

## SUMMARY

In The Netherlands the ban on brothels has been lifted since October 2000. In order to evaluate the effectiveness this new legal regime in terms of the objectives envisioned by the Dutch government, the Research and Documentation Centre [*Wetenschappelijk Onderzoek- en Documentatiecentrum*] (WODC) of the Dutch Ministry of Justice commissioned three sub-studies. One of the three sub-studies, addressing the issue of illegal prostitution, was conducted by Research and Consultancy Bureau INTRAVAL. This study was carried out between late 2005 and mid-2006.

### **Set-up of the study conducted**

The research for this study commenced with a series of thirty extensive interviews with employees from various organisations involved, concerning the current situation in the prostitution sector, with a focus on illegality and exploitation. In addition, a large number of relevant and available reports and documents were collected and studied. These initial activities resulted in a working document reflecting the nation-wide developments in the area of (illegal) prostitution in The Netherlands. Next, four regions were selected for more detailed research into illegal prostitution. The definition of illegal prostitution, as applied in this study, includes the commercial exploitation of prostitution without having a municipal licence as required under local prostitution policy, working as a prostitute without having a residence permit, the commercial exploitation of minors in prostitution, and forced exploitation, or trafficking. In the regions of Amsterdam, Eindhoven, Groningen and Noord- and Midden-Limburg interviews were conducted with approximately 190 informants, consisting of employees from relevant organisations, sex business entrepreneurs, prostitutes, prostitutes' customers and other persons involved in the prostitution sector. Furthermore, the local situation was mapped out using registration data, information obtained from local daily newspapers, from websites and from observations.

### **Non-licensed commercial exploitation**

In the period following the legalisation of brothels the number of licensed sex establishments in The Netherlands declined. A number of prostitutes were found to have stopped working in (legal) clubs and home premises, while a number of customers were found to have stopped making use of, or to make less frequent use of, the services of these sex establishments. According to those interviewed, the reasons for the decline established in the research were as follows: the more stringent local prostitution policies,

increased regulation, the perception that business opportunities for new sex business entrepreneurs and new types of erotic businesses are seen as limited and insufficient, competition from prostitution via the Internet, the introduction of the Euro and a reduced number of (Dutch) women who want to work in legal prostitution businesses. The majority of the sex establishments in the regions studied have a licence for operating their business. Non-licensed location-bound establishments continue to exist, but are fewer in number. Non-licensed commercial exploitation was found to occur mainly in the (non-location-bound) escort sector. Already existing phenomena showing an increase in number within the current legal regime are sex clubs for couples and sex saunas.

### **Illegal employment**

In addition, the research focused on illegal employment in the prostitution sector, more specifically the characteristics and size of the group of prostitutes working illegally (those having no valid residence and work permit). Those prostitutes who are working illegally also include those operating commercially without having a municipal licence as required under local prostitution policy. In the regions studied, it was established that street prostitution outside the designated areas does occur, but is only practiced by a limited number of prostitutes. Furthermore, women from Russia, Bulgaria, Latin America and Africa without valid residence permits were found to be working as prostitutes in clubs, in window prostitution and in escort services, although their number seems to have declined over the past few years. No evidence was found that these prostitutes have chosen to operate in the illegal circuit. None of the interviewees were able to provide specific details of such illegal circuit. However, evidence was found that women from the above countries operate in variants such as sex clubs for couples or sex saunas, where they can be present as prostitutes while pretending to be visitors. Furthermore, the research findings show an increase in the number of women coming primarily from the East European countries of the European Economic Area (EEA), meaning that they are free to work in the Netherlands. Various informants suspect that women from countries outside the EEA who worked as prostitutes in The Netherlands before the new legislation came into force, are now primarily doing so in other European countries.

### **Minors involved in prostitution**

Causing a minor to become involved, and continuing to involve a minor in prostitution is prohibited under Dutch law. Little to no evidence was found confirming prostitution by minors in the licensed prostitution sector. Nor were any indications discovered which would indicate that a significant number of minors are working in the non-licensed prostitution sector. When asked about minor children in relation to prostitution, the interviewees frequently referred to changes in the youth culture.

Interviewees mentioned, for instance, the "breezer sex" in Amsterdam Zuid-Oost (i.e. the performance of sexual acts in exchange for alcoholic drinks). Since these types of activities take place outside the prostitution sector, they have not been included in the present study. On the other hand, all our research findings with respect to prostitution by minors do distinguish prostitution by Unaccompanied Minor Aliens [*Alleenstaande Minderjarige Vreemdelingen*] (AMV's) as a separate category. During our research we came across several disturbing signals with respect to the disappearance of minor asylum seekers who are suspected to have ended up in prostitution. More substantial evidence on this issue will require a separate, specific study.

### **Forced exploitation and trafficking**

The Dutch National Rapporteur on Human Trafficking, the Dutch police and other organisations involved developed a list of indicators of human trafficking victims. For the purpose of establishing the occurrence of forced exploitation and forced prostitution this list of indicators was used in the present study as an indicator of these illegal practices. The interviews conducted with the police and social work organisations on the one hand and sex industry entrepreneurs, prostitutes and prostitutes' customers on the other hand show that some aspects involved in the occurrence of exploitation and coercion, such as having no housing accommodation in The Netherlands, staying overnight at the workplace, long working days, frequently changing workplaces and being forced to surrender earned money to boyfriends or pimps, were found to occur most frequently, in relation to other aspects noted. More serious forms of coercion, such as using false pretences with the object to cause a person to become involved in prostitution in The Netherlands, and physical assault, were found to occur far less frequently. The number of victims reported to the Dutch Foundation against Trafficking in Women [*Stichting Tegen Vrouwenhandel*] (STV) and subsequently placed in an emergency accommodation was 92 in 2004 and 115 in 2005. The total number of victims reported to STV over this two-year period was approximately 400. In the police districts studied, the number of reports involving human trafficking over the same two-year period show a - slight - increase. This can largely be explained by an increased public awareness of the problem of human trafficking, also promoted by the Dutch awareness campaign named *Schijn bedriegt* [appearances are deceptive] launched by *Meld Misdaad Anoniem* [Report Crime Anonymously]. The interviews conducted with the parties involved in the prostitution sector show increased awareness of forms of abuse in the sector.

### **In conclusion**

In this study, information was obtained, to a greater or lesser extent, about five of the six objectives of lifting the ban on brothels. The

following conclusions can be drawn from this information: there can be said to be unlicensed location-bound prostitution establishments, albeit to a minor extent; the checking of adherence to local rules and regulations has increased, awareness about possible abuses seems to have increased; large numbers of minors were not found in the (licensed) prostitution branch; there are no clear developments as regards associated criminal phenomena; and there seems to be a decrease in the number of illegal foreign nationals working as prostitutes in the (licensed) branch, whereas no extensive underground circuit was found.