APPENDIX 1 Market Developments & Scan of Stakeholders

In order to arrive at an initial outline of the new licensed workplaces outside the Red Light District and Singel area, discussions were held at an official level with stakeholders (sex workers and businesses) and partners in the chain (police, Public Prosecution Service, Licensing & Civil Enforcement, care organisations), information was gathered from other cities that are in a similar process (Utrecht[1] and The Hague[2]), relevant examples from abroad were studied, and existing reports such as those issued by Ivar Schreurs on his exploratory study and by the National Rapporteur on Trafficking in Human Beings were examined.

1. Market developments

1.1 Advertising for customers on the internet is increasing

The most important market development is that customers for prostitution are being increasingly advertised for on the internet[3] in recent years. Sex workers put advertisements online offering their services. An analysis of these advertisements via a web crawler as well as manual checks have revealed that, in Amsterdam, hundreds of unique sex workers are offering their services through the internet.

1.2 Demand for window prostitution is shrinking

General
In the Netherlands, a sharp downward trend has been observed for a number of years in traditional forms of prostitution businesses such as sex clubs, window brothels and private houses: a decline in numbers from around 1300 in 2006 to 800 in 2014[4]. Flexible forms of prostitution are on the increase, where more independent sex workers are finding their customers through the internet and social media. This trend is not unique to the prostitution sector but is in line with the general increase in the sale of products and services on the internet and the growth in the number of self-employed workers in other sectors in the Netherlands. This trend is expected to continue in the coming years. While this complicates surveillance and enforcement efforts, it does seem to offer opportunities for sex workers who want to work independently without the involvement of an operator and who, by doing so, can achieve a greater degree of autonomy.

Self-employed escorts and sex workers working from home[5] indicate that they want to determine their own working hours and do not want to conform to the house rules of a club or escort agency.

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[1] Creating of new licensed workplaces: Het Nieuwe Zandpad.
[2] Relocation of all window brothels from Doubletstraat and Geleenstraat to a new facility at Sporendriehoek.
[3] Not only through websites such as Kinky.nl, but also on social media.
[4] There are no recent national figures available, but there are indications that this decline is still ongoing. However, it should be noted that the maximum number of licences in several municipalities is 'taken' and that municipalities have opted not to issue any new licences.
[5] It should be noted that it is very difficult to involve some groups in these studies, including the group that is forced into prostitution.

Window prostitution[6]
Nationally, we are seeing a decline in window prostitution. In some municipalities, such as Haarlem and Leeuwarden, many such windows are vacant. This is mainly due to the increased flexibility of the market as mentioned before, but municipal policy also plays a role in this. Some municipalities are curtailing window prostitution and introducing strict regulations and enforcement that create barriers for sex workers to work in a window. In major cities, window closures are leading to higher window rents and, according to the sex workers, their income is decreasing. This may lead to sex workers preferring to work in the unlicensed sector. Nevertheless, the industry and experts believe that the demand for window prostitution still exists and will continue to do so for the time being. The sex workers and support organisations emphasise that the prostitution market is made up of different segments and that sex workers each choose their own preferred place.

1.3 Demand for different types of spaces

Advertising on the internet almost automatically leads to an increase in unlicensed work at home, in hotels or other locations. However, some sex workers do not want to work from home or are not able to and prefer legal, safe workplaces. This means that there is an increasing need for spaces where sex workers can work safely and legally and where they can make use of amenities and shared facilities. This may be a window, a hybrid form (advertising for customers from a window and on the internet) or a workplace that only uses internet advertising. This latter form may involve spaces that can be rented flexibly and for short periods of time by sex workers who arrange to meet their customers there.

2. Ideas/criteria of the parties involved

2.1 Sex workers

For a new workplace to succeed, it is important that different types of sex workers will want to work there. A large proportion of the sex workers in the Red Light District indicate that they do not want to relocate, but they were willing to describe what the 'extra workplaces' should look like. In particular, sex workers who specifically do not want to work in the Red Light District or are not able to were asked about their wishes.

A study conducted on the social position of sex workers shows that the majority prefers to work in a licensed workplace[7]. In the absence of legal workplaces, sex workers have no choice but to work illegally. However, there is no universal 'sex worker': there are many different types of people working in the industry with different preferences for workplaces. In this document, we make a distinction between female, male and trans sex workers.

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[6] Window prostitution is a form of prostitution where sex workers attract customers by displaying themselves in a window that is visible along a public road. The sex worker usually rents the window and workspace from a window operator for a specific period of time, often per day or part of a day. The sex worker is basically independent, acquires customers directly and also independently negotiates the price and services to be provided. The Amsterdam general municipal bye-laws stipulate that a window sex worker may only obtain customers from the window and not through the internet.
[7] Snippe, J. (2018). *Onderzoek maatschappelijke positie sekswerkers* (Study of the social position of sex workers) Groningen-Rotterdam, Breuer&Intraval.

Female sex workers

Female sex workers who work in a private residence (which is probably the largest group in the non-licensed sector) often indicate that they do not want to work in a window, a club or as an escort. Of the female sex workers who indicate that they have voluntarily opted for window prostitution, many have consciously chosen to work in a window, instead of in a club or as an escort. This also applies to the area: sex workers in the Singel area do not want to work in the Red Light District, those who work in the Red Light District find Ruysdaelkade too boring, etc. Window sex workers do not want to work in a club and vice versa and none of the sex workers in Amsterdam want to get involved in streetwalking.[8]

Male sex workers

Male sex workers work for 99% with male customers. Within the licensed industry in Amsterdam, they can either work in one particular club or through an escort agency. Men almost never work in a window, mainly because their customers want to remain anonymous. In addition, there is a large unlicensed sector where men work independently as escorts. Male sex workers advertise for customers on the internet and receive them either at home (this is inconvenient because it causes problems with the landlord/neighbours/neighbourhood and not all customers want to meet in a private house) or they go to the customer's home (this is not always desirable because the sex worker ends up in an unknown environment that may be unsafe) or in a hotel (this also creates an unknown and therefore rather unsafe situation[9]).

Trans sex workers[10]

A part of this group works in window prostitution and another part works in the unlicensed sector. This group also needs proper, central and safe places to work in. These may include windows, a club or a hotel-by-the-hour in a general erotic centre where female and male sex workers work as well. Such centres need to take into account the fact that transgender and cisgender persons[11] have different types of customers who prefer not to mix. Customers of trans sex workers have a relatively high need for anonymity. There is also a desire for more options to work flexibly from hotels and private residences.

Sex workers in general

In general, sex workers indicate that licensed workplaces offer the following benefits:

- Numerous high-quality facilities
- Safe, due to surveillance, among other things
- Contact with colleagues
- Access to support services in case of problems

They also see disadvantages:

- Many rules
- Compulsory intake

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[8] *Verkenning scenario's raamprostitutie Binnenstad* (Exploratory study of window prostitution scenarios in the inner city) (Ivar Schreurs, October 2019)

[9] An additional problem: if a customer does not want to pay, he may threaten to call security, which can be a problem in connection with the illegality of prostitution at that location and also in terms of the anonymity of the sex worker.

[10] Persons whose gender identity or gender expression does not match their biological sex.

[11] Persons whose gender identity or gender expression matches their biological sex.

- Costs (room rent or payment to operator in club or escort agency)
- Tax liability
- Less anonymity[12]

Sex workers indicate that the following preconditions are important to them:

- Accessible/flexible (not too many rules[13])
- Affordable
- Attractive to customers
- Minimal dependence on operators
- Accessibility (especially via public transport)

2.2 Customers

Customers form a diverse target group that is difficult to survey. We assume – based on logic and what sex workers and operators have to say – that the following factors are relevant for them:

- Interesting offer (diversity)
- Acceptable price
- Safety
- Accessibility
- Anonymity
- Health of sex workers
- No abuses (this applies to some of the customers: some customers are themselves responsible for situations of abuse and sometimes also specifically look for sex workers in the most vulnerable situations)

2.3 Businesses

We have spoken with the current operators of window brothels (Singel/Red Light District/Ruysdaelkade), clubs and escort agencies. We have also asked other businesses in the Red Light District for their input.
They have mentioned the following preconditions:

- Accessibility for sex workers and customers, i.e. not in a residential neighbourhood, but also not too isolated
- Other facilities (shops, catering) should be present (in the neighbourhood)
- A minimum of 40 workplaces (attractive offer for customers) and a maximum of 80 (manageability)
- Not generally accessible to the public: charging of entrance fees

2.4 Government

We have also spoken to representatives of the Public Prosecutor, police, city surveillance officials and care organisations. They have mentioned three preconditions for creating workplaces that are as clean, transparent and safe as possible. In their opinion, the following

[12] This may change if the Sex Work Regulation Act (*Wet regulering sekswerk*) is adopted. This includes a licence obligation for prostitutes working from home, which reduces their anonymity.
[13] For example: current limitation on working a maximum of six days.

preconditions contribute to a better position for the sex worker and to preventing and combating human trafficking[14]:

- Findability of sex workers
- Visibility of sex workers
- Opportunity for building a relationship of trust

These preconditions have consequences for the form of prostitution (for example, windows are preferable to the use of rented rooms because of visibility) and also the nature of the operations (short-term rental, for example per hour, leads to a high turnover ratio of sex workers, making it more difficult to meet the preconditions). Apart from the form of prostitution, a number of things can add value in relation to these preconditions:

- Lounge
  Creating a lounge (a place where sex workers can come together in the vicinity of the workplaces) improves the level of social control as well as visibility, findability and opportunities for building relationships of trust. The use of a confidential counsellor for sex workers can also contribute to this.
- Police/enforcement post
  A post where both city enforcers and the police can be present increases accessibility and facilitates the building of a relationship of trust.

Other preconditions, particularly in the areas of transparency and security:

- Operational transparency
  To ensure transparent operations, bogus schemes between the property developer/owner and operator must be prevented. In other words: the licence holder (operator) must be the one who actually runs the business and not the property owner/developer. The City of Utrecht was concerned about this and therefore – in a later stage[15] – it added a formal definition of an operator to the general municipal bye-laws: an operator is the party at whose risk and expense a business is operated[16].
- Financial transparency
  To safeguard the position and safety of the sex worker, it is important that the financial services are in order, i.e. the possibility of using a debit/credit card or the removal of excess cash at the location. This helps avoid situations where sex workers have large amounts of cash on them after work.
- Operator transparency
  It is important for city surveillance officials to be able to inspect the business operations within a short distance from the workplaces.

[14] These preconditions were also explicitly mentioned and discussed at the technical session on 19 November 2019.
[15] At first, the '15% rule' was devised, under which property developers could earn a maximum of 15% interest on their investment. This would prevent rents from becoming so high that the developer would effectively be the one laying down the law. However, this rule proved difficult to enforce and difficult to explain.
[16] Other criteria for defining entrepreneurship include: taking on entrepreneurial risks, earning a profit and liability for debts with respect to third parties.

3. Overall: quality

All parties indicate that new workplaces can only be successful if they are of high quality. This refers not just to the workspaces themselves, but also to the surrounding physical and social environment.