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Selling private sex in public places *managing streetprostitution in The Netherlands*

Dear ladies and gentlemen,

First of all I would like to thank the organisers of this conference for inviting me to speak here today. It is true that in The Netherlands interesting experiments are undertaken with new perspectives and approaches towards prostitution and many Dutch cities have experiences with alternative ways of controlling and indeed regulating streetprostitution. Of course this cannot be simply transferred to other countries, but I do believe that my information may stimulate your own creative process while developing effective policies.

Let me first introduce myself briefly. I am a sociologist and I work as a researcher and policy consultant at the Mr A. de Graaf Foundation in Amsterdam, which is the national centre for research, policy development and information on prostitution and related issues in The Netherlands. The institute is for a large part subsidised by the Ministry of Public Health, commissioned to gather information on all aspects of prostitution in the Netherlands, analyse it and make it available for the Dutch public, especially for people in the prostitution field and people who, by the nature of their work, have to deal with prostitution. Examples are politicians, civil servants, policemen, medical doctors and social workers. Through the media we inform the general public.

Our goal is to diminish the problems associated with prostitution by providing scientific analyses of its developments with an emphasis on policy implications. We support the general aims of the government to normalise the relations in prostitution and to accept prostitution as a profession.

In this presentation I will focus on the situation with regard to streetprostitution. I will start by sketching the Dutch policy towards prostitution in general, then I will outline the model of regulation that has been developed over the last 15 years, followed by a more detailed picture of the present situation in the cities where we can find streetwalking. Out of these descriptions I will give the conclusions that we draw, with emphasis on the strategies that policy makers have used during the process of implementation.

The visitor of Amsterdam will not have a hard time finding the red light district where in the centre of the city women in shop windows offer sexual services for cash. Throughout the city one will find houses of prostitution in business or shopping areas or in respectable neighbourhoods. They advertise in the newspapers in very graphic terms, as do the so called private houses. Escort services present themselves in full page advertisements in the yellow pages. Homosexual prostitution is equally readily available in gay bars in swinging Amsterdam or in the hall of the central station. And.... the city council has designated and designed a somewhat remote area for the purpose of streetwalking, where drug using women and transsexuals solicit men in cars.

What we see is the typical Dutch principle of tolerance put into practice. Openly intended pragmatism makes it possible to see the sex industry as just another social phenomenon. A

number of 'private' activities that take place in public or semi-public locations are officially tolerated if they do not interfere with public order. So if prostitution is not disrupting ordinary life in a residential area the brothel, shop window or sex club will be allowed to exist openly. Local municipalities have designed a detailed system of regulation on the basis of this principle of monitoring public order. The new element is the formalisation of this practise by legalising prostitution businesses.

In July 1997 the Dutch Minister of Justice, Winnie Sorgdrager, has presented her proposal to legalise brothels. At this moment, like in the other European countries, prostitution itself, though not accepted as a respectable activity, is not regarded as a criminal offence. The Penal Code defines third parties who exploit women and boys for the purpose of prostitution as criminals who should be put in prison. However, these laws are not put into practice.

Prostitution is treated as a fact of life and brothels are openly or tacitly tolerated. This practice of tolerance is official policy, it is not an individual policeman or civil servant who decided to turn a blind eye. In the Dutch legal system the Ministry of Justice can declare that public prosecution will refrain from prosecuting in certain fields. (in judicial terms: the opportunity principle). This is the case with cannabis, with euthanasia and more notably with the exploitation of prostitution. The rationale behind it is that to prosecute this will produces more problems than it solves. Many years ago the conclusion was drawn that to fight prostitution in this way will make it go underground, thus causing greater problems for surveillance by the police and more misery for the persons concerned. And should the state prosecute activities carried out between consulting adults? By tolerating brothels under the condition that there is no associated crime like forced prostitution and prostitution of minors, and that the business poses no nuisance to residential areas, prostitution can better be monitored by accepting it as an integrated element of city life.

In the future situation the Dutch government intends to formalise this tolerance. By legalising the proprietors of prostitution-establishments it hopes to open the way for an even more effective approach to tackle the problems that are associated with prostitution. The Dutch Penal Code will no longer treat "organising the prostitution of an adult female or male person" as a crime when this is done with the consent of the prostitute. If she regards prostitution as the best option to earn a living she shall have the same rights as any other worker has. And any form of forced prostitution, pimping and trafficking will remain in the Penal Code, the maximum penalty will go up to 6 years imprisonment. The brothel or sex club will need a licence from the council and will have to meet standardised occupational health and safety conditions.

So this is not a major change in the way the Dutch society is handling prostitution. It is the logical next step. What we see here is that the way in which accepted from unacceptable behaviour is distinguished is not longer done on the judgement of the moral content but of this conduct but on the assessment if violence or force is being used.

Politicians justify this policy by referring to the principle of pragmatism. Actually, they hardly discuss the moral aspects of the prostitution issue. They speak of the advantage that by treating prostitution as just another branch of the economy, it can be regulated efficiently in the interest of three areas: public and social order, combating crime and improving working and living conditions of prostitutes (for more details see my documents).

Streetwalking in eight Dutch cities

The Penal Code need not to be changed in order to officially control and regulate streetprostitution, as there is no third party involved. All the councils of the eight cities where we can find streetwalking have learned the hard way that organising a zone of tolerance is serving public order better than a method of repression. Since the early 80s, one by one Dutch

cities have changed their policies. And now all but one have an official zone where the women are allowed to solicit and work, varying from some 80 per day in Amsterdam to about 20 a day in smaller locations. What is the zone, in general terms? The model consists of a street or area which has been assigned by the city as the spot on the map where nuisance for residential areas is minimised and where a reasonable degree of safety for prostitutes can be organised. To find such a place on the map and to reach political consensus is a very complicated and touchy process, I will speak about that later. The hours of business for this zone are during evening and night dependent on the local situation, but every night: 365 days a year. On the zone a shelter is situated with the same opening hours, here the women can have a break, drink a cup of coffee, eat something, talk with their colleagues (for instance exchange the features of the cars of dangerous clients), talk to the staff and buy or get condoms for free. On a number of nights a medical doctor can be consulted, on STD's and on general health issues. Common medical policy is that medical examinations for STD's are voluntary, to make them compulsive would only make the women suspicious and chase the ones you most dearly want to reach, the vulnerable ones, who try to hide from authorities, away.

At the zone or near it a parking lot is designed with "boxes" where the women can go and work with their clients. In this way, all activity is concentrated and taking place where it is most appropriate.

Amsterdam is not the first city with an official zone (that was The Hague) but the first shelter or living room was organised there in 1982. Some years before the media started to report, with an alarmed undertone, on a relative new phenomenon: girls of 12,13 who were on drugs and prostituted themselves in the centre of the city and they worked in hotels that rented by the hours. The message was clear: society cannot tolerate this, these girls have to be stopped and re-educated. Although subsequent research could not trace them in great quantities (and we have to borrow the German Christiane F. to put a label on the type), attention was drawn to the relative new connection between drugs and prostitution on the street. Female health and social workers had organised a lobby group to push for the creation of a shelter to support the women (who were in their 20s) and give them opportunities to receive social and medical care. At the same time, a working party from the Catholic Church was looking for ways to invest in social welfare. They came across the topic of streetprostitution and after consultation with the Mr A. de Graaf Foundation bought a house close to the area. Four nuns started a community and decorated their basement as a living room for the women. The city council was not very pleased, neither were the neighbours. The official policy was repression which meant that under the city ordinance streetwalking was prohibited in the centre and the police was regularly arresting working women. The courts fined them, so the women had to put in overtime or spent some time in jail. Time and again this practice was criticised as counterproductive and many police officers, especially from the vice squad were unhappy with it. At the time we could not help to draw the conclusion that these actions by the police were not so much prompted by the motive to get the women off the street but more motivated to show the residents that the city was doing its best to get rid of the nuisance. Not only did it not serve its official purpose: to cleansweep out streetwalking. There was a lot of tension on the street. The women felt chased and insecure, could less carefully select their clients - even got into cars with more than one man. It is well documented that in periods of frequent police raids, the women got more robbed, raped and assaulted. And social and health workers had a hard time to find and help them. Like I said, the police force was not altogether happy with their difficult and unsatisfying task. The uniform officers saw no result from their work and inexperienced young officers were not always able to remain polite towards vehemently protesting women. And they got criticism from their plain cloth colleagues from

the vice squad who invested in good relations with the women as their primary task was to solve rape and assault cases. This inner police conflict aggravated the frustration felt in police circles that they had to clean up the mess that was being caused, as they felt it, by the incompetent and half-hearted politicians.

Well, all this may sound familiar to you.

The obvious solution - a zone of tolerance where the women would be allowed to work - was voiced by the social and health workers, who had adopted the role as caretaker of the interests of the prostitutes. The strongest opposition came from the town hall. The mayor was firmly opposed to the suggestion as this would mean a location in the inner city where drug users were allowed to concentrate. And one of the cornerstones of public order policy was to make them invisible. Town hall was also not very happy with the living room project, as it would mark and confirm the area as the streetwalkers zone, maybe even attracting more women. The nuns said in return that they were just there because the women were there. This quarrelling went on for some time, then slowly a kind of status quo developed. It meant that without making it official, the women would not be arrested if they would solicit from a certain section on one of the canals. And that worked for some time. But residents kept complaining that their privacy was being invaded and that they could not sleep at night because of the cars queuing in front of their canal mansions. Finally, chaired by civil servant from the city council, representatives of the municipal health service, the police, social work and drug projects and the prostitutes rights group met regularly for more than half a year to discuss the concept of an official zone. This was inspired by the success that was booked in other cities. But now that all agreed that Amsterdam needed a zone of tolerance, the most difficult part was finding a suitable spot. The police suggested an industrial area in the remote docks west of the city. This was rejected by others, as it would put the women at great risk. At last a compromise was found in a street behind the central station, where only a few people lived amongst office buildings. It is next to the harbour where every 5 years Sail Amsterdam is hosted, and the opening was planned right after this event. The residents of the street used this opportunity to let everyone of the million or so spectators know that they were being put up with this disgraceful and malicious phenomenon. They got a lot of publicity, but the mayor would not bow or bent. Some days before the opening, the radiators of the new adjacent living room project were smashed by burglars and it flooded the building. At the night of the opening containers were placed on the road and tires were set afire, thus effectively blocking everything. The prostitutes took it in a pragmatically way, they moved up a couple of hundred meters. The mayor - intimidated by this violent street protest - then backed off and reversed the decision to open an official zone. So once again Amsterdam had an unofficial one. Only when his successor came to office, the discussion was reopened again and then swiftly the decision was taken to move the prostitutes yet another couple of hundred meters into old dockland territory. Artists who lived there in old warehouses converted into ateliers, were angry and protested with enormous sculptures, but eventually were not powerful enough to stop it. Partly because by then the model of a zone of tolerance had spread throughout The Netherlands and was accepted as an effective instrument to regulate streetprostitution. But the zone had to move once again, the dockland was to be developed into a prestigious resident area, the potential buyers were promised that they would not have prostitutes as neighbours. So two years ago the definitive zone was specially build on wasteland between two railroad tracks in the industrial region in the west of Amsterdam. The zone itself is build as a production line, with a huge fence around it. The motorist enters through a gate, that is open from nine in the evening until six in the morning. He can curbcrawl on a street along a number of women, at the moment primarily transsexuals from Latin America, pick one of them up and drive to two rows of parking boxes, after passing the building of the living room

project. After the work is done, he can leave the zone through the gate again, inspected by the police officers in their patrol car, which has a permanent place. Even though the nearest residents live about a kilometre away there was intense protest which eventually died down, as indeed all the prostitution activity was confined to the zone. Entrepreneurs from the industrial area feared trouble from junkies and burglars but nothing happened, maybe just because of the intensification of police surveillance. But from a managing point of view, the zone is not a complete success. The place is so remote from the inner city, that only a few of the drug using prostitutes - for which the zone was intended - do go and work there. Many prefer to stay in the centre, where the drugs are - and take into account the risk of being arrested by the police. We expect that this will result in adaptations in the future, showing us that the job of managing is never done.

Well, here you have the recent history of street prostitution in the other cities we can find aspects of the same patterns. I will only highlight some.

The Hague

For a change, The Hague poses a very steady situation. More than ten years ago the illegal street soliciting was moved from a residential neighbourhood in front of one of the main railway stations to the back of it, which is a minor industrial area which is being upgraded at the moment. In the houses at the street the living room project is situated and just around the corner one will find the parking boxes decorated with small trees. During the day they are used by employees from the small factories. What stands out as a big lesson is the role of the mayor. He was 100 % convinced of the necessity of such a zone and when the city council took the final decision he used all of his political weight to organise the proper accommodation and to withstand protests. He wisely installed a forum to channel complaints from residents and entrepreneurs. Many of these complaints consisted of petty disturbances that could be taken care of quite easily. With this policy the mayor showed the population that he took their interests at heart too. In the Dutch political system the mayor plays a key role in matters concerning public order and safety. He is directly responsible and is bestowed with a lot of power. His direct consultants are the chief of police and the head of public prosecution. Together they implement the city ordinances.

Rotterdam

Today one will find the zone of tolerance tucked away between huge warehouses in the western docks. There are not many square meters available but it has the same arrangement as in Amsterdam. It is already the second zone, the first was a street more to the centre, closer to the area where the illegal streetwalking was in the early 80s. As in Amsterdam, the drug scene is relatively large and drug dealing and prostitution were mixed. People in Rotterdam are not debating (also reflected in the soccer team of Feyenoord), long before the city council finally agrees to start a zone, a social agency started a living room project and extended this hospitality with special services for the drug using prostitutes.

Utrecht

Utrecht is the city where the mayor also played an important role. When the decision was taken that the inner city workingman's neighbourhood was to be relieved from streetwalking, six locations were nominated to the city council. A service road next to one of the main entrance boulevards, in a small industrial area was found to meet the qualification criteria best.

Businesses threatened to move out, this brought about great pressure but the mayor did not reverse her decision. Partly for political reasons, a transformed lorry is used as a living room instead of a building. The city furnished the staff with enough money to develop the concept of living room beyond its borders. They work from an explicit feminist perspective: to support them in their situation and empower them within their possibilities.

In Amsterdam the project is a true living room, with the main aim to offer warmth and a family atmosphere, the project in Utrecht extends their activities to direct referrals to social agencies, negotiations with the police, aids prevention campaigns for clients and detailed public information. They invented the model of the parking boxes: after the cynical laughter had died down their point was proven. The prostitutes can work safely, do not need to go to dark and remote parking lots and at the same time potential nuisance is prevented.

Arnhem, Nijmegen and very recently also Groningen (this January) have followed these examples and modified it to their own needs. Each have their own peculiarities and anecdotes. Years ago, both in Nijmegen and Groningen caravans were used as preliminary living rooms. They did not survive long, the one in Groningen was burnt, in Nijmegen protesters literally rocked the vehicle so long until the staff got so sick they gave up.

Residential protest

This brings us back to the role of residents, ordinary law abiding people get outraged, start long term campaigns of civil disobedience and even turn to more undemocratic action like violence. How can we understand this. Nuisance cannot be objectively measured. The physical elements can be described easy: like noise at night from cars and shouting people, litter that you find in the morning. But the source of which it derives makes the difference: that brings about feelings of psychological, emotional and moral nuisance that cannot be simple reasoned away. Residents fear that by allowing this to continue, it will spread and spread and all sorts of associated crime will be attracted. They fear that the value of their houses will go down. They are without defence when their relatives and their friends at work mock them, they say, hey you live in a prostitution area. The only solution for them is: get it out of here.

Residents often claim that they have the right to live without activities that society condemns as immoral in front of their homes. They appeal to the public opinion that the council is itself immoral when they allow this to continue.

Only by taking these complaints and fears serious and by showing that the zone does work and town hall is effective in containing it, only then the council can eventually convince disturbed neighbourhoods.

Heerlen, the eight city

Heerlen is a story in itself. Last year I studied it extensively and reported about it to the city. A summary of my report is available here. At the moment we have a stalemate situation. After years of a repressive policy, in vain hoping to drive the evil out, the city council agreed to open a zone of tolerance. Excursions were made to other cities, a plan was presented and alternative locations were publicly discussed. The zone was built on a piece of open land between two districts. The police and the helping agencies all were part of a master plan. The residents of these two village like settlements organised a massive protest. For over a year now they march every evening in a parade to the zone and by their presence effectively block all business. The prostitutes found another spot, next to a shopping and industrial area, where protest is less powerful, for the time being. The town hall does not know where to go, to install

the zone would require police force, on the other hand it does not want to return to repression of streetprostitution.

A last hope lies with the Open Forum: representatives of all parties, who meet regularly to talk about the situation and to find some basis of consensus for a new angle.

Summing up the things that went wrong or had a negative influence in this city gives an insight of a number of the positive conditions that are necessary if one dares to be so bold as to launch a streetwalking zone.

Political majority

In Heerlen, the decision in the council was carried with a 18 to 17 majority, and the party of the christen democrats was pressured by their coalition parties to vote in favour. Opposing groups used this to claim that the protesting residents represented the democratic will.

Alert and strong local government

In Heerlen, it took a long time before the town hall took a position, and the subsequent presentation to the media and the discussion with the population was ambiguous and unclear. Opposing groups took advantage of the flaws in the plan.

A complete package of action

In Heerlen there was too much room for misinterpretation of the willingness and the capacity of for instance the police and the drugs agencies in order to guaranty that the goals of the zone would be met. It gave opposing groups the possibility to challenge the validity of the plans altogether.

The selection of a fruitful location

In Heerlen, other than in the other cities, the choice was made to place the zone in a rural environment, or to put it more clearly: to drop an urban facility in an area where the inhabitants live like villagers. So, although the actual spot is some 800 meter far from the nearest house, the people feel as if something alien - that is something from the city - is dumped in their back yard. This has been the source of unceasing protest. The promise that the inhabitants would be given a prominent role in the monitoring of the zone was of no use: they do not want the zone at all.

This and other, locally based circumstances, like high unemployment, poor welfare, strong inner social cohesion and traditional resentment to local authorities can be counted as part of the long list of negative circumstances, that -when added up - are responsible for the failure.

But must we learn from this that a streetwalking zone is doomed? Not for me, let me finish by drawing my conclusions. It must be clear that in my opinion, a well organised and carefully executed zone of tolerance has many advantages. Maybe you think I am over exaggerating but for me it is true and not too good to be true.

A city and its population confronted with streetprostitution can do two things. One, it can arrest the prostitutes and chase the motorists in an effort to eradicate this terrible phenomenon. I think that this does not work. A council that would think the same and still perseveres in repression is very cynical: keeping up the impression that they do something about the problem, but in reality play its part in the perpetuation of nuisance, violence, misery. Or it can accept the fact that there is a market on the streets for the sale of sex. A number of men, potential clients are attracted to this kind of exchange of sex for money. Research shows that they only go to this kind of prostitution, they cannot simply be transferred to another type of prostitution.

Once this mental step of accepting the reality of streetprostitution is taken, the way is open for a realistic, pragmatic policy where state power is used to manage problems rather than vainly strive for extinction. Similar as in The Netherlands it may take mayors and councillors years of hard lessons before they will draw this conclusion.

Via a zone of tolerance nuisance for residential districts can be minimised, monitored and controlled. Regular meetings where new developments are evaluated and where complaints can be voiced support this monitoring process. The police can draw the line of what is accepted and what not, it can direct trespassers to the location where they are allowed to work, it can develop the trust of all parties to report crime, and it can devote its precious time to solve it. These are the reasons why police forces in The Netherlands support the zones, it makes their surveillance task clear, logic and in the end simple.

A zone improves the working conditions of the women, it improves mechanisms of social control, which will correct misconduct that might endanger the tolerance, a zone improves their safety, health and working conditions, like their negotiation position towards clients. It will boost their feeling of self worth, because they have a right to work there and are no longer a societal throwaway.

The living room is the focal centre, where this is being built up. And while the women are in the living room they are not on the street, thus less chance for nuisance. And here concrete help and services are being provided, which - you may never know - be the start of a slowly but steadily growing realistic perspective of a life beyond prostitution.

I thank you for your attention.

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