

Summary

Intake interviews with sex workers by local authorities

Reasons and objectives of the study

Since 2009, the Dutch government has been proposing to implement new legislation to combat abuse in prostitution. Part of this legislative proposal was national mandatory registration of prostitutes that included a direct meeting between authorities and prostitutes. During this face-to-face contact moment, information can be provided to the prostitute and possible signs of abuse can be detected by the authorities. In anticipation of national implementation, the three municipalities of Utrecht, The Hague and Amsterdam implemented such meetings with prostitutes on a local level. People wishing to work in prostitution in these municipalities must first speak to the municipality, the police or the operator of a prostitution establishment. These meetings (intake interviews) are designed and conducted in different ways in each municipality.

The study's objectives are to identify how these meetings with prostitutes in Utrecht, The Hague and Amsterdam are *set up*, to obtain an overview of the *practical experiences* of those involved in the intake interviews, and to provide insight into how the meetings can contribute to preventing abuse in prostitution. The knowledge acquired can be used by those involved and by other municipalities that want to implement similar forms of intake interviews between authorities and prostitutes. The main question in this study is:

How can intake interviews with prostitutes contribute to the prevention of abuse in prostitution?

Method

In order to answer this question, policy documents and scientific literature were studied and interviews were held with:

- twenty employees of the municipality, police, healthcare and/or social work;
- fifteen operators and managers of prostitution establishments (window, club and escort);
- twenty-one prostitutes who work in licensed prostitution (five in the pick-up area ('tippelzone') of Utrecht, nine in window prostitution in The Hague, and seven in the Amsterdam red light district). The prostitutes came from Hungary (8), the Netherlands (four), Romania (three) Eastern Europe (three), South America (two) and Belgium (one). An interpreter was present at some of the interviews.

The set-up of the intake interviews in three municipalities

The intake interviews have different names and take a different approach in each municipality. In Utrecht, these are called registration and permit interviews. In The Hague it is called the negative work advice (in Dutch, *negatief werkadvies*). In Amsterdam, the intake consist of an analysis of the prostitute's self-reliance and a possible negative work advice. In Utrecht, the focus is on providing (information

about) available help and care (and on combatting human trafficking), while in The Hague, the focus is on combatting human trafficking. In Amsterdam, the focus is on assessing the prostitutes' degree of self-reliance. The differences depend the role and tasks of the authority that is conducting the intake interviews. In Utrecht, the municipal health service (now known as Public Health, 'Volksgezondheid') conducts the intake interviews, while in The Hague, the police take on this role. In Amsterdam, operators and healthcare workers conduct the intake interviews. Registration is provided to the prostitutes in Utrecht, while in The Hague and Amsterdam, a recommendation whether or not to take up this type of work for certain prostitutes is provided to the operator.

Utrecht: Registration and permit interviews

The objectives of the registration interview are to create an opportunity for face-to-face contact between municipal authorities and the prostitute, to provide adequate information, and to detect (and pass on) any indications of human trafficking. If any indications of human trafficking are detected during the interview, then that information is provided to the police via a form. If the indications are sufficient to suspect human trafficking (or that the prostitute may be a victim of human trafficking), previous registration can be revoked. The prostitute can contest such a decision. In addition to registration for window prostitution, Utrecht also applies a permit system for prostitutes in pick-up areas. The application for a permit includes a permit interview. This meeting is used to provide information and to establish whether the applicant belongs to the target group (addicted prostitutes from the Utrecht area).

The Hague: negative recommendation for work in prostitution

The municipality of The Hague and the Haaglanden police district have jointly arranged to take action upon signs of human trafficking through a negative recommendation for work in prostitution. The aim of the negative recommendation is to prevent women from entering prostitution who the police suspect are victims of human trafficking. The commercial vice unit of The Hague police department conducts investigations as well as municipal inspections in areas of prostitution, for which they also conduct (intake) interviews with prostitutes. If, during the intake interviews or inspections, any suggestion arises of human trafficking, the police can advise the operator against allowing the prostitute to work. If the operator still allows the prostitute to work in his or her establishment, then that is a violation of permit conditions and the municipality can respond administratively by (temporarily) closing the establishment. A third option was later added to the police's and municipality's options in addition to a negative recommendation: a prostitute can also be categorised as 'warrants attention'.

Amsterdam: intake, self-reliance assessment and negative recommendation

Operators in Amsterdam are obliged to conduct intake interviews with prostitutes since mid 2013. This regulation applies to all types of prostitution (window, escort, club). The intake interview serves to determine the prostitute's degree of self-reliance. If the operator had any doubts about a prostitute's ability to work autonomously, then initially they had to refer the prostitute to an independent team of advisors and an advisory interview would follow. The team of advisors could issue a negative recommendation for entering prostitution if self-reliance was lacking. This meant that the operator is advised against permitting the prostitute to work. If he violates this recommendation, then his operating permit can eventually be revoked. The objective of the intake interviews in Amsterdam is to prevent people who are not self-reliant from entering prostitution. Another objective is the early detection of

duress, coercion and exploitation, to enable intervention. The municipality has tasked the operators with the intake interviews in order to increase their responsibility for combatting abuse (in their establishments). In addition to a negative recommendation, the team of advisors can also provide a conditional recommendation. An operator does not receive a negative recommendation (the prostitute can enter prostitution), but the prostitute is given three months to arrange or improve his or her circumstances. During the course of this study, Amsterdam's working method was modified in a number of ways. As a result of concerns about the protection of prostitutes' privacy, *referrals* to the team of advisors has been temporarily suspended.

Experiences of those who conduct the interviews and others involved

According to those who conduct them, the implementation of the intake interviews require a number of important elements. Most important are expertise and knowledge about human trafficking, experience with interview techniques, knowledge of specific regulations and available care, experience with professional judgement and diagnostics and a concern for the target group. Experiences with registering and sharing information after a meeting demonstrated the following. If the offer of help and an indication of criminal activity occur during the same meeting, then the registration and the passing on of information is a search against the limitations and the scope of public authority and privacy regulations. Although registering information can be helpful to provide adequate support or care and to detect human trafficking, sharing such information impinges on a number of privacy issues.

During various intake interviews, a decision is made whether or not to give an operator a negative recommendation. The intakes show that the criteria or grounds on which this decision is made are complicated and can be interpreted in different ways. This is related to concepts of human trafficking and self-reliance, which are complicated. In addition, the exact conditions on which decisions must be made are not clear enough to make unequivocal decisions. The team of advisors in Amsterdam indicate that the self-reliance matrix works effectively when an estimation of self-reliance must be made. However, providing follow-up care after a meeting or a negative recommendation appears to be more complicated. A large number of women who received referrals did not make use of any follow-up care. In The Hague, providing follow-up care is still being developed.

Operators' and managers' experiences

Operators agree that the introduction of an intake interview is a good idea in principle. They think it is important to keep an eye on human trafficking and they say they would like to contribute to preventing it. At the same time, operators in The Hague have expressed their concerns about the lack of follow-up care after a negative recommendation has been given. Operators there do see a reduction in the number of pimps. Operators in Amsterdam report that the personal questions they must ask as employers or landlords infringe on the prostitutes' right to privacy.

The prostitutes' experiences

Prostitutes have experienced the implementation of meetings in varying ways. In general, they view combatting pimps and any lack of voluntarism in prostitution as well as the informative nature of the meetings as a positive development.

Prostitutes think it is important to be informed about developments in the world of prostitution, about their rights, responsibilities and the risks involved with working in prostitution. In addition, the meetings ensure that you meet someone you can

confide in if problems occur. Another group of prostitutes doubts that victims will come forward if problems occur.

Some prostitutes are annoyed with personal questions about their reasons for entering prostitution and their relationships. None of the prostitutes expressed any experience of an infringement of their right to privacy. The criteria for a negative recommendation are unclear for some prostitutes, which causes them to perceive the decisions as arbitrary. In general, the prostitutes emphasised that any measures taken should be aimed at improving their welfare and position. They deal with many other problems such as 'colleague' prostitutes who work in an unsafe manner or below the market rate, expensive rents and the closure of workplaces. As the implemented measures do not always focus on their problems, the prostitutes often wonder whether the goal really is to improve their situation.

Results of implementing the meetings

In Utrecht, a registration interview was conducted with all window prostitutes over the course of two years. A total of 874 interviews were conducted. During these interviews, information about help was provided, and in addition, in approximately six of the ten interviews, a direct referral was made to follow-up help or information. By meeting with prostitutes directly, any signs of human trafficking could be detected and passed on to the police. Indications of human trafficking were passed on to police a total of 174 times. This means that indications of human trafficking were detected in one out of five interviews.

In The Hague, the negative recommendation has been applied for almost three years. Since its implementation, operators have received a negative recommendation 203 times. There is a perceivable reduction in the number of times a negative recommendation is given annually. During the first year of implementation, a number of negative recommendations were given on a weekly basis whereas in 2014 they were only given sporadically. If operators receive a negative recommendation, they do not allow the prostitute to work in their sex establishment. However, prostitutes do try to work at other operators. The Hague police are notified when the police corps from other cities encounter a prostitute who has received a negative recommendation. Based on these notifications, it appears that the result of the negative recommendation is that a large part of the prostitutes involved move to other cities to work or disappear altogether. It should be assumed that pimps also move to other cities. After all, the presence of pimps seems to have declined since the use of negative recommendations. This decline is reported by operators, those who conduct the interviews and the prostitutes.

Amsterdam worked with face-to-face meetings for only six months at the time of writing. During that period, a small number of operators referred a total of 49 prostitutes to the team of advisors. A few were referred twice or did not show up for their appointment. The team of advisors conducted interviews with a total of 22 prostitutes. These interviews generated a total of fourteen negative recommendations. In Amsterdam as well as in The Hague it appears that prostitutes move to other cities to work as a result of a negative recommendation. Half the prostitutes who were referred to care actually made use of the referral.

Conclusions

The objective of the intake interviews is to prevent abuse in prostitution which on the one hand has to do with improving the rights of prostitutes and on the other hand promoting early detection of criminal activity (exploitation and human trafficking), or of a vulnerability toward such activity.

Negative recommendation

Despite the fact that a negative recommendation can combat potential exploitation, it can also reduce the prostitutes' self-reliance due to a loss of work and income. Furthermore, contesting a negative recommendation is not always an option, which can adversely affect the prostitutes' legal position. In order to contribute to the prevention of abuse, it appears that having a third option after a meeting with a prostitute could be of interest: an *intermediate strategy* between 'no concerns' and a negative recommendation. This way, human trafficking can be prevented when there are clear indications of it and at the same time, an option is available to improve the situation of prostitutes when concerns or doubts arise. More research into the consequences of the use of a negative recommendation among women affected by it could shed further light on the effectiveness of this measure concerning the specific needs and problems of these women.

Operators who conduct the meetings

In Amsterdam, operators in the sex industry conduct the intake interviews with prostitutes. This means that a prostitute is partially dependent on the operator's assessment or opinion in order to obtain work. Prostitutes must provide operators with personal information so that the operator can assess their self-reliance. This situation is remarkable since the interference of operators with prostitutes' work and the prostitutes' dependence on operators are sometimes seen as a form of abuse as well (see for example TK 2009-2010,32 211, p. 3 and Municipality of Amsterdam, 2012, p. 6, 14, 15). For these reasons, it appears that having intake interviews with operators does not directly contribute to improving the prostitutes' legal position. This does not apply to the informative purpose that such meetings can serve, however.

The privacy of prostitutes

As a result of the intake interviews, personal information about the prostitutes is recorded and shared with other authorities. While this may be important to gain insight into possible victimization, privacy issues also play a role. This procedure has raised questions about the prostitutes' right to privacy in Amsterdam. It is advisable for municipalities that would like to implement meetings with prostitutes to first check whether their procedures take this into account or to have the Dutch Data Protection Agency (*College Bescherming Persoonsgegevens*) advise them on their plans.

To conclude

The experiences with intake interviews demonstrate that face-to-face meetings can contribute to the prevention of abuse thanks to the informative and signal detection nature of the meetings. Following up on any signals in the form of providing help and healthcare (that meets their needs) and the measures that prevent vulnerable women from entering prostitution still require further improvement. To further contribute to the prevention of abuse requires finding a balance between preventing crime, protecting (possible) victims and improving the position of prostitutes (cf. Pitcher and Wijers, 2014). Realising this is the joint responsibility of the police, municipalities and social work.