

## *Abstract*

This paper presents the descriptive results and qualitative analysis of an innovative survey sent to ministries, national rapporteurs, GRETA officials, police officials, NGOs, and ombudsmen across the EU on their anti-trafficking policy preferences and opinions. In demonstrating the diverse array of occupational and regional predilections for different prostitution policies, European Commission and Anti-Trafficking Coordinator involvement in anti-trafficking efforts, and suggested policy area solutions and reforms, the study provides a first and powerful look into elite opinion formation on anti-trafficking public policy. This paper also provides an original academic assessment of national rapporteur functions and effectiveness in the EU based on the survey responses and attitudes. The cumulative inferences of the needs and desires of different European policymakers in future anti-trafficking policy and EU cooperation provide a blueprint for good governance in the design and implementation of policies and legal frameworks that seek to eradicate modern slavery.

## **Introduction**

I seek to provide inferences on how cultural, values-based, and occupational differences affect European policymakers' propensity for certain anti-trafficking policies or state capacities. In directly quoting policymakers and NGO workers, I provide an inside glimpse into how and why policymakers consider different policy options and anti-trafficking strategies the way they do. Such policies and topics of interest include prostitution regulation, national rapporteur functions, and actions and agendas by the European Commission and Anti-Trafficking Coordinator. In evaluating the seventy-five complete survey responses received from European ministry

officials, national rapporteur authorities, GRETA officials<sup>1</sup>, NGO staff members, police officers, and other policy-stakeholders, several inferences about elite opinion formation at the policy and decision-making level are evident and substantiated via an inductive process.

The resulting survey interpretations include the following: i) Western and Northern European respondents are most likely to agree with legalized prostitution, while Eastern European are most likely to oppose it; ii) respondents from states with the Swedish prostitution model tend to agree with it, although participants from Northern Europe agreed more strongly than those from Western Europe; iii) ministry officials demonstrated the strongest support for the Swedish model; iv) out of their five designated objectives outlined in *Directive 2011/36/EU*, national rapporteurs are estimated to perform most poorly on measuring the results of anti-trafficking activities; v) national rapporteurs are perceived to operate most efficiently in Northern EU member states and most poorly in Southern and Western EU member states; vi) national rapporteurs, followed by police officials, ranked their own capacities higher than any other occupation group while NGO staff were the most critical of national rapporteur capabilities; vii) GRETA experts held the European Commission's Anti-Trafficking Coordinator (ATC) to be more important in the fight against trafficking in the EU than any other occupation group, while police officials ranked this position's importance the lowest; and viii) on a regional level, Southern European respondents gave the ATC official the most relevance in combatting trafficking while Northern European respondents assigned the position the lowest importance.

From here, I present more detailed information about the aforementioned survey used to gather these findings, how it was distributed, and its scope. Then, I analyze the survey responses

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<sup>1</sup> The Council of Europe's (which is an entity separate from EU institutions) Group of Experts on Action against Trafficking in Human Beings.

by occupation and regional affiliation with background context and free response explanations included for added nuance in interpreting the results. I cover insights on prostitution policy preferences, national rapporteur functioning, the importance of the European Commission strategy and ATC, and policy realms that survey respondents wish the European Commission was more involved with before outlining shortcomings from the survey and concluding with recommendations for future scholarship and surveys on anti-trafficking public policy. As a disclaimer, however, it should be noted that the arguments for and against different anti-trafficking policy actions supplied and evaluated in this study do not reflect all the necessary policy considerations weighed by experts.

### ***Unique survey information***

The original Qualtrics survey was emailed to 243 European ministries, national rapporteurs, GRETA officials, police HQs/officials, policymakers, NGOs, NGO workers, and ombudsmen.<sup>2</sup> Many of these officials had been identified and originally contacted during a separate data collection process for trafficking in human beings (THB) victims data. Those that had been contacted for data requests were also contacted with the survey, as well as any other relevant ministries, officials, and NGOs/NGO workers that were listed on the European Commission's anti-THB contact page for each EU member state. Seventy-five complete responses were received, reviewed, and analyzed to assist in explanations of policy preferences across the EU. Additional appropriate contacts that were suggested by the survey participants themselves were also reached out to with the survey. Survey participants provided information on their occupation and member state affiliation before ranking preferences, scoring, and writing short answer

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<sup>2</sup> The survey received LSE Research Ethics Board approval on May 5, 2021, under reference #24323.

responses on prostitution policies, their national rapporteur, the relative importance of different “push” factors for specific types of THB, and the importance of the EU Anti-Trafficking Coordinator and European Commission in various anti-THB exercises.

The seventy-five received and complete responses had good representation from across the EU<sup>3</sup>, with twenty-four out of twenty-seven member states represented in the survey and 25% of respondents hailing from Eastern Europe, 23% from Northern Europe, 26% from Southern Europe, and 26% from Western Europe. NGO officials made-up more than half of participants, with 53% of respondents identifying as an NGO staff member, 17% as a ministry official, 15% as a police officer, 12% as a national rapporteur authority, and 2.5% as GRETA experts from the Council of Europe. 41% of respondents described themselves as representing a destination country for THB victims, 35% as a transit country, and 24% as an origin or source country.<sup>4</sup>

## Survey analysis

### *Prostitution policy preferences*

Preferences across the EU for different types of prostitution regulation exemplify disparate perspectives on how sex trafficking is qualified, what measures better protect potential and

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<sup>3</sup> In analysing the survey data, each observation (i.e. respondent) was assigned to a region based off of their identified member state. Using UCF’s categorisation, Northern Europe includes Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, and Sweden; Southern Europe includes Croatia, Greece, Italy, Malta, Portugal, Slovenia, and Spain; Western Europe includes Austria, Belgium, France, Germany, Luxembourg, and the Netherlands; and Eastern Europe includes Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia (UCF Libraries 2021). There was a fairly uniform quantity of respondents from each region, with 18 from Eastern Europe, seventeen from Northern Europe, nineteen from Southern Europe, and nineteen from Western Europe completing the survey (two respondents failed to disclose their member state affiliation).

<sup>4</sup> Survey participants were able to select all descriptions/categories that applied to their occupation and THB country type (destination, transit, or source), so some respondents are represented in multiple occupation or THB country type classifications.

identified THB victims<sup>5</sup>, and whether or not sex work is consistent with “European” values. Prostitution policies in the EU can be grouped into four categories: legalized prostitution, unregulated legalization, the Swedish model (also referred to as the Nordic model), and complete criminalization. Legalized prostitution decriminalizes the purchase and sale of sex, while also formally regulating the prostitution market (Weitzer 2017). The regulations imposed in a legalized prostitution market may include a formal registration process and access to some welfare benefits for sex workers, mandatory STD testing, health and safety standards, a licensing process for brothels, and tax collection. Yet, what a legalized sex market looks like in practice varies widely across the EU due to differences in regulations and implementation. For example, Greece limits the legalization to brothels, most of which are legally required to be outside of cities (NSWP 2017); most prostitutes in Hungary are unaware they are able to receive a legal work permit because the legalization is limited to demarcated zones (Woods 2020); and Latvia regulates prostitution such that sex proprietors and workers are disincentivized from working with pimps, while the same cannot be said for Germany and the Netherlands (Respondent 45). Foreign prostitutes may be excluded from state protections in a legalized system since their inability to access proper permits/visas also excludes them from the formal sex worker registration process (Friesendorf 2007, 396-397). Unregulated legalization of prostitution entails legalizing prostitution to a certain extent without imposing state regulations and safeguards, although there may be additional laws that outlaw running a brothel, soliciting or purchasing sex in public, and/or engaging in prostitution with a THB victim. In states classified as having unregulated legalization, such as Cyprus and

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<sup>5</sup> In an effort to remain unbiased, I refer to those involved in regulated sex markets as sex workers, use the term “prostitute” to refer to individuals that sell sex more generally, and employ the term “THB victim” where trafficking victimization would be recognized by national referral mechanisms.

Finland, the state does not typically pursue criminal charges against those who purchase sex (Kathemerini Cyprus 2020; Reinboth and Woolley 2014). The Swedish model takes a different approach from legalization and unregulated legalization insofar as it criminalizes the purchase of sex, while still decriminalizing the act of prostitution (Jakobsson and Kotsadam 2013). Alternatively, complete criminalization criminalizes both the purchase and sale of sex, and therefore bans prostitution and prescribes legal punishments for convicted prostitutes (ibid).

Proponents of legalized prostitution usually align with the “liberal” feminist position that prostitution is a voluntary choice and legalization can provide labor and safety protections to sex workers (Cho 2016). Conversely, “radical” feminists and “abolitionists” align closer with proponents of the Swedish and complete criminalization models because they view prostitution as equivalent to sexual exploitation, and therefore prostitutes as inherent victims of THB (Cho 2016; Jakobsson and Kotsadam 2013). However, the European debate over prostitution policy is deeper than the “liberal” and “radical” feminist disagreements in the literature as a result of diverging cultural histories and dissent over which conception of women’s autonomy and gender-based violence better respects European values. For example, prostitution has been regulated since the nineteenth century in Austria and the Netherlands, and it has been legal in the Netherlands since the same century; while this long history of regulated prostitution does not exist in countries with the Swedish model (Wagenaar et al. 2017). Some of these cultural differences and attitudes were even reflected in the language that survey participants used when explaining their level of agreement or disagreement with their member state’s prostitution policy. Those that defended legalized prostitution and unregulated legalization tended to refer to those involved in the sex market as sex workers, while those that preferred the Swedish model and complete criminalization favored the terms “prostitute” or “individual involved in prostitution.”

Given the regional and occupational diversity of those that responded to the survey, I am chiefly interested in the perspectives and arguments for and against different prostitution policies as voiced by the survey participants. However, I do not presume that the arguments summarized here encompass all necessary considerations in anti-THB and anti-gender based violence policy formulation. The following paragraphs merely scratch the surface of how different types of anti-THB experts and activists view, frame, and evaluate various prostitution models.

The most frequent argument invoked by proponents of some form of legalization was that such a policy would protect sex workers' rights and safety in their job (Respondents 10, 12, 42, 56, 69, 70). This position was argued most clearly by a Western European NGO worker who stated "Decriminalisation [sic] of selling and paying for sex is needed to give sex workers rights similar [to] other workers" (Respondent 42). This participant went on to criticize how current regulation measures do not protect sex workers enough, writing "The current...regulated model makes it impossible for a large part of the workers to work legally. This illegal status makes workers vulnerable and makes it harder to report crime and seek help. Signs of exploitation will be missed when the industry largely operates underground" (ibid). This participant acknowledged that underground and hidden prostitution and trafficking can still exist in legalized systems, a concern that a few supporters of the Swedish model shared about legalization. An Eastern European NGO worker wrote "A lot of the...victims exploited abroad were exploited in countries where prostitution was legal and this was just a way to hide exploitation. They were forced to register and declare they do this by their own free will and as long as they payed [sic] their taxes the traffickers exploited them freely...Legalizing prostitution...will just offer the shield [sic] to hide exploitation" (Respondent 74). Divergences in opinions between whether or not the act of prostitution should be decriminalized, and the occupation of sex work legitimized through

regulation, only begin with whether or not legalized systems allow hidden prostitution and exploitation to persist. There are also the issues of stigma, victims' willingness to seek help, and larger influences of each model on demand for prostitution and/or exploitation.

An Eastern European ministry official stated the following while expressing his preference for complete criminalization over legalized prostitution: "It [prostitution] is an ulcer of our society, and in this sense, incompatible with the [sic] European values, above all the inviolability of human dignity" (Respondent 16). On the other hand, those that support legalization felt that anything short of legalizing sex work would marginalize and stigmatize individuals involved in prostitution (Respondent 12). Such pro-legalization proponents also held that regulating the sex market, and therefore destigmatizing sex work, would make it easier for potential victims to get assistance and contact police (Respondents 41, 42, 47, 69). Conversely, defenders of the Swedish model argue that decriminalizing prostitution while criminalizing buyers allows the state to develop exit programs for prostitutes and lower prostitution demand (Respondents 13, 29, 44, 52). These respondents also acknowledged that prostitution is a high-risk industry for THB, a claim that was typically missing from those that defended a legalization model. A counter to this position is that the Swedish model shifts prostitution demand to states with legalization or unregulated legalization, which is a concern for officials in source countries of victims as this could shift both supply and demand to member states outside of their control (Respondent 24). Issues of the willingness, vulnerability, and opportunities for coercion of those involved in prostitution therefore remain under each type of prostitution model, with those who prefer the Swedish model or complete criminalization arguing fervently that prostitution and sex work are involuntary occupations (Respondents 5, 16, 59). As was framed by an NGO worker in northern Europe, "Its [sic] obvious after working with women in prostitution for 20 years that no one does this if they



have another option. Persons in prostitution need help to leave and find new ways in life, not get punished. To legalize prostitution only fuels human trafficking and other crimes, it's devastating for the persons in it. When people in prostitution are not criminalized they dare to testify against traffickers and pimps" (Respondent 5).

Defenders of complete criminalization were the smallest preferred prostitution policy group of survey participants. Yet, most of these respondents held strong convictions for this policy option, as was likewise true with respondents that preferred the other models. Supporters of complete criminalization argued in their responses that prostitution would have to be deemed illegal in order for demand to decline and to protect those involved in prostitution (Respondents 16, 57). This stemmed from the belief that sex buyers do not care if they are buying sex from a sex worker or THB victim, and therefore the entire practice needs to be banned to shift cultural attitudes; or the belief that no prostitute sells sex willingly due to coercion from financial distress, vulnerability, or other causes (ibid). While supporters of the Swedish model disagree with complete criminalization advocates on whether the sale of sex (i.e. the act of prostitution) should be criminalized, they agree that prostitution is a form of gender-based violence and advocate for a "gender equality" response to THB for the purpose of sexual exploitation (Respondents 17, 51, 58).

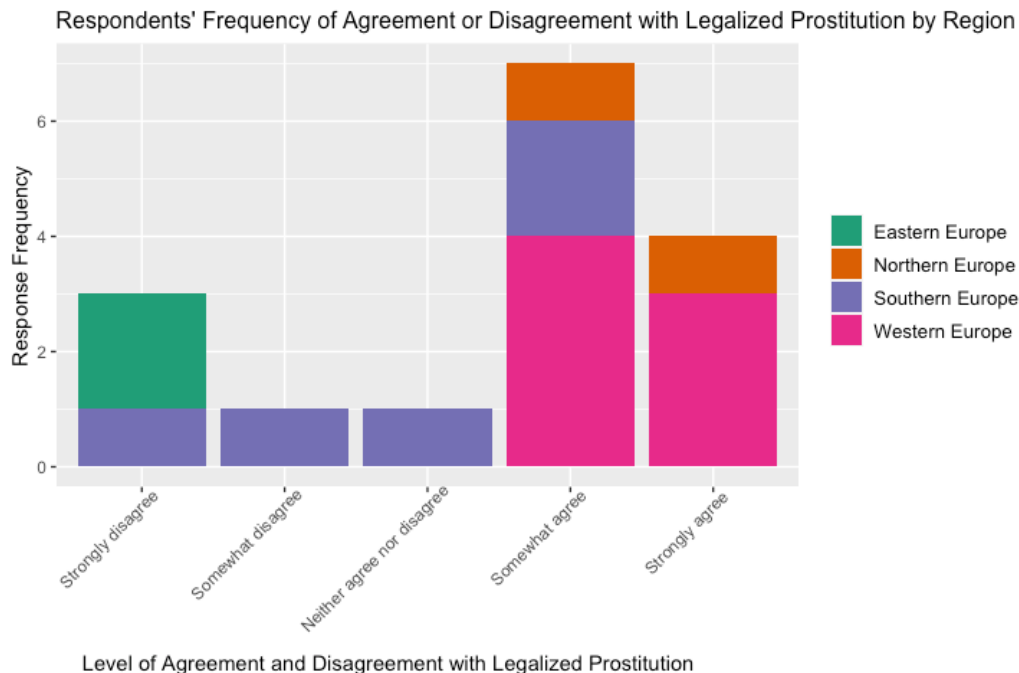
Unsurprisingly, given the regional distribution of the quotes included here that are for and against legalization, **Figure 1** shows how Western European survey participants from member states with legalized prostitution agree with legalization, while eastern European respondents only expressed strong disagreement with the policy. The frequency metrics display how many respondents strongly disagreed, somewhat disagreed, neither agreed nor disagreed, somewhat agreed, or strongly agreed with legalized prostitution, as well as their regional affiliation. Northern

Europeans only displayed some form of agreement with legalization, while southern European participants were split with two agreeing, two disagreeing, and one remaining neutral. **Figure 2**, on the other hand, demonstrates that, among participants from countries with the Swedish model, Northern European respondents overwhelmingly agreed with the Swedish model, with only one respondent remaining neutral. 75% of Western European respondents also agreed with the Swedish model as only one Western European survey participant strongly disagreed.<sup>6</sup> **Figures 3** and **4** display how the consensus amongst respondents with the same occupation or industry is not as cohesive as the regional identities. In **Figure 3**, almost as many NGO staff participants disagree with legalized prostitution as agree, the one ministry respondent disagreed with legalized prostitution while the only national rapporteur respondent agreed, and police officials overwhelmingly agreed with legalization. But in **Figure 4**, three times as many NGO staff participants agreed with the Swedish model as disagreed, the two ministry official respondents strongly agreed with the policy model, the national rapporteurs were either neutral or agreed, and the singular police respondent remained neutral.<sup>7</sup>

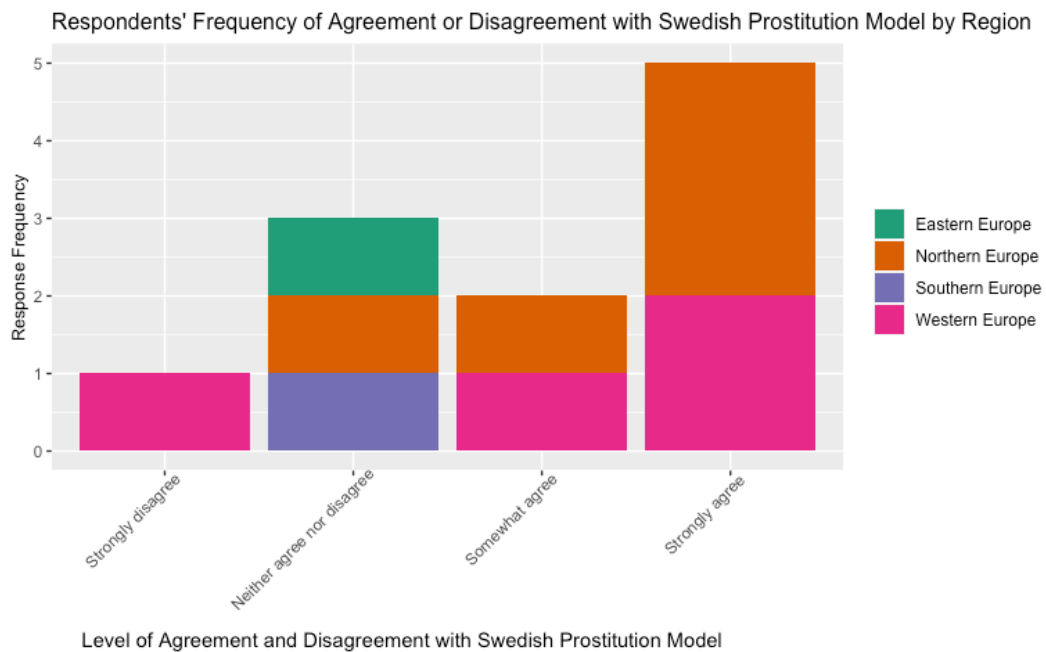
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<sup>6</sup> The observations of the Eastern and Southern European respondents should be ignored in **Figure 2**, as there are no EU member states in these regions that have currently adopted the Swedish model.

<sup>7</sup> To clarify, survey participants had to select which type of prostitution model their member state complied with before answering questions about their level of agreement or disagreement with only that policy. Thus, the respondents whose answers are reflected in **Figures 1** and **3** self-identified with living in or representing a member state with legalized prostitution, while the respondents whose answers were utilized in **Figures 2** and **4** self-identified with living in or representing a member state with the Swedish model.



**Figure 1.** Respondents' Frequency of Agreement or Disagreement with Legalized Prostitution by Region



**Figure 2.** Respondents' Frequency of Agreement or Disagreement with Swedish Prostitution Model by Region

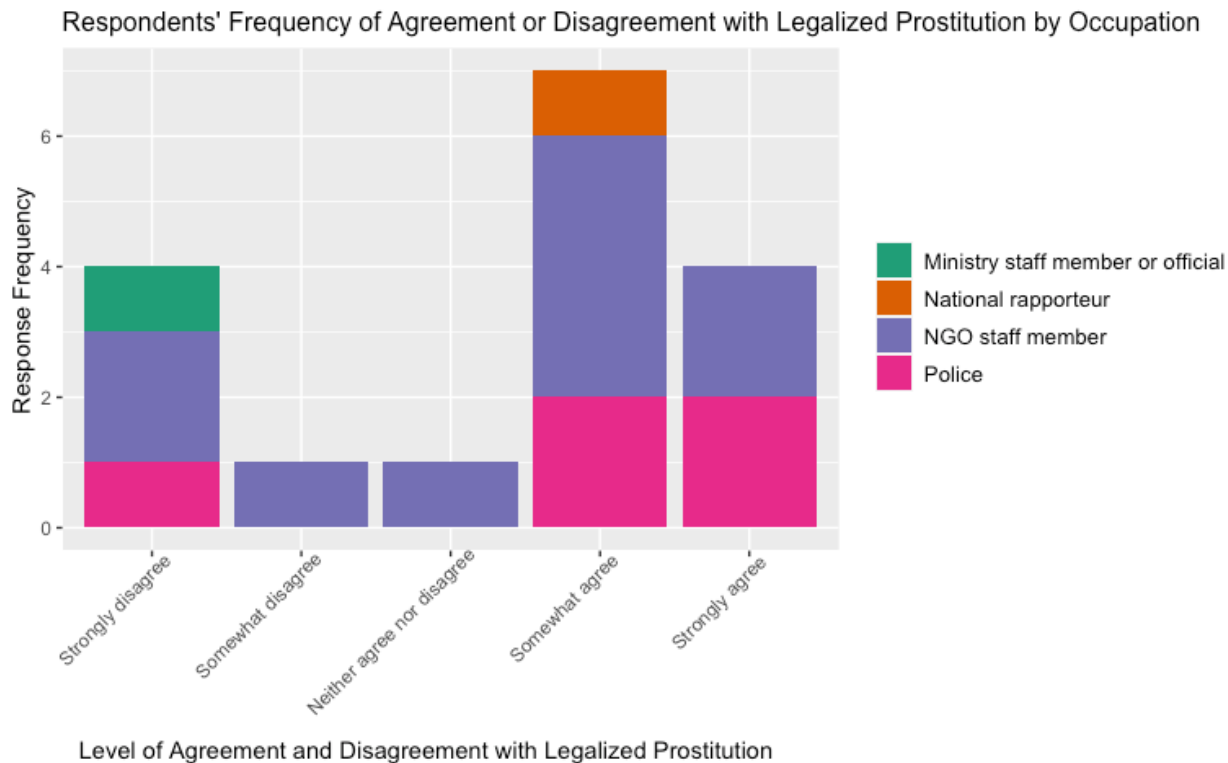


Figure 3. Respondents' Frequency of Agreement or Disagreement with Legalized Prostitution by Occupation

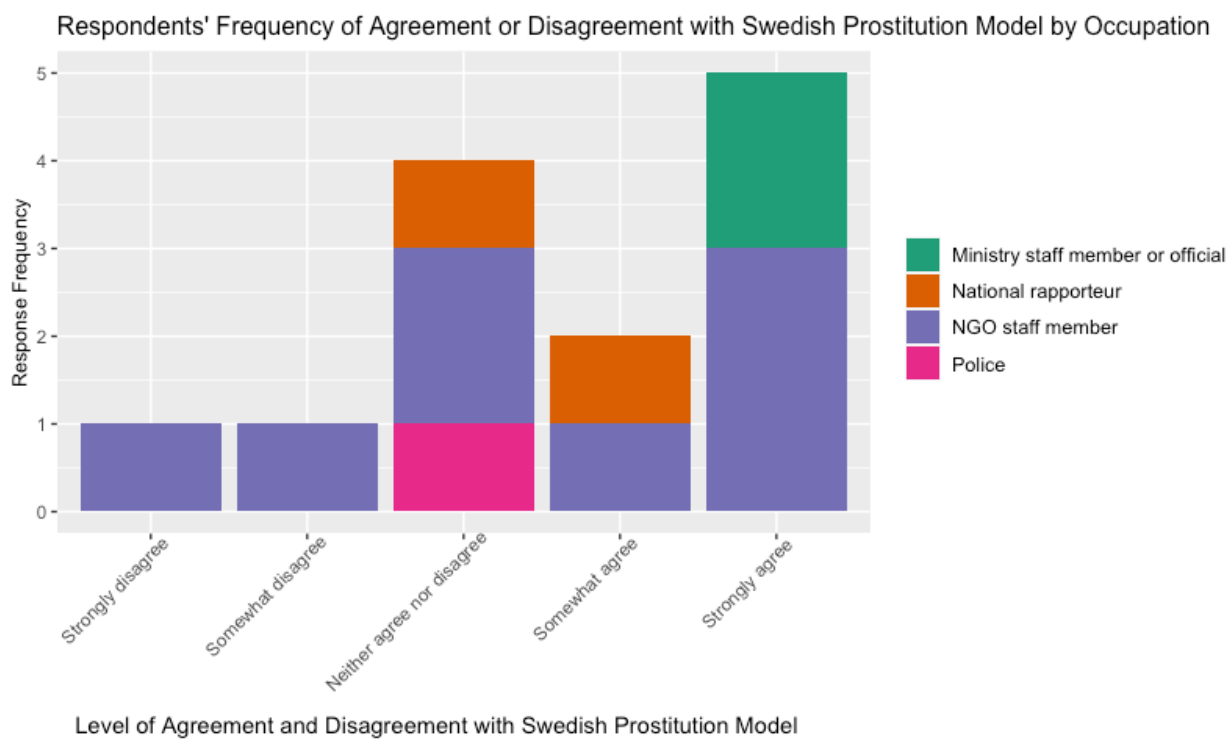


Figure 4. Respondents' Frequency of Agreement or Disagreement with Swedish Prostitution Model by Occupation

### *National rapporteur criteria*

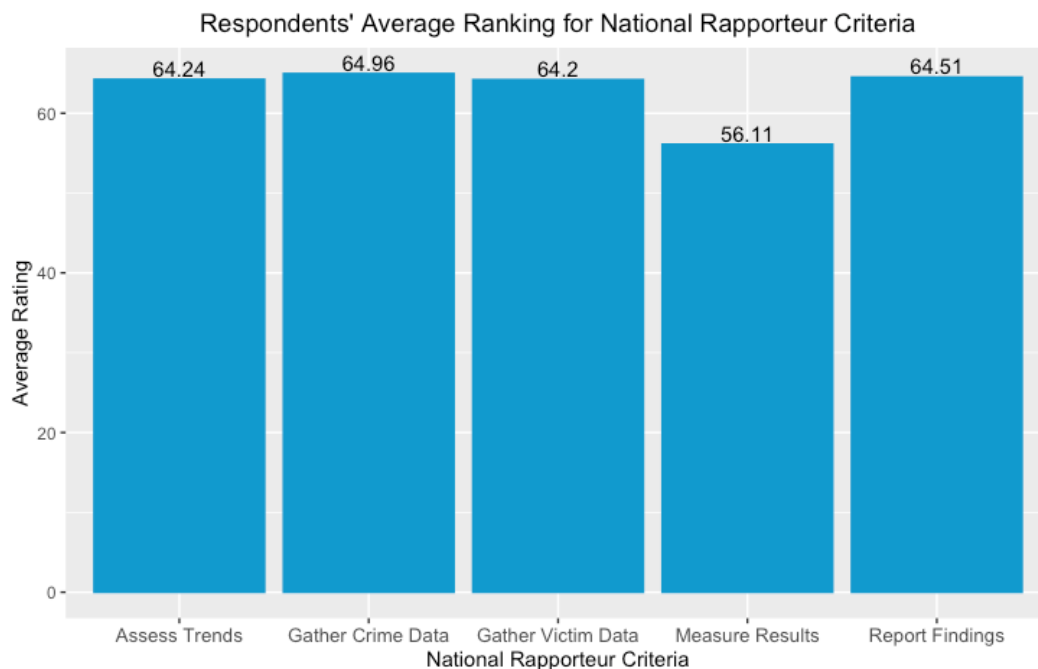
National rapporteurs act as independent monitors in anti-trafficking activity and are therefore indispensable in the fight against THB. Based on the survey findings, outside experts judge national rapporteurs to function at about the same satisfactory level on all their functions, but national rapporteurs are perceived to perform the best in Northern European states. Under Article 19 of *Directive 2011/36/EU*, national rapporteurs in EU member states are required to assess THB trends, gather data on THB crimes, investigations, and victims; measure the results of anti-THB activities, and report their findings (European Parliament and European Commission 2011). As of 2017, the European Commission considered all member states to be in full compliance with *Directive 2011/36/EU*, although concerns and criticisms remain from the Council of Europe's GRETA and anti-THB activists within individual member states that national rapporteur programs and activities do not meet the spirit of *Directive 2011/36/EU* or the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>8</sup> As can be seen in **Figure 5**, survey participants' average ranking on their respective national rapporteur's ability to fulfil the five criteria<sup>9</sup> outlined in *Directive 2011/36/EU* is approximately 64 on a scale of 0-100 on four out of the five criteria. Albeit these are lukewarm metrics on national rapporteurs' aggregated success, it is fascinating that the quality of national rapporteur functions is (at an aggregated level) assessed as equivalent across the vast majority of the criteria. This is unlikely to be the result of respondents simply providing the same score across all the criteria because they do not have intimate knowledge of

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<sup>8</sup> Letters of formal notice were filed against Germany, France, Austria, Portugal, Italy, Luxembourg, Greece, Slovakia, Spain, Malta, the Netherlands, Ireland, and Cyprus in 2013. Additionally, reasoned opinions were later issued to Italy, Luxembourg, Spain, and Cyprus before these cases were closed over *Directive 2011/36/EU*.

<sup>9</sup> The criterion of gathering data was split into two separate criteria in this survey: that of gathering data on THB crimes and investigations and of gathering data on THB victims.

their national rapporteur’s day-to-day operations. On the contrary, in the survey’s open-ended response portion of the national rapporteur section, participants displayed a thorough understanding of their national rapporteur’s governance structure and operations.



**Figure 5.** Respondents’ Average Ranking for National Rapporteur Criteria

Most of these comments of praise or deep understanding of the national rapporteur came from NGO staff members, many of whom felt that the national rapporteur’s actions supported their own work. For example, an NGO worker in Northern Europe shared, “The rapporteurs [sic] office is well functioning, the staff is great, they are real experts and the functions of the rapporteur are based on [a] human rights approach [sic] towards anti-trafficking activities... The rapporteurs [sic] office is placed in the office of...ombudsman...[w]e appreciate as an NGO providing low threshold services for people in stigmatized and marginalized positions” (Respondent 3). A different NGO staff member from Northern Europe wrote a statement which shows how even non-governmental experts have a rich knowledge of the national rapporteur’s capacities: “Anything that goes with quantitative data is collected well, however investigation policies, process etc. [sic]

is very low, [sic] hence the overall process on preventing, finding and qualifying of HT is very low” (Respondent 6). Identifying problematic areas with the national rapporteur also appeared to be an easy task for NGO officials, with one NGO worker from Eastern Europe explaining “Some problems related to its [the national rapporteur’s] work...[include]: 1) funding from the government is insufficient, especially on victim services and staff, and has not increased for years, excluding regular salary increases for all civil servants. 2) Data collection on victims is complicated and not unified...” (Respondent 24).

Survey participants were also just as knowledgeable about existing gaps and necessary reforms to create a national rapporteur if one does not currently exist in their member state (Respondents 12, 41, 45, 48, and 63). For example, an NGO worker from Western Europe wrote “there is no national rapporteur...we only have a National Coordinator + inter-agency Task Force against Human Trafficking – there is no independent reporting and monitoring body on THB” (Respondent 41). Additionally, one NGO staff member from Southern Europe was able to identify the need for an official national rapporteur, as well as a timeline for disagreement over the current institutional structure for state-led anti-THB work: “Instead of an impartial, independent national rapporteur, [country name redacted] has a committee...Though the Legal Service, the ministries of Labour/Welfare and Justice/Public Order, and NGOs (not ours) participate in the committee, consultations remain infrequent and mostly ineffective...Our NGO [NGO name redacted] and at least one more voluntarily withdrew 2-3 years ago, because of low respect for the committee” (Respondent 63). Given NGOs’ rich understanding of national rapporteur responsibilities and functions, as well as their stake in its outcomes, national rapporteurs that lack capacity or efficiency on certain metrics should consider consulting on-the-ground NGOs for their perspectives and priorities on what must be improved. Indeed, several specific suggestions for national rapporteurs

were included in survey responses, including further cooperation with the police and prosecutors (Respondent 49), securing sufficient funding and providing grants for anti-THB activities (Respondents 24 and 73), qualifying THB victimhood so that statistics can be properly collected and compared across states (Respondents 6, 24, and 74), and collecting data directly from NGOs (Respondent 74).

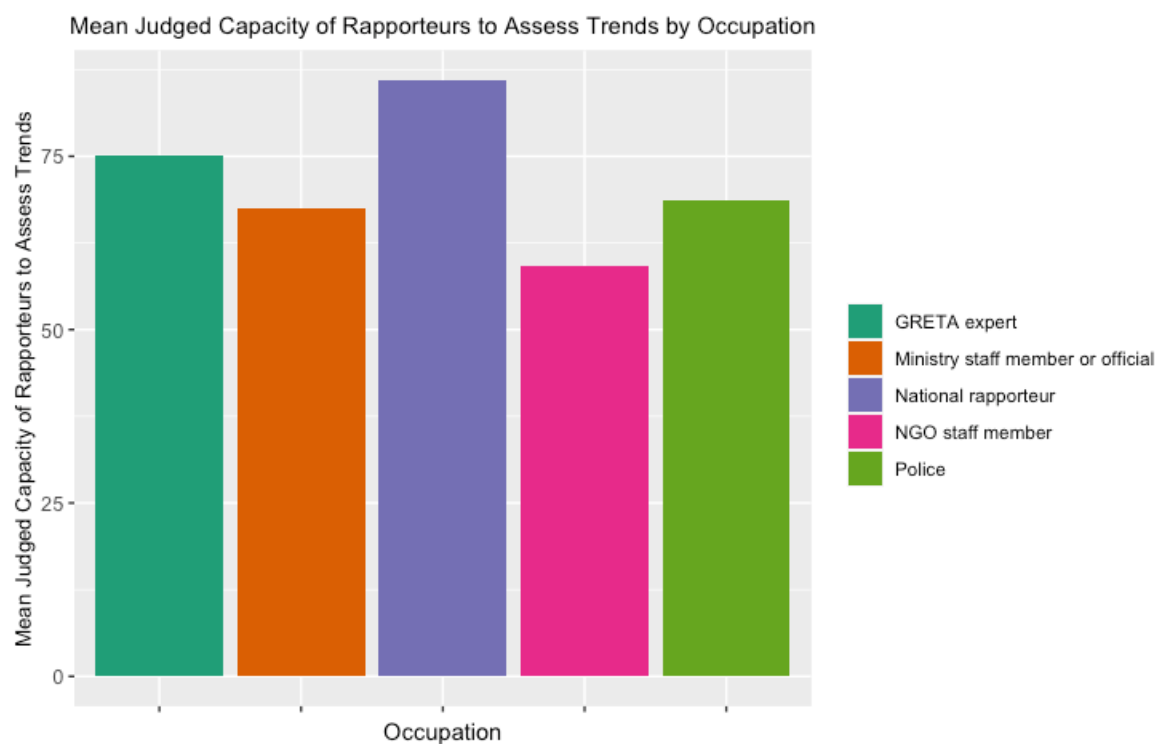
In taking a closer look at how well national rapporteurs are currently perceived to function on each of the five criteria defined in *Directive 2011/36/EU*, **Figures 6-10** display how respondents with different occupations judged the national rapporteurs. National rapporteurs are clearly the most confident in their own capabilities, as they ranked themselves higher than any other occupation group for every criteria. These strong self-evaluations were consistently high and typically hovered around an average score of 80/100 (the range was from 74.2 on gathering crime data to 86 on assessing trends). NGO staff members were the most critical of rapporteur proficiency for every criteria except for measuring results<sup>10</sup>, where GRETA officials were the most severe in their evaluation with a mean score of only 40.5. Additionally, the variations in how each occupation category evaluated the national rapporteur's functions were the starkest in **Figure 9** on the "measure results" criterion. Thus, this is the criterion by which national rapporteur's are not only perceived to be the least adept, but also have their competency judged to the most extreme degree depending on which agency or ministry is of interest. The large differences on this criterion by occupation background could imply one of three outcomes: i) respondents of various occupation backgrounds have different amounts of private information on rapporteur's ability to measure results, ii) participants of different occupations judge the rapporteur differently due to

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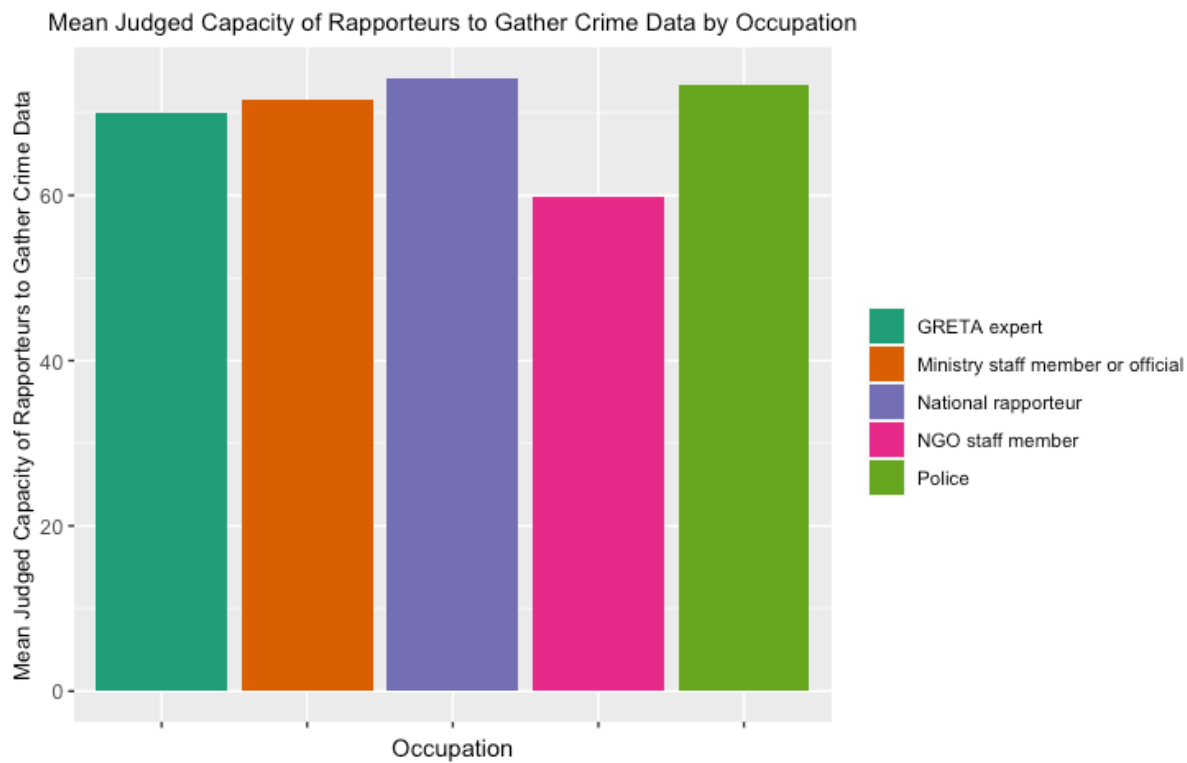
<sup>10</sup> NGO staff members' mean scores ranged from 50.4 on "measure results" to 59.7 on "gather crime data."



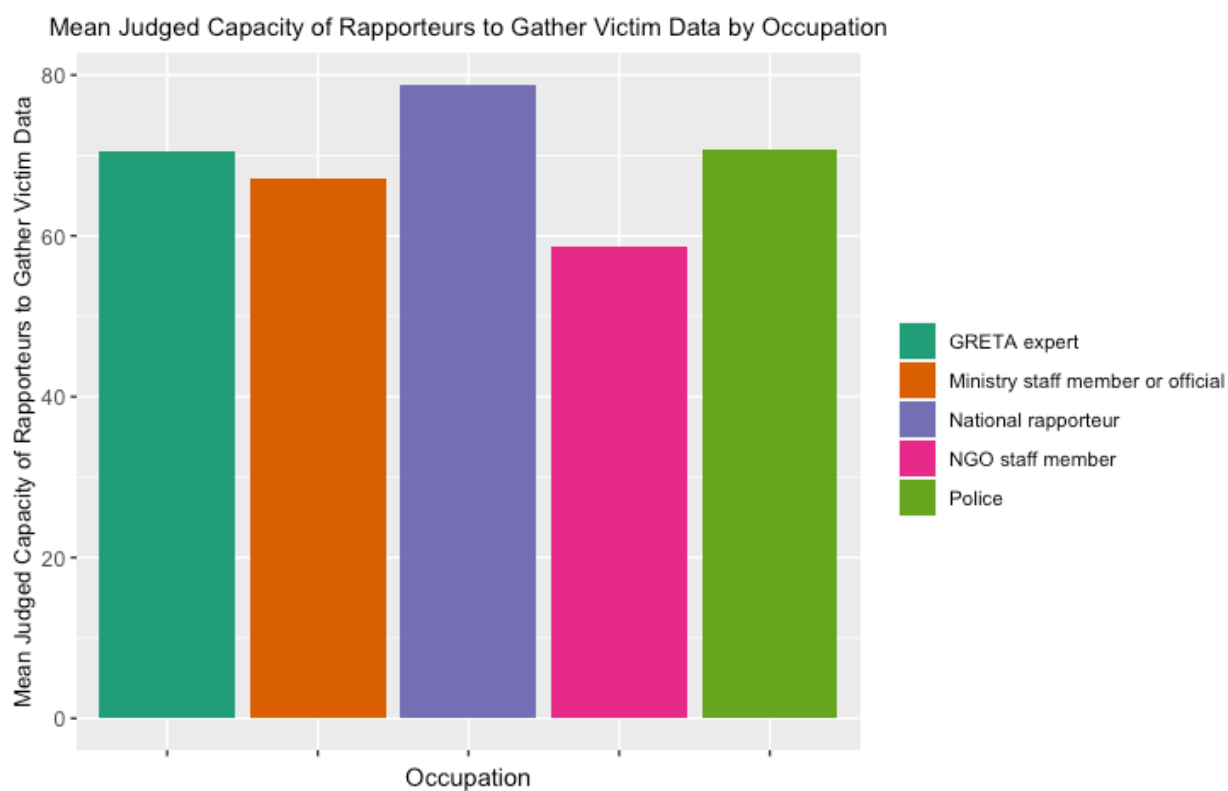
varying expectations instead of varying private information, or iii) a respondent's member state affiliation drives how the participant perceives the rapporteur's capacity to measure results, which was masked behind the occupation groups.



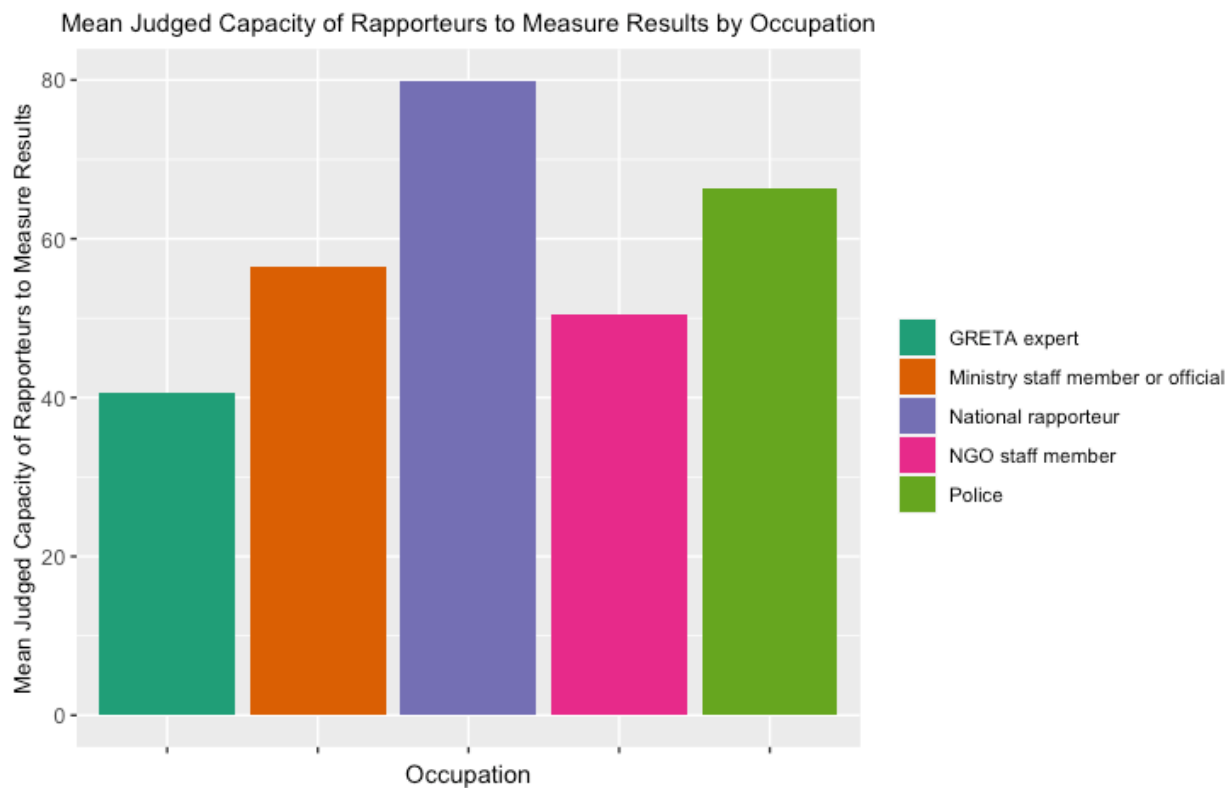
**Figure 6.** Mean Judged Capacity of Rapporteurs to Assess Trends by Occupation



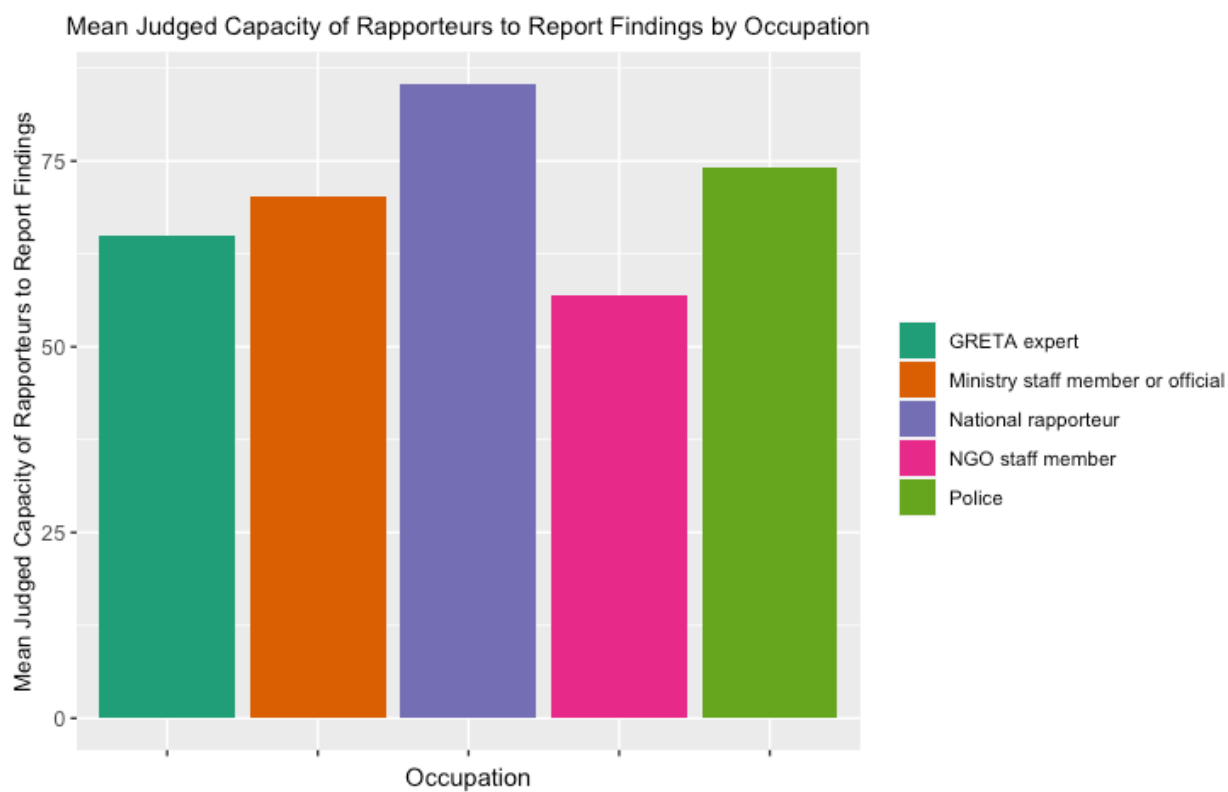
**Figure 7.** Mean Judged Capacity of Rapporteurs to Gather Crime Data by Occupation



**Figure 8.** Mean Judged Capacity of Rapporteurs to Gather Victim Data by Occupation



**Figure 9.** Mean Judged Capacity of Rapporteurs to Measure Results by Occupation



**Figure 10.** Mean Judged Capacity of Rapporteurs to Report Findings by Occupation

A simple Pearson's chi-squared test reveals that the dependency between member state and occupation is not statistically significant<sup>11</sup>, and the first two explanations are therefore more likely than the third. A separate study or analysis into how much private information different policy actors have would be highly valuable to the anti-THB field, and could make significant contributions to many other criminal justice, comparative politics, and domestic policy realms. **Figures 6-10** also reveal that the occupation groups have converging assessments of national rapporteur competency on the two gathering data criteria (as seen in **Figures 7 and 8**). This provides greater assurance that participants' ranking on each criterion was thoughtful and reflective, as the same authority should perform relatively similar on collecting data related to crime and victimization. The aggregate scores also appear higher in **Figures 7 and 8** than **Figures 9 and 10** which suggests rapporteurs are evaluated to have relatively high abilities to collect data, but these data may not be translated into measured results and concrete findings as efficiently.

Interestingly, police officers and staff gave the second highest average score to rapporteurs for each criterion. Given that police officers likely work directly with national rapporteurs on many of their activities, but remain separate entities, their relatively high evaluation of national rapporteurs' functions and efficiency indicates that established rapporteurs are doing satisfactory work. Returning to the low aggregate scores rapporteurs received from NGO staff, such metrics and perceptions should not be discounted, even if NGO members may have lower private information on the daily functioning of the national rapporteur. On the contrary, most of the written feedback in the survey on the national rapporteur scoring came from NGO workers, many of whom were passionately appreciative or disappointed with how their member state's rapporteur operates.

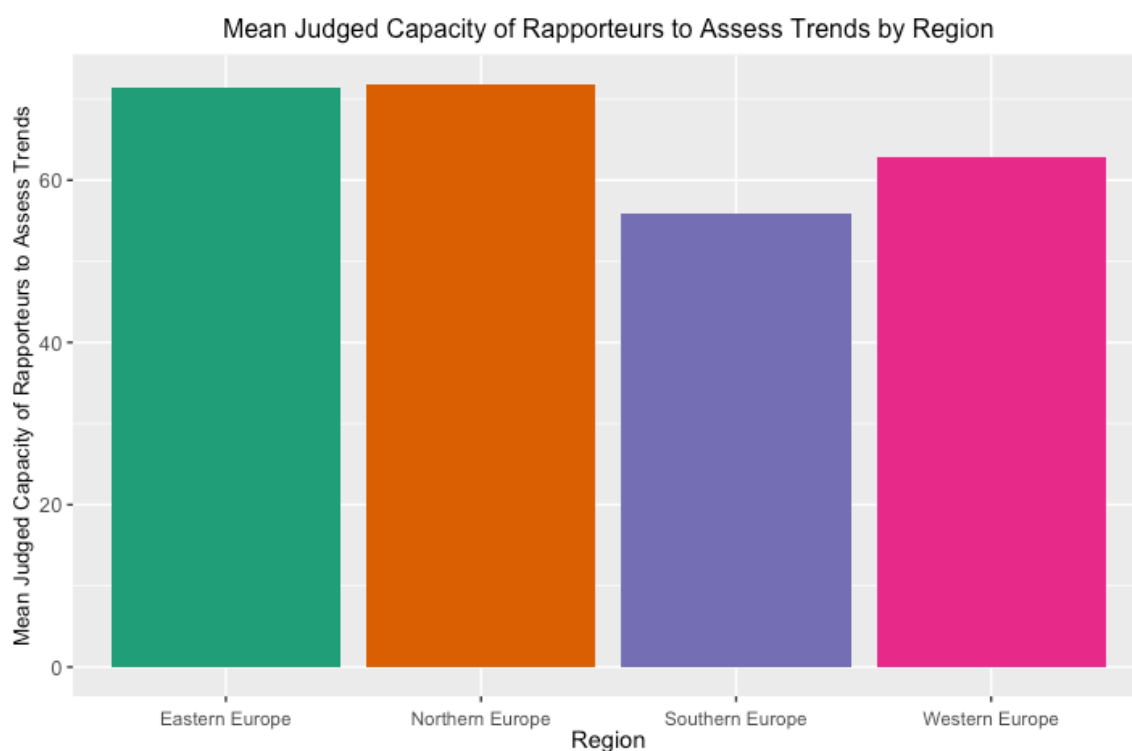
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<sup>11</sup> The p-value is 0.087 (and therefore greater than the 0.05 level of significance) when the p-value is simulated with 2,000 replicates to account for the fact that some member state data is unavailable and some member states had low survey representation.

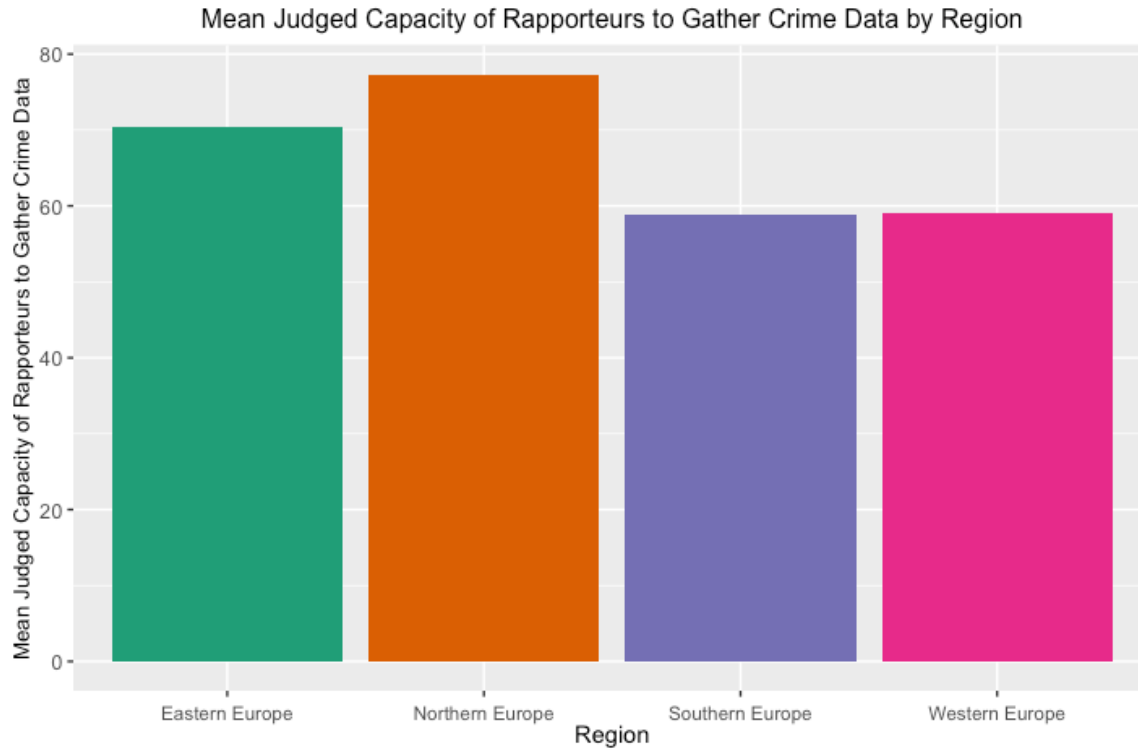
The deep understanding reflected in the NGO staff members' evaluations and explanations about rapporteurs also shows that many spend their scarce time learning about anti-THB policy and national-level action within their member state. Therefore, knowledge sharing across these occupations as to how national rapporteurs can function better in their required and desired objectives and how synergies can be built up and expanded across anti-THB sectors would benefit all parties involved.

As with the mean judgments of rapporteur functioning by occupation, there are certain regions that scored national rapporteurs more highly for each criterion. **Figures 11-15** show these values, with Southern and Western European respondents evaluating the rapporteurs most poorly and Northern European participants clearly marking the rapporteurs most highly. Indeed, the average scores given by the Northern European respondents to the national rapporteurs far surpassed those from other European member states and ranged from 66.4/100 on "measure results" to 85.8 on "report findings;" and Southern European participants had the lowest scoring for every criteria except on gathering victim data, where Western European respondents gave the lowest aggregate score. The Southern European respondents' rapporteur criteria scores ranged from only 49.1 on "measure results" to 60.2 on "gather victim data." Southern European bureaucracies' characteristic clientelism, patronage, and excessive legalism (Sotiropoulos 2004) may explain both low functioning of national rapporteurs in these states and perceived low efficiency by Southern European respondents. Yet, why Western European respondents view their national rapporteurs lower than those in Eastern and Northern European states is not as clear, and this seeming outlier demonstrates that national rapporteur functionality in practice and in perception may not depend on regular public administration or bureaucratic organization. The sheer variety of institutions and authorities that act as national rapporteurs, from ombudsmen to

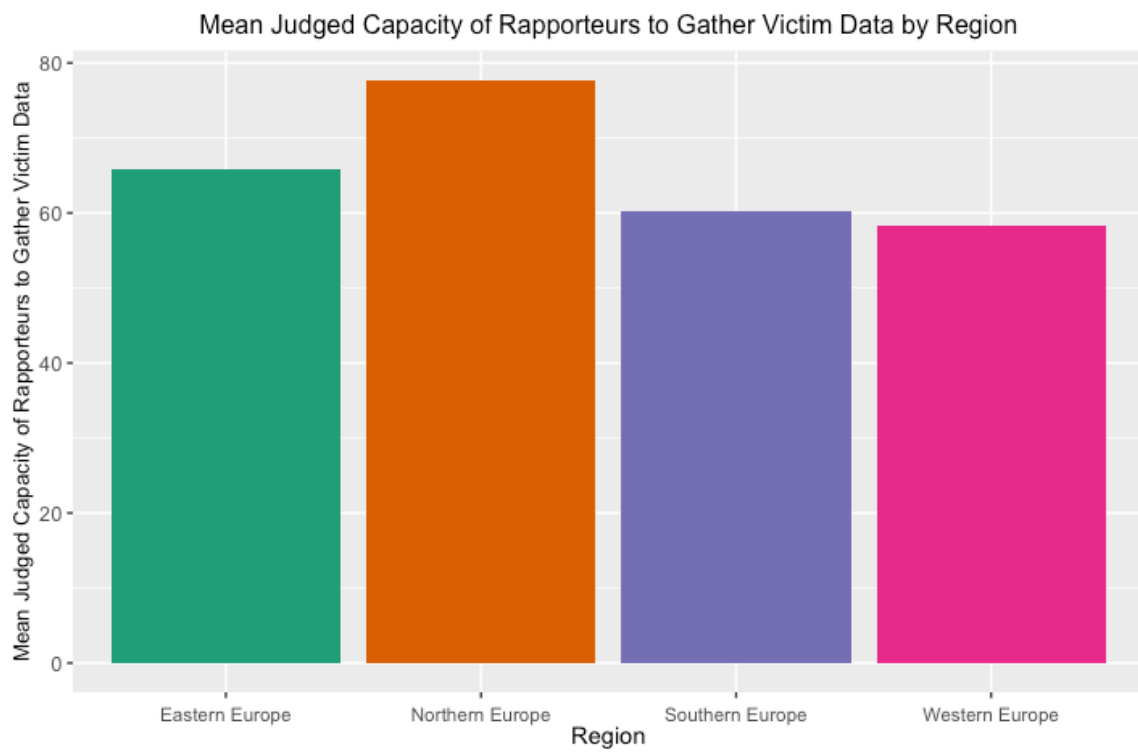
ministries to governing committees, also complicates inferences about the meaning behind regional associations on perceived competence on national rapporteur criteria. An answer to these regional associations may lie best with the literature on non-compliance with EU law (see Börzel et al. 2010; Fjølseth and Carrubba 2018; and Zhelyazkova et al. 2017), particularly since infringement proceedings against several states were begun under *Directive 2011/36/EU*, but this analysis is best left to future research.



**Figure 11.** Mean Judged Capacity of Rapporteurs to Assess Trends by Region



**Figure 12.** Mean Judged Capacity of Rapporteurs to Gather Crime Data by Region



**Figure 13.** Mean Judged Capacity of Rapporteurs to Gather Victim Data by Region

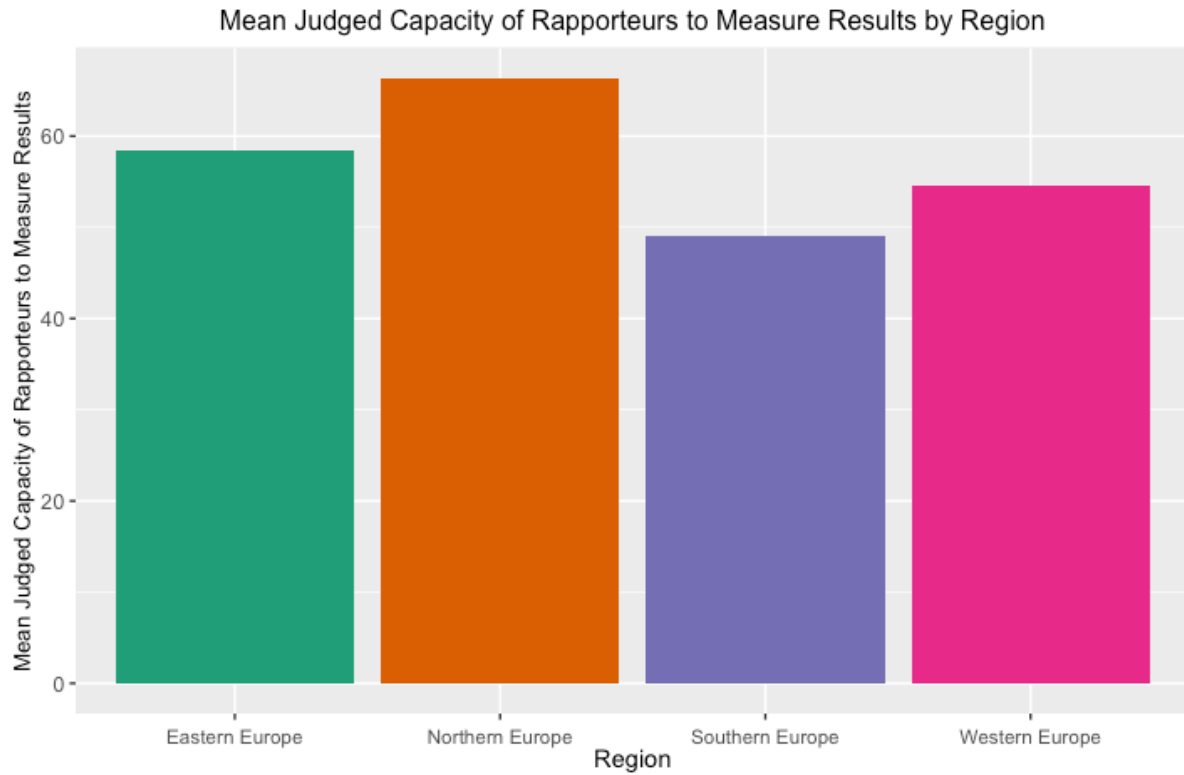


Figure 14. Mean Judged Capacity of Rapporteurs to Measure Results by Region

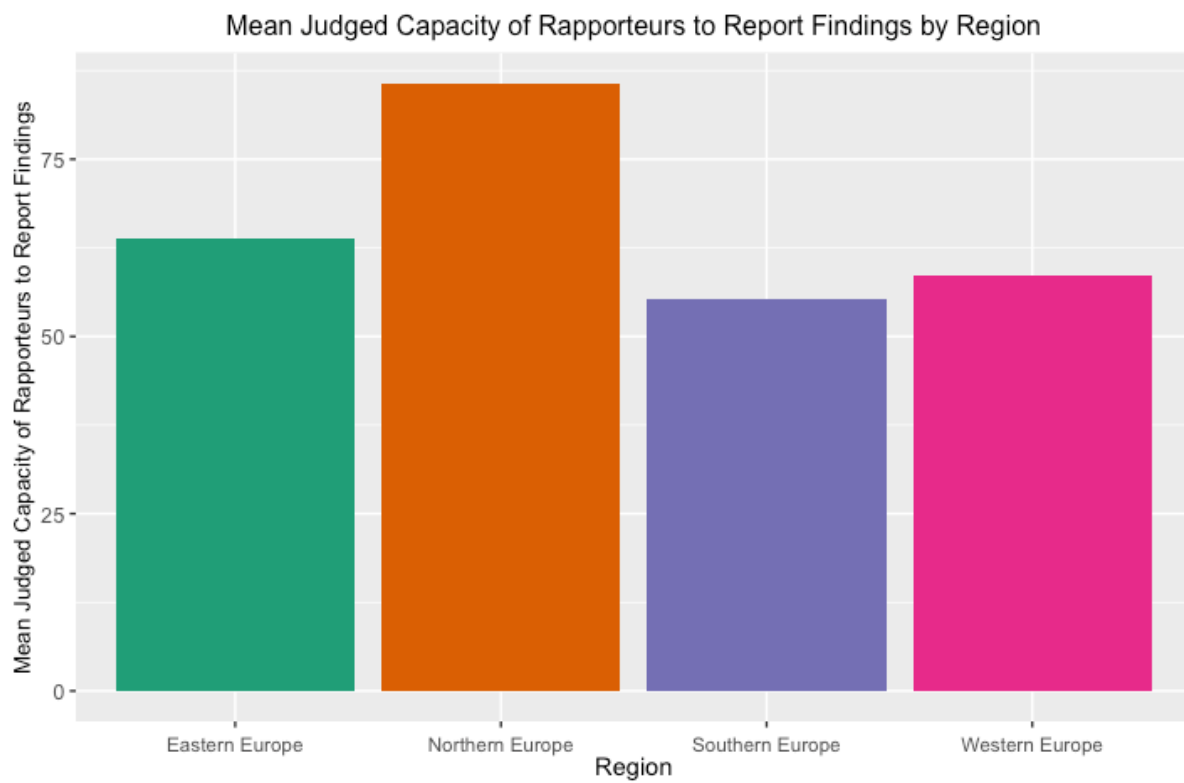


Figure 15. Mean Judged Capacity of Rapporteurs to Report Findings by Region



### ***Importance of the European Commission and Anti-Trafficking Coordinator (ATC) in anti-THB policy***

As a supranational institution, the European Union has considerable leverage in the fight against THB and the capacity to bring member states together in coordinated initiatives and policy efforts. The European Commission is the executive body of the EU and proposes legislation to the two legislative bodies of the EU (the European Parliament and Council of Ministers) (Lemery 2021). The European Commission ATC official coordinates anti-THB activities between EU institutions and member states and oversees the implementation and monitoring of the multi-year strategy against THB. The newest strategy, which will last until 2025, was released on April 14, 2021, and focuses on the objectives of lowering THB demand, disrupting business models and digital transactions between traffickers, assisting victims, and championing global cooperation (European Commission 2021b). The *EU Strategy on Combatting Trafficking in Human Beings (2021-2025)* is closely tied to the *EU Strategy of Tackle Organised Crime*, which demonstrates how the Directorate-Generals (DGs) of the European Commission that take action or set policy on migration, criminal justice, and internal affairs have a stake and role to play in anti-THB activities (ibid). The current ATC is Diane Schmitt, a long-time civil servant in various offices of the European Commission that focused on Justice and Home Affairs.<sup>12</sup> (European Commission 2021a)

Survey respondents indicated that the European Commission's *Strategy on Combatting Trafficking in Human Beings* is slightly more important than the ATC. On a scale of 0-10, the mean score of importance assigned to the multi-year strategy was 8.08, while the average for the ATC official was 7.73. GRETA experts held the multi-year strategy and ATC to be more important

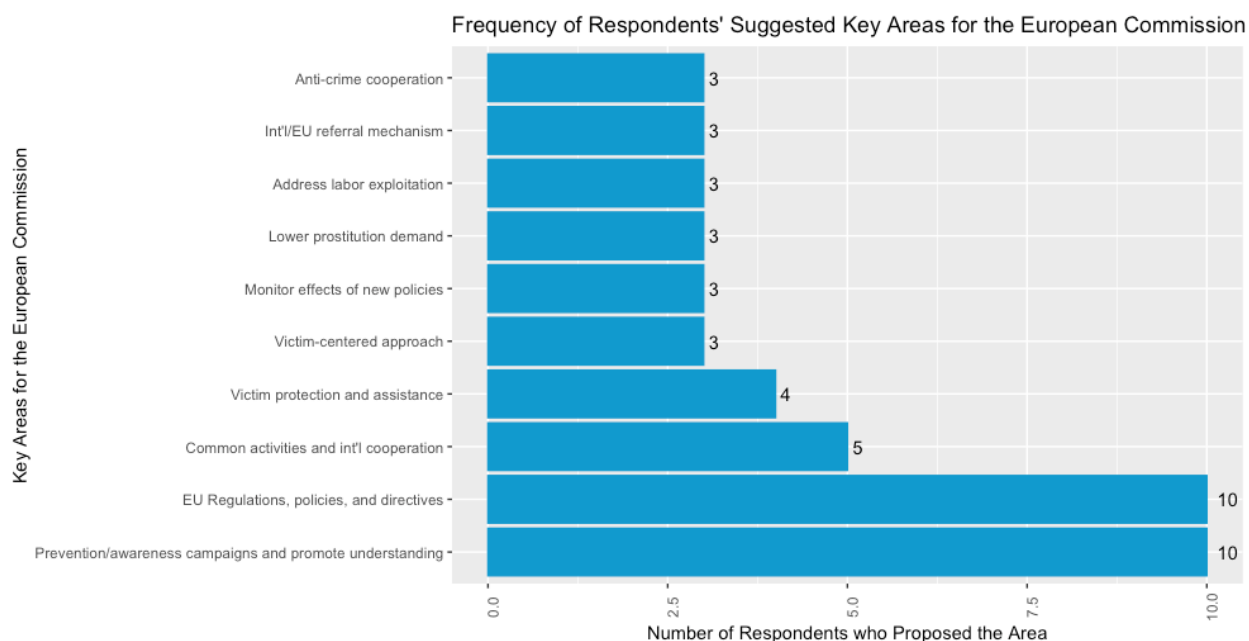
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<sup>12</sup> It should be noted that Diane Schmitt was appointed in July 2021, so after the survey had been concluded.

than all the other occupation groups, assigning a mean importance of 9.0 to both EU instruments. National rapporteurs also placed heavy importance on both EU instruments against THB, having also assigned an average value of 9.0 to the European Commission's multi-year strategy. Conversely, police officers had the lowest scoring of the importance of the multi-year strategy and ATC with mean scores of 7.33 and 7.25, respectively. The breakdown of ATC and multi-year strategy importance by region provides far more illuminating descriptive statistics. Respondents from southern European member states assigned the greatest importance to the ATC and European Commission's strategy. These participants' mean score on the multi-year strategy's importance to anti-TBH activities was particularly high at 9.11 – above the average scores from the GRETA officials and national rapporteurs. This is intriguing because respondents from Southern European member states were the most pessimistic on national rapporteur functioning, and therefore they may have a deeper need for an active European Commission role in the fight against THB than other states, or may view the European Commission as fulfilling a role their member state is incompletely equipped to tackle.

This inverse relationship between perceived competence of the national rapporteur and perceived importance of the European Commission (and more specifically the Commission's multi-year strategy and ATC official) is also supported by the very low aggregate scoring of the Northern European participants on these metrics. Northern European participants gave the ATC a mean score of 6.88 on a scale of zero to ten of relative importance, which is below even the lowest aggregate scorings from the participants by occupation group. I presume from these associations that NGOs and anti-THB officials in states with insufficient or nonexistent national rapporteurs would welcome more EU leadership and action to counteract weakly operating monitoring and oversight offices.

Fortunately, survey respondents listed suggested solutions and areas where they felt the European Commission had a critical role in combatting THB, including on general anti-THB approaches and wider interventions of EU law. Open-ended solutions that received more than three mentions in the survey results are shown in **Figure 16**. Cooperation within the EU and internationally are key features of several of the suggested solutions on issues like crime and prevention campaigns. EU leadership is also perceived as crucial to anti-THB efforts as Commission-led regulations and directives were the most frequently proposed solution and area for future EU work. Such directives should entail classifying legal grounds for different types of THB (including labor exploitation, forced labor, and sex trafficking) instead of overarching definitions (Respondents 6, 56), and synchronize member state attitudes towards THB (Respondents 31 and 51). Respondents were also keen to distinguish between different types of THB that the European Commission can take action on; three participants asked for labor exploitation to be directly addressed and three participants also requested that lowering prostitution demand be a principal objective of the Commission.



**Figure 16.** Frequency of Respondents' Suggested Key Areas for the European Commission

An entirely new policy area was also proposed by three respondents: an EU-level or international referral mechanism for victims through which states and their anti-trafficking authorities could discuss victim identification and repatriation in real time. Such a mechanism could improve national rapporteur efficacy, incentivize cooperation among national rapporteurs, prevent vulnerable individuals from being forgotten about or abandoned, and strengthen victim identification and subsequent victim assistance. As was summarized by an Eastern European NGO worker, a fully-operational European referral mechanism could help member states work together in victim identification and repatriation to home countries (Respondent 74). One western European NGO worker also proposed strengthening the legal framework for EU intervention in business sector responsibility on THB, writing that due diligence of entire supply chains needed to be confirmed by EU-level actors, or at least legal mechanisms for EU institutions to provide repercussions for business actors that fail to ensure due diligence of their supply chains are necessary (Respondent 75).

### **Survey shortcomings**

The survey analyzed here is groundbreaking insofar as it provides a foundational and baseline understanding for why and how public policy, justice regulations, and European Commission leadership are judged differently by actors and experts of various regional and occupational backgrounds. Based on the written explanations, there are clearly normative and cultural undercurrents to policy preferences, but such preferences are also rooted in institutional design and variations in institutional efficacy and bureaucratic functioning, as was alluded to in the noncompliance reasoning. Future studies on comparative institutional analysis in the EU and

divergences in anti-trafficking management and activities should provide a stronger, clearer, and more direct link between how and to what extent institutional differences can explain policy preferences. While this study is important for its ability to establish descriptive regional and occupational differences in preferences, as well as glean recommendations from policymakers themselves and providing further reforms and recommended solutions to member state and European Commission leaders, it has several shortcomings that future surveys and studies can seek to remedy.

The first issue of concern with this survey is non-response bias. The response rate was close to 31% (as seventy-five out of 243 organizations/authorities/individuals completed and consented to the survey) – a high metric for the social sciences, but still missing the perspectives of 69% of those deemed or suggested to be experts in European anti-trafficking efforts. Indeed, participants were sourced from the ministries and organizations that were able to assist with a separate data collection effort of identifying and classifying the quantity of THB victims observed in each EU member state per year, as well as the contact information of relevant institutions, officials, and NGOs provided on the European Commission’s anti-THB webpage for each EU member state. Survey participation could therefore be biased by who/what the European Commission deems to be a legitimate and known actor in the anti-THB space, which may have in turn affected judgements on the European Commission and ATC’s relative importance. Additionally, of those who responded to the researcher and refused to participate in the survey, their reasoning was always attributed to either having too little time in their work schedules or not being involved enough in anti-THB work or scholarship (which raises questions around why their contact information was on the European Commission’s anti-THB webpages). In some ways it is reassuring that those that do not self-identify as experts declined to participate in the

survey, although individuals or organizations that were too busy to respond may also have had systematically different insights or perspectives because of the rapid pace of their work.

The survey layout also limited how many responses were received on questions related to ranking preferred prostitution policies since participants that said in previous questions that they agreed or strongly agreed with their member state's status quo policy subsequently skipped the preferred ranking question. This decision rested in the assumption that it would be unnatural and somewhat unusual to ask participants that agreed/liked their state's policy to rank or choose other policies, and that combining these respondents' answers with those of respondents that disliked the status quo policies would confuse or cancel out the meaning behind the ranked preference outcomes. Yet, the omission of these responses leaves a window for what future surveys can get to the heart of: to what extent do all or most anti-THB practitioners seek or desire public policy reforms, even if they are satisfied or agree with their state's current approach.

Lastly, as was briefly mentioned in the sixth footnote, some respondents appear to have been confused or misinformed about their member state's current prostitution policies as at least two respondents who clearly (by their regional affiliation) do not live in or represent member states with the Swedish model identified their state as having such a policy. While this concern is valid and should be kept in mind by readers interpreting the descriptive outcomes of the survey, most respondents correctly identified their member state's policy and many could give detailed information about the enforcement and implementation of the policy in their member state in the free response portion. The misidentification of member state policy by a few respondents also highlights how the varying levels of legalization and criminalization can blur the policy categories. This was best demonstrated by a Southern European NGO that emailed the researcher explaining that because certain means of soliciting sex are illegal in their country, but there is

lenient legalization more generally, their office staff had been going back and forth and disagreeing about how their state should be classified. Thus, while the policy classification is useful for anti-THB scholars and academics, careful heed should be paid as to how and to what extent research results can be generalized more broadly.

## **Conclusion**

The survey analysis presented here encompasses the different anti-THB values, policy preferences, and recommended reforms espoused by EU anti-trafficking experts and policymakers. This study presents enormous value not only to public policy and comparative politics scholars interested in the field of human trafficking, but also to European policymakers themselves who might better understand their counterparts in other EU member states and can utilize some of the recommendations listed here to find common ground and solutions at the EU, country, and sub-national levels of governance. Future studies could expand upon the work presented here by implementing the survey in other regions and subsequently compare both the language and attitudes presented by policymakers on different continents and from different policy backgrounds. The knowledge foundation on EU policymakers' preferences in anti-THB efforts could also be expanded to highlight how policymakers in different subfields (i.e. justice, home affairs/interior, and security/migration) evaluate and judge various anti-trafficking efforts, and get to the root of institutional and bureaucratic drivers of public policy preferences in the anti-trafficking realm. Such applications need not stop at the anti-THB field either; public policy scholars could use the inductive methods of this study to get a deeper, descriptive understanding of comparative public policy preferences in any area of interest.

## **Disclosure statement**

No potential conflict of interest was reported by the author(s).



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