

Summary

Amendment of legislation

On 1 October 2000 the general ban on brothels was lifted. The core of the amendment to the law on prostitution is that those forms of prostitution in which adult prostitutes are voluntarily engaged are no longer illegal. At the same time, this legislation is also intended to make it possible to crack down on unacceptable forms of prostitution (i.e. involuntary prostitution and prostitution by minors). Six main objectives underlie the above amendment:

- 1 To control and regulate voluntary prostitution, through the introduction of a municipal licensing policy amongst other things;
- 2 To improve the combating of forced prostitution;
- 3 To protect minors against sexual abuse;
- 4 To protect the position of prostitutes;
- 5 To separate prostitution from crime-related marginal phenomena;
- 6 To reduce the level of prostitution offered by illegal foreign nationals (individuals without a valid residence permit enabling them to work in the Netherlands).

Evaluation

The WODC is responsible for overseeing the evaluation of prostitution policy. The object of this evaluation is to obtain information about the (side) effects resulting from the lifting of the general ban on brothels, in order to obtain clarity in respect of any need for new ancillary policy, legislation or regulations to be developed. In the framework of the evaluation, six sub-studies were set up and supervised. These were designed to collect information from different groups, using different methods, about the situation in the prostitution sector more than one year after the amendment of legislation and any consequences resulting from this amendment. The studies were conducted by various organisations. The most important results obtained from the various sub-studies have been collated in the present comprehensive report and classified according to the objectives underlying the amendment made to the law on prostitution. For reasons of practicality, it has been necessary to limit this report to a number of main points. For more information, see the separate sub-reports.

An important part of the sub-studies conducted was based on interviews. The individuals interviewed included several hundred prostitutes (a substantial number of whom were of foreign origin), dozens of licensees, members of the police force, key informants (for example, employees from support agencies and shelters, employees from interest groups, taxi drivers, and employees

from hotels, restaurants and cafés), more than two hundred representatives from business service organisations, representatives from municipalities and municipal services and, finally, a sample of the Dutch population. The sub-studies conducted focus on the objectives underlying the amendment made to the law on prostitution and its possible side effects.

At this stage, it is still too early to be able to draw any conclusions on the actual consequences of the amendment to law on prostitution. This is partly due to the fact that the sub-studies conducted constitute the first in a number of measurements applicable during an evaluation process and very little (reliable) data are available on the situation prior to the amendment in question. Future measurements must provide more clarity on developments and consequences. In addition, at the time of this study, licensing has not yet been completed in many areas. As such, the agencies in question have often not yet been able to commence implementation of supervision and enforcement activities. As a result, the changes envisaged by the amendments made to the law have not yet been implemented in full, and it is too early to be able to draw any conclusions on consequences. Another factor complicating the assessment of possible consequences resulting from the amendment of legislation is the fact that the prostitution sector is also being affected by other developments. This includes the increased logistical possibilities presented by mobile phones and the Internet, but also developments in the field of migration, foreign nationals policy and the supervision of foreign nationals.

However, the report does provide a clear picture of the situation in the field of prostitution more than a year after the amendment of legislation and, where possible, it also describes the relevant developments.

The control and regulation of prostitution

Administrative responsibility for the control and regulation of legal prostitution has been placed primarily with municipal services. Most municipalities pursue a policy on the regulation of the number of prostitution businesses. As regards members-only sex clubs, most municipalities have opted for one or another form of maximum policy, which often amounts to a status quo policy. This restricts opportunities for the renewal of the sector (and may also affect any corresponding improvement in the position of the prostitutes themselves).

It became clear that a large number of municipalities had not yet completed the licensing process at the time of the study. Due to the decentralisation of prostitution policy, national implementation of the new legislation and the corresponding enforcement is not simultaneous or uniform.

One consequence of the lack of congruence is the relocation of punishable forms of prostitution (involuntary prostitution, prostitution by minors and prostitution by prostitutes without a valid residence permit) to municipalities

where fewer inspections are carried out or where inspections are less stringent. It is important that the licensing process be concluded as soon as possible and that a start be made with supervision and enforcement across the country.

In the framework of (administrative) enforcement, responsibility for supervisory and control activities have been placed with a large number of agencies, i.e. the police and a number of municipal services and national agencies, such as the Health and Safety Inspectorate and the tax authorities. Various agencies claim to be focusing actively on prostitution, but often have not formulated any specific policy in this respect and few activities geared specifically towards prostitution are being undertaken. At the time of the study, there was very little actual enforcement.

Protection of the position of the prostitutes

The sub-study conducted into the position of prostitutes focused chiefly on prostitutes in the regulated sector. Changes in the regulated sector are only visible to a limited extent, but the field is certainly in movement. Physical working conditions would appear to be changing for the better. However, as regards both employment conditions and employment relationships, it would appear justified to conclude that although much is being done, actual changes are barely visible at the current time. The sector would appear to be vigorously debating the correct shape to be given to employment relationships, with great confusion resulting from the requirements to be met by them if prostitutes are to be considered to have some form of 'independence'. It is still too early to comment on changes to the physical and emotional well-being of prostitutes in the regulated sector. As it stands, it would appear that their well-being is still under far more pressure than is the case for women employed in other professions.

The accessibility of service organisations for workers in the prostitution sector could still be improved. Business service companies acknowledge that there are obstacles preventing the provision of services to the prostitution sector. The most important causes for this are the poor image of the prostitution sector and the fact that service providers find it difficult to estimate the risks involved. It seems that a 'normal' relationship between service organisations and the prostitution sector is something that will only be achieved in the long term.

Incidentally, the sub-studies conducted show that licensees, prostitutes and a whole variety of other interviewees are, in principle, positive about the (objectives underlying) the lifting of the general ban on brothels.

Punishable forms of prostitution

Causing a person to enter into, or continue to be engaged in, involuntary prostitution is punishable, as is deriving any gain from involuntary prostitution, causing minors to enter into, or continue to be engaged in prostitution, and recruiting women abroad for prostitution. It is also punishable to be engaged in prostitution without a valid residence permit entitling the holder to work, or to employ prostitutes without these permits. As a result of the above punishability, these forms of prostitution are often encountered in those prostitution sectors that are subject to the least supervision and that are more difficult for (support) agencies to access, for example street prostitution, home prostitution, escort prostitution and 06-prostitution. This makes it more difficult to collect reliable data on the number of involuntary, underage and illegal prostitutes engaged in prostitution in the Netherlands.

The amendment of legislation has resulted in the relocation of punishable forms of prostitution to locations and municipalities where enforcement is less strict. Besides these relocations, shifts have been observed in punishable forms of exploitation of prostitution from the regulated sector to prostitution sectors that are not regulated (street prostitution and 06-prostitution, for example) or to those sectors that are regulated but virtually impossible to monitor or control (for example, home workers and escorts in a large number of municipalities). Shifts such as these are happening, but the studies conducted have been unable to shed any light on the extent to which this is the case. No confirmation was found for the exodus that was often supposed would happen to the unregulated sectors, nor can it be concluded that all illegal prostitutes that have left the regulated business have ended up in the unregulated sectors.

The police play an important role in monitoring and enforcement. At the time of the study, police forces in most places are primarily occupied with inspections in the *regulated* sector (in the framework of administrative supervision), as a result of which it lacks the capacity to play a major monitoring and investigative role with regard to punishable forms of prostitution outside the regulated sector. An additional problem in terms of enforcement is the discrepancy between the level at which enforcement is carried out and the level at which prostitution is organised. Monitoring and enforcement occur at a local level. This type of regulation does not apply to those forms of prostitution that are not, or barely, bound to a specific location. Therefore, a purely local approach is not adequate for these forms of prostitution.