality Labels in the Prostitution Sector. A Pilot Study
In this article, firstly, an exploration of the current policy as regards prostitution in the Netherlands will be presented. Secondly, the phenomenon of quality labels as a form of (self-)regulation is explored. Thirdly, the feasibility of the use of quality labels in the prostitution sector will be discussed from a theoretical point of view. Fourthly, the results of an indicative study on the development and the feasibility of the introduction of such quality labels in this sector in the Netherlands will be analysed, in order to suggest a list of indicators or conditions for such quality labels. The indicative study was focused on the situation in the Netherlands and consequently this article mainly concerns the Dutch situation. However, the underlying idea was to also explore the potential for introducing quality labels at the EU level. The indicative study was conducted from that perspective.

This article mainly focuses on the positive effects of regulation in the prostitution sector. As follows from current investigations in the Netherlands regulation is far from sufficient to fight THB in prostitution. It must merely be seen as an addition to other (criminal law) mechanism to fight THB. Besides, the way regulation in the Netherlands is shaped at this moment leaves large (vulnerable) parts of the prostitution sector unaffected as will be shown in the next section.

2. The Prostitution Sector in the Netherlands

The fact that the indicative study was conducted in the Netherlands has certain implications. On the one hand, the policy regarding prostitution in the Netherlands is unique as the commercial exploitation of some forms of voluntary prostitution of adults was legalised in 2000. On the other hand, the need for (further) regulation by introducing quality labels is apparent to a lesser extent than in those countries where no form of regulation exits. Because of these implications the Dutch situation is unique in the EU and even the rest of the world. Therefore, the results of the study analysed in this article cannot be simply applied to other EU countries. However, the experiences in the Netherlands with this policy generate valuable information on the various aspects of regulating the prostitution sector which may be useful for introducing quality labels. The focus in this section will first be on an elaboration on the current policy in the Netherlands, including the way it is organised, the actors that play a role in this policy, and the impact of this policy.