

'Assessment of ten years of Swedish and Dutch policies on prostitution'

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The Netherlands¹

In 1 October 2000, the Netherlands lifted the ban on brothels of 1911. Since then, several studies from the Scientific Research and Documentation Centre of the Ministry of Justice (WODC) and from the national police force (KLPD) have studied the impact of the decriminalization of procuring in the Netherlands.

1- The situation of persons in prostitution has worsened.

The study 'Daalder'² carried out for the Ministry of Justice unveils that:

- *"There has been no significant improvement of the situation of persons in prostitution"*.
- *"The prostitutes' emotional well-being is now lower than in 2001 on all measured aspects"*.
- *"The use of sedatives has increased"*.
- Options for leaving the industry were in high demand, while only 6% of municipalities offer assistance.

2- 50% to 90% of the women in licensed prostitution "work involuntarily".

These data were unveiled in 2008 by the national police force (KLPD) in a study on the sector of legalized prostitution entitled "Keeping up appearances".³ In this study, the Dutch national police force gives a very worrying assessment of the law decriminalizing procuring. Direct cause of the study is the Sneep-case, where two Turkish-German procurers, together with 30 accomplices, were condemned for exploitation of and violence against more than 100 women in the Netherlands, in Germany and in Belgium. What is striking is that all the women, who have been exploited with extreme violence in the Netherlands, were in the legal, licensed, taxpaying and State sanctioned brothels.

In Amsterdam, according to the national police, it is estimated that there are 8000 women in window prostitution; at least 4000 of them would then be exploited and abused every year.

3- Organised crime kept the control over the legal sector of the sex industry.

In 2011, a deputy mayor of Amsterdam, Lodewijk Asscher, also the new figure of the labour party in the Netherlands, stated that decriminalising procuring has been a "national error"⁴ and that the government has been "reprehensibly naïve". A report made jointly by the City of Amsterdam and the Ministry of Justice⁵ shows indeed that a great part of the legal sector of the sex industry doesn't escape exploitation and trafficking in human beings. Half of the permit-required businesses of prostitution and coffee shops (marijuana) have one or more managers with a criminal record.

4- Decriminalising procuring and legalising sex industry did not prevent from an increase in 'hidden' or 'illegal' prostitution.

In 2010, the RIEC Noord-Holland, a government body in charge of crime prevention, unveils in a study⁶ that only 17% of the prostitution advertisements published in newspapers and on the internet are placed by licensed brothels.

¹ General source: 'On legalised prostitution in the Netherlands', Karin Werkman, 2011.

² Daalder, A. L. (2007). Prostitution in The Netherlands since the lifting of the brothel ban [English version]. The Hague: WODC / Boom Juridische Uitgevers.

³ KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen.

⁴ http://www.lemonde.fr/m/article/2011/12/23/pays-bas-flop-de-la-legalisation-de-la-prostitution_1621755_1575563.html.

⁵ Gemeente Amsterdam, Ministerie van Veiligheid en Justitie; Projectgroep Emergo (2011). Emergo – De gezamenlijke aanpak van de zware (georganiseerde) misdaad in het hart van Amsterdam. Achtergronden, ontwikkelingen, perspectieven. Amsterdam: Boom Juridische Uitgevers.

⁶ RIEC Noord Holland (19 October 2010). Methodiek 'Inzicht in prostitutiebranche'.

Sweden⁷

The Swedish government published in July 2010 an evaluation of its 1999 law which prohibits the purchase of a sexual service (and not the selling of such service).⁸ The evaluation was led by the Ministry of Justice.⁹

1- By tackling the demand, the prohibition to purchase sexual services functions as a barrier against the establishment of organized, traffickers and pimps in Sweden.

According to the National Police, the law contributed to the fight against international networks of procurers. By tackling the demand and therefore reducing their possibilities to gain from the exploitation of prostitution, Sweden has discouraged criminal networks to invest on its territory.¹⁰

2- The number of persons exploited in street prostitution has halved and there is a general stabilisation of the number of prostituted persons, compared to the significant increase in neighbouring countries.

The evaluation of the Swedish law shows that:

- The number of persons exploited in street prostitution has halved since 1999, while it tripled in Denmark and Norway for the same period.
- Prostitution through the Internet has increased in Sweden as it has in other countries, due to the development generally of online technology. The numbers of individuals that are sold via Internet web pages/ads are much larger in similar neighboring countries such as Denmark and Norway.¹¹
- The proportion of prostituted persons from third-countries did not increase in the same way it exploded in neighboring countries.
- There has been no increase in 'hidden' prostitution. Social services and the police highlight that prostitution cannot completely 'go underground' as it needs some form of publicity to attract sex buyers.

3- The law proves to have normative effects through the reversal of mentalities in 10 years: there is more than 70% of public support to the law.

While the majority of the Swedish population was opposed to the prohibition of the purchase of a sexual service before the adoption of the law, 10 years later three pools have shown that more than 70% of the population support it fully. The normative effect of the law seems even stronger as support to the law is higher amongst the young people.

4- The prohibition acts as a deterrent for the buyers of a sexual service: there is a decrease of the demand.

According to pools in Sweden, the proportion of men who buy sex has decreased. In 1996, 13.6% of Swedish men said they had bought someone for prostitution purposes. In 2008, it is only 7.8%. This decrease might be overestimated due to the reluctance to admit a crime in a poll. However, a great number of interviewed men said they don't buy sex anymore because of the law. The Swedish police consider that the legislation prevented many sex buyers from taking the plunge.¹²

⁷ General source: 'Briefing on Swedish law and policies on prostitution and trafficking in human beings', Gunilla S. Ekberg B.S.W., JD, 2012.

⁸ Website of the Swedish government: <http://www.regeringen.se/sb/d/13358/a/149231>.

⁹ It is interesting to notice that this positive assessment has been made by a government led by the political party which, 10 years earlier, had voted against the law as it was in the opposition side.

¹⁰ This deterrent effect has been confirmed by police phone-tapping activities which reveal the lack of 'profitability' of procuring investment in Sweden.

¹¹ In 2007, the Swedish national agency for social affairs studied during 6 weeks the ads posted in the Internet and took inventory of only 400 persons proposing sexual services. In 2008, more than 800 persons in Denmark, and almost 1400 persons in Norway were proposing services on the Internet only. Source: <http://www.assemblee-nationale.fr/13/pdf/rap-info/i3334.pdf> (p. 226).

¹² Since the legislation coming into force in 1999, 4225 men have been apprehended.