

Prostitutie in Nederlandse gemeenten

Een onderzoek naar aard en omvang,
beleid, toezicht en handhaving in 2014

Engelstalige samenvatting

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Summary

Regulation of Prostitution and Tackling Abuses in the Sex Industry Bill (Dutch: Wrp)

A research on the nature and scale, policy, surveillance and enforcement in the year 2014.

In 2011, the Dutch House of Representatives adopted the bill ‘regulation of prostitution and tackling abuses in the sex industry’ (Dutch: Wrp). At present, the (in its altered form) is still being discussed by the parliament. The purpose of this bill is to improve the regulation of the prostitution industry and to tackle abuses in this sector. One of the measures is a nation-wide, uniform licensing system to minimize local and regional differences in policy and to prevent displacement effects. This research focuses on how surveillance and enforcement of the prostitution industry are regulated at the municipal level and what the effects are. This research reports on one of the three sub-studies which act as the benchmark under the terms of the Wrp bill. Topics are: prostitution policy, surveillance and enforcement. The nature and scale of the prostitution industry are taken into account as well. Furthermore, the research needs to provide insight into indicators and data sources that would be suitable for periodic monitoring.

Research methods

Various research methods were applied and several information sources were consulted to conduct this research. A desk research was conducted with the emphasis on the nature and scale of prostitution, policy, surveillance and enforcement. In addition, a survey was sent to all 403 Dutch municipalities with questions on these subjects. It resulted in a high response rate of 83 percent. Furthermore, 100 administrative reports from the ten regional police-units were retrieved and analysed and in eight municipalities deepening research was conducted. For that purpose a total of 52 people were interviewed. In three municipalities a researcher accompanied the

prostitution control team during a shift. For further illustration, additional documentation of 59 municipalities concerning their policy, has been described. Finally, fourteen experts were interviewed about aspects of prostitution policy, surveillance and enforcement.

Nature and scale

About 40 percent of the municipalities have one or more sex establishments. In the year 2014 there are 833 licensed sex establishments in the Netherlands. Compared to 2006, the number of licensed sex establishments has decreased considerably, particularly regarding the sex clubs/private houses and window prostitution. At the same time, other forms of prostitution, such as escorts and home-based prostitution, seem to increase. Municipalities estimate that about two-thirds of the prostitutes work in licensed prostitution sectors and the rest of them work in the unlicensed and/or illegal sectors. There is an overlap between the estimated number of illegal and unlicensed sex establishments, as some municipalities considered these two terms as identical. Estimations should be interpreted with necessary caution, since a major part of the prostitution industry is hidden for the local authorities. Although municipalities have a good idea of the number of licensed sex establishments, they lack good insight into the unlicensed/illegal part of the prostitution industry. An explanation for this is that municipalities strongly depend on the police for information, since the police look for advertisements on the internet and perform administrative inspections in the unlicensed/illegal part of the prostitution. The police are not authorized to perform administrative inspections in about half of the municipalities. Furthermore, the prostitution industry is dynamic and difficult to access, especially the unlicensed/illegal forms. This requires time and resources and some municipalities are not willing or are not able to invest.

Prostitution policy

About three-quarters of the municipalities have developed a prostitution policy. The remaining municipalities did not develop a policy since, to their knowledge, prostitution does not, or rarely, occur. The policy usually contains a licensing system and an establishment policy, which are recorded in the local ordinance (Dutch: APV). The majority of the municipalities have established regulations concerning the responsibilities of the businesses, the establishment policy and, to a lesser degree, the health of the prostitutes. With regard to the number of allowed sex establishments, two-thirds of the municipalities have a maximum policy and/or a spatial planning policy (43%). 24 percent of the municipalities have an (actual) zero policy. Almost two-thirds of the municipalities have less sex establishments than maximum tolerated.

Many municipalities have prohibited street prostitution and window prostitution. A major part of the municipalities has (as yet) no policy for escort and home-based prostitution, 33 and 45 percent respectively. Home-based prostitution forms a significant part of the total prostitution industry, which could become increasingly important as the supply of traditional forms of prostitution decreases. Therefore, and because of the assumed displacement effects, a uniform policy is considered highly desirable. To what extent the Wrp bill will regulate this, remains uncertain, also considering the municipal autonomy and room for interpretation regarding commercial home-based prostitution. The implementation of the Wrp bill will require the necessary investments from small(er) municipalities, which must be weighed against other municipal duties and responsibilities.

The proposed age for prostitutes from 18 to 21 results in a ban on prostitutes working under the age of 21 once the Wrp bill is introduced. A transitional regulation is therefore desirable for this group of prostitutes. Another point requiring attention is the extra responsibilities of business owners with regard to the prostitutes. This raises the question which authority will check if the obligations have been complied with (objectively informing the prostitute) and by what means this will be accomplished. With the amending bill, the registration requirement has been cancelled in the Wrp bill. Nevertheless, on the local level, forms of registration are implemented. Further measurements must provide insight into the potential consequences in terms of displacement effects and a larger illegal network.

Surveillance and enforcement

Besides the police, several authorities in the municipalities are (in)directly involved in the surveillance of the prostitution industry. There is a dividing line between suppression and care/aid which reflects in the RIEC-consultation (Regional Information and Expertise Centre), of which social work organizations are not part of and case consultations usually have an integral nature (police and other, non-suppressive authorities).

In 2013, 220 licenses (particularly permits to operate the establishment) were applied for, and 175 licenses were granted. 23 licences were suspended and 17 licenses were denied, for example because of planning conflicts and the results of the procedures of the Public Administration (Probity Screening) Act (Dutch: Bibob). The enforcement in the licensed sector is conducted by means of regular inspections, usually at regular intervals in a year. Not many abuses come up from that kind of inspections. From the point of view of three-quarters of the municipalities, the business owners therefore comply with the regulations fairly well up to well. A slight ten percent describes the compliance with the regulations by business owners as moderately, down to poorly. The rest (17%) does not know or does not have an

opinion. An important factor in the compliance behaviour of business owners is the high intensity of surveillance and enforcement.

Inspections in the illegal/unlicensed sector are the task of particularly the police, who must be authorized for that kind of surveillances. A potential complicated fact is that in about half of the municipalities the police are not authorized to perform administrative inspections. These inspections are very labour-intensive. Primary goal of these inspections is to determine how many minors are involved in the prostitution and to what extent forced prostitution occurs. Practice shows that it mainly concerns inspections of owning a licence for home-based prostitution.

In the period 2010-2013 the number of drawn-up administrative reports increased from 83 to 233. These involve often illegal/unlicensed home-based prostitution. In nearly all cases the police are the inspecting authority. In addition, the Dutch Tax and Customs Administration, the building and housing inspection department, fire brigade, the municipality, community health services (Dutch: GGD) and welfare organization can be involved. Nearly three-quarters of the municipalities state that the reports contain sufficient indications for taking (administrative) measures. About two-thirds of the municipalities always/frequently take measures in response to a report. As of 2010, 306 sanctions have been imposed, of which the majority concerns the illegal sectors (particularly the home-based prostitution which is illegal without a licence in most municipalities).

This research reveals some difficulties concerning surveillance and enforcement of the prostitution industry. The National Police (NP) are considering to focus more on its core tasks in the near future. It is uncertain if the administrative inspections will (still) be included in these tasks. Municipalities should fill this potential gap. The question arises if municipalities have sufficient capacity and/or expertise to arrange this. The police should focus (more) on the inspections concerning illegality and human trafficking. With regard to the tackling of illegal prostitution, the efficiency and effectiveness of the administrative inspections and reports can be considered problematic. Those cases where measures are taken, concern usually a caution directed at the illegally working prostitute. Currently, facilitators remain (practically) out of sight in the enforcement practice. Prostitutes who have been cautioned can continue their illegal activities in another municipality, and without consequences, since the sanction (caution) is not transferable between municipalities at the moment. When a penal sum is imposed, its collecting often causes problems with foreign prostitutes who are not registered in the Netherlands. Nevertheless, the majority of the municipalities (87%) state that the administrative possibilities are adequate in practice.

Indicators and data sources

Considering the future measurement of the impact of the Wrp bill, it is desirable that municipalities get an indication of the scale and nature of the illegal and unlicensed prostitution in their area. Whereas municipalities have good insight into the licenced prostitution sectors, and a specific and maintainable policy can be conducted, this does not apply to the illegal and unlicensed prostitution, which seems to increase in terms of scale (at the expense of the traditional forms of prostitution). The measurements must be repeated periodically in order to identify displacement effects. As for the indicators of the policy, the regulation of the home-based prostitution and the care for prostitutes is important, considering the goals of the Wrp bill. In the field of surveillance and enforcement is, among others, the division in roles between police and municipality an indicator that must be taken into account in follow-up measurements.

The same applies to the effectiveness and efficiency of administrative action in the form of administrative reports and imposed sanctions.



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