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NETHERLANDS (The)

	POPULATION 17 million		GDP PER CAPITA 48,223.2 USD
	POLITICAL SYSTEM Constitutional Monarchy with a Parliamentary Regime		HUMAN DEVELOPMENT INDEX 7 th rank among 187 countries
	GENDER INEQUALITY INDEX 3 rd rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 8 th rank among 180 countries

In 2000, the Netherlands legalized prostitution. The aim was to better control prostitution and limit criminality. The ban on procuring was thus lifted, prostitution is now recognized as a profession and brothel owners are considered as “relaxation business managers”. As such, prostitution has become a symbol of the Dutch liberal model.

Out of Control...

The reality, however, is more complex. The law passed in 2000 planned to entrust the organizational management of prostitution to Dutch municipalities. Each municipality put the law in place in diverse ways. There are, indeed, different prostitution statutes in different cities: legal with a permit system (prostituted persons are registered by the municipal authorities), legal without a permit system, and illegal. In 2014, 24% of Dutch municipalities had no policy on prostitution, leaving the field open to illegal and clandestine prostitution. Additionally, the

places for prostitution are numerous: window displays, sex clubs/brothels, apartments, street prostitution, escort agencies, massage parlors, catalogues on internet...

Consequently, what actual control can the Dutch authorities really exercise? Especially as, year after year, the number of licensed establishments has decreased, particularly prostitution window displays. In April 2017, the municipality of Amsterdam closed 126 prostitution window displays (out of 470), and planned to close 37 more in 2017-2018. Like Amsterdam, most cities have closed these establishments so as to generally combat human trafficking, as investigations have shown that these places are managed by trafficking networks (*Gemeente Amsterdam*, April 30, 2017). Thus, since 2000, Utrecht and Arnhem have closed all their windows (160 in Utrecht, 300 in Arnhem), Groningen has closed 50 windows, and Alkmaar closed 60. Prostitution has not, however, decreased. If anything, we note an increase in less visible places of prostitution. Escort

agencies, for example, increased from 81 in 2006 to 125 in 2014. Most are licensed. Yet the number of escorts has also increased in the industry's illegal sector—although this increase cannot be quantified (WODC, 2016).

An increasing number of human trafficking victims have been identified in the least visible sectors of prostitution (apartments in particular): 55% of victims identified in 2012-2013, 72% in 2014-2016 (*Nationaal Rapporteur*, 2017). Several cities (The Hague, Rotterdam, Utrecht, Amsterdam in particular) have police services tasked with the policing of prostituted persons in apartments. The latter are detected through online ads based on certain key-words that can be used to alert the reader: available 24/7, intercourse without condoms, low rates. In 2017, 154 prostituted persons were checked by police in The Hague and 461 in Rotterdam. These operations made it possible to detect irregularities in 60% of cases (human trafficking, tax fraud, illegal occupation of premises, presence of children while their mothers were receiving sex buyers, etc.) (NRC, February 27, 2018).

A Decreasing Number of Victims, for a Developing Reality

The number of identified human trafficking victims, all forms combined, is decreasing each year: from 1,711 in 2012, to 952 in 2016 and 1,076 in 2017 (CoMensha, 2012, 2016 and 2017). In 2017, 75% of the victims were women and 62% were sexually exploited (75% on average in previous years).

Authorities, however, do not see this steady decline as a sign that the phenomenon is abating or of the effectiveness of the policy pursued. Rather, it is the effect of a shift in political priorities following the increase of migrants arriving into the country and the heightened terrorist

threat. Efforts now focus more on combating the illegal trafficking of migrants, at the expense of the fight against human trafficking. In addition, the restructuring of the police services, which began in 2012, has led to staff turnover and changes in practices. This could dangerously slow down certain areas of action, particularly the fight against human trafficking.

Everything suggests that the reality of exploitation is far worse than estimated. For the first time, a study conducted by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, published in October 2017, managed to issue a quantitative estimate of the phenomenon through cross-referencing all the data recorded for the 2012-2016 period (*Nationaal Rapporteur*, 2017). Thus, there are reportedly 6,250 victims of human trafficking (all forms combined) each year in the Netherlands, a figure five times higher than the number of identified victims.

Transnational Trafficking Versus Internal Trafficking

According to these same projections, more than 65% of victims of human trafficking are victims of trafficking for prostitution purposes, a figure that can be subdivided into two groups: 21% are victims of transnational trafficking and 46% are victims of internal trafficking (*Nationaal Rapporteur*, 2017). This means that each year, approximately 3,000 victims are Dutch nationals, which far exceeds the number of victims of foreign origin. This supposition is corroborated by the identification data. For several years, Dutch victims have been the first identifiable group: 33% of the victims identified in 2015, 28% in 2016, 32% in 2017 (*Nationaal Rapporteur*, 2017). The phenomenon would therefore remain largely invisible; if the figure of 3,000 Dutch victims each year is reliable, it

can be concluded that only 15% of them are identified (compared to the 33% of transnational trafficking victims, mainly from Bulgaria, Poland, and Romania).

Minors: Increasingly Victimized

According to the National Rapporteur, approximately 1,320 female minors are reported to be victims of loverboys every year. Loverboys are men who seduce and charm very young, vulnerable girls in order to force them in prostitution. Only 1 out of 10 victims is identified and rescued (NOS, October 18, 2017). Of the 592 victims identified between 2010 and 2014, 358 were aged 16 or younger, with the youngest victim being as young as 11 years-old (*Nationaal Rapporteur*, 2016).

According to observers, this phenomenon is evolving towards heightened violence and criminality... It is no longer a question of seduction and love. Loverboys are looking for quick money and power above all else. They are true criminals who “handle” many victims at the same time. They often belong to networks that also deal with arms sales or drug trafficking (AD, May 20, 2018). The connections with their victims are made via social media and the seduction phase is brief. The first sexual relations are filmed and the loverboys force their victims into prostitution by threatening to put the videos online or by sending them to their families.

Exploited Young Boys

For several years, all of the government’s attention has been focused on the young Dutch women victims of loverboys. However, other forms of sexual exploitation of minors have begun to appear. Many organizations have been warning of the emergence of underage male prostitution. In January 2018, the reporting platform *WATCH Nederland*, created by the NGOs *Fier*, *Centrum Kinderhandel Mensenhandel* (CKM) and *Terre*

des Hommes, received 131 reports of sexual exploitation of children: of the 61 cases investigated, 5 concerned underage boys. A survey carried out in Eindhoven, by the NGO *Lumens*, showed that at least 70 boys or young men between 14 and 22 years old were exploited in prostitution. The phenomenon is also reported to exist in other cities like The Hague, Delft, Gouda, Rotterdam, as well as in rural areas (*NL Times*, February 6, 2018; *Fier CKM*, January 10, 2018). The situations vary greatly. Some are prostituted in exchange for material goods while others are victims of boyfriends who push them into prostitution. Some others are under the “protection” of sugar daddies who offer material security against sexual relations. All of these victims have one thing in common: their young age. The issue is still taboo. “Who considers them victims? Girls are victims, not boys”, notes the researcher Daniëlle van Went from the NGO *Lumens*. In February 2018, in response to this emerging phenomenon, Herman Bolhaar, the new National Rapporteur, called for a better training of social workers and police officers on these issues.

Victims of Child Pornography

In recent years, there has been a substantial increase in the number of reports of child pornography. The figures vary according to sources: from 3,000 in 2014 to 18,000 in 2017 according to the Ministry of Justice and Security, and from 25,000 in 2015 to 35,000 in 2016 according to the Dutch hotline *Meldpunt Kinderporno*. The majority remain unresolved, as the police lack the time and human resources to investigate each report.

Today, the Netherlands is the leading European country in hosting child pornography websites, and the second worldwide (*Le Figaro*, April 3, 2017). According to *Meldpunt Kinderporno*, which analyzed more than 100,000 photographs,

videos and websites with child pornography content, found that 80% of the material were hosted on Dutch servers. 200 children were rescued by the Dutch police in 2016 compared to 130 in 2017. All of these victims had been identified through photos or videos depicting them (NL Times, May 31, 2017; Dutch News, March 17, 2017; Government of the Netherlands, February 7, 2018; NL Times, April 4, 2018).

Behind the Official Discourse, Violence...

Dutch authorities continue to praise the “well-being” of the prostituted persons who practice within the licensed, or legal, sectors. Yet, behind the satisfaction shown, another reality is beginning to emerge, including in studies commissioned by the government or Parliament. According to a survey conducted in 2014 (WODC, 2015), it appears that:

- more than 50% want to get out of prostitution;
- a certain number have been confronted with moments of anxiety, despondency and loneliness; 40% had been experienced situations of distress;
- almost 60% consider their activities as difficult to endure.

In another study conducted four years later, on the same population, clear findings of omnipresent violence in all its forms were noted (Snippe, Schoonbeek, Boxum, 2018):

- 93% admitted they had dealt with emotional violence (humiliation, inappropriate questions, insults, harassment, violation of private life ...);
- more than 75% experienced sexual violence (threats, forced sexual relations with a sex buyer, rape);
- 60% experienced physical violence;
- more than 50% mentioned economic violence: theft and extortion by sex buyers in particular, exploitation or refusals by financial organizations...

Rethinking Prostitution: Towards a New Model?

Since 2013, the idea of self-managed brothels has invaded the debate on prostitution in the Netherlands, and several projects have arisen in this direction. The foundation *Non Nobis* has thus proposed to create a “humane brothel”, liberated from the dominance of procurers, brothel owners and unscrupulous lessors, thereby empowering prostituted persons (AD, December 16, 2016). The project, first proposed in The Hague, was supposed to take root in several Dutch cities to replace the current red-light districts. However, the project no longer seems to be on the agenda.

In Amsterdam, the *Eigen Raam/ Own Window* project, originally launched in the spring of 2015, renamed *My Red Light* was inaugurated in May 2017. The project is based on 14 display windows of 4 buildings in the Red Light District (buildings repurchased by the city in 2007 from Charles Geerts, a brothel owner known under the nickname of ‘King of the Red Light District’) which could accommodate up to 40 prostituted persons (men, women and transgender people). The establishment is managed by the NGO *Start Foundation* in partnership with the Dutch bank Rabobank. The municipality, involved in the purchase of the buildings, withdrew from the project because it would no longer be a public brothel: the establishment does not receive public funds and the city does not directly benefit from it. The city now only controls the conditions of practice.

“Sex worker” organizations were involved in all the phases of the project’s development: architecture, room decoration, lighting choices... a collective manages the establishment. The goal is to provide a form of empowerment and freedom to the

prostituted persons who would then have a choice in terms of their engagement in prostitution (rates, hours, holidays) and would be protected against the pressures and abuses imposed by intermediaries, and will be able to learn how to manage their own business (training will be offered to them).

“If this works, it could be a new model for prostitution” declared the managers of the establishment triumphantly on its inauguration day (*The Guardian*, May 16, 2017). Yet, one year after its opening, My Red Light seems to have failed (*NL Times*, April 2, 2018). Prostituted persons are reluctant to come, spaces remain vacant during the day and the investment is not amortized. The facility’s managers explained this failure by challenging the rules imposed by the municipality, in particular the ban on unregistered prostituted persons engaging in activities from home or online. In response to these attacks, the city declared that My Red Light shall not be treated differently from other brothels and that the prostituted persons in the facility have to comply with the rules.

Towards a New Prostitution Legislation?

Since 2009, the Netherlands has been discussing a draft law “to regulate prostitution and combat abuse in the sex industry” (in Dutch, “*Wet Reguleren Prostitutie en bestrijding misstanden seksbranche*” - WRP), which still has yet to be passed. The legislative process is slow: each proposal is analyzed, debated and corrected until almost nothing remains. Meanwhile, victims of human trafficking continue to suffer, whilst procurers and traffickers get wealthier. In its 2014 version, the bill provided for:

- the establishment of a national licensing system for all forms and places of prostitution;
- the establishment of national standards for managers of prostitution establishments;

- the criminalization of seeking sexual services from a prostituted person under the age of 21.

Nine years have passed and the draft law is still trapped in parliamentary deadlocks, debates and amendments.

The Debate around the Registration of Prostituted Persons

The registration of prostituted persons project via the attribution of a licence represents the main stumbling block of the draft bill. In December 2016, senators had proposed to exempt prostituted persons from this obligation when engaging in the activity at home. The Minister of Security and Justice himself indicated that independent prostituted persons could not be considered as an organized prostitution business and consequently should not have to apply for a license. The proposal was met with strong reactions. Corine Dettmeijer, National Rapporteur on human trafficking, clearly expressed her opposition as, in her opinion, half of the trafficking victims identified by CoMensha are exploited in the least visible sectors of the sex industry and “the person prostituted at home needs better protection” (*Dutch News*, December 19, 2016; *NOS*, December 19, 2016). The police are also concerned that they no longer will be able to reach potential victims and that they will lose all possibility of control on that part of the sex industry. Despite these arguments, the amendment was adopted by the Senate in February 2017. However, this issue remains at the centre of local debates. In anticipation of the adoption of the new Prostitution Act, several cities such as Amsterdam, Utrecht and The Hague have already put in place a form of mandatory registration for prostituted persons. In 2017, the Dutch authorities in charge of data protection (*Autoriteit Persoonsgegevens*- AP) and the Amsterdam Administrative Court challenged these decisions: the recording of

personal data (in relation to health, criminal background, religious affiliation, or ethnicity) constitutes a violation of the right to personal privacy, even if the objective is to combat exploitation and human trafficking (*Dutch News*, August 4, 2017). The implicated cities opposed these decisions, with the Mayor of Utrecht explaining that the registration of prostituted persons was the best weapon against human trafficking. The municipality of Amsterdam appealed against the decision of the administrative court and, as a last resort, in a final plea, the State Council finally overturned the court ruling and accepted the municipality's decisions (*NL Times*, August 4, 2017; *Sputnik News*, August 31, 2018).

A Project on the Penalization of Sex Buyers

In May 2016, at the initiative of the PvdA Labour party, a bill was introduced to penalize "certain" sex buyers. The text proposed to punish sex buyers of sex trafficking victims if it is demonstrated they had "serious suspicions" on the status of the prostituted person they met (*Dutch News*, May 26, 2016). "Sex workers" voiced clear opposition to this legal project. The Liberal and Democratic People's Party (VVD) and Party for Freedom (PVV) expressed doubts on the legal definition of the concept of "serious suspicions". The text was adopted by the Lower House (*Tweede Kamer*) in June 2016 and awaits an assessment by the Senate/Upper House (*Eerste Kamer*). The possibility of penalizing sex buyers has already been brought up in the Netherlands. In 2013, two MPs travelled to Sweden to study the effects of the ban on purchasing sexual services. In October 2014, a draft law prescribing the criminalization of sex buyers had been submitted (and rejected). As a consequence, we are pleased to see that the Netherlands are reconsidering a project that makes sex buyers accountable for their

actions. But will the proposed law, with the subtleties it imposes, be actually enforceable?

The Development of Exit Programs from Prostitution

In 2014, Parliament adopted the 'Van der Staaij et Segers' motion aimed at developing exit programs to help prostituted persons: *Regeling Uitstapprogramma's prostituees II* (Rups II). The object is two-fold: to empower municipalities and NGOs to develop and implement programs to help prostituted persons change their lives and, in the long term, to create a national network of exit programs.

A budget of EUR 3 million (USD 3,36 million) per year was allocated to finance these programs over a 4-year period, from July 2014 to July 2018.

Commitments of the New Coalition Government

However, the situation could still progress. In October 2017, the new coalition government (VVD, D66, CDA and Christen Unie) made a commitment to put the prostitution reform on its agenda. The project is as follows:

- harmonize laws regulating the practice of prostitution throughout the country and for all persons engaging in the trade of sexual services;
- introduce a registration system for all prostituted persons (including escorts and 'independent' prostituted persons);
- strengthen the fight against procuring (Article 273f of the Criminal Code) by criminalizing individuals who benefit from prostitution when practiced without a license;
- allot funds to aid individuals exiting prostitution (*Confidence in Future - 2017-2021 Coalition Agreement*, October 10, 2017).

In accordance with this agreement, the government announced its intention to modify the WRP bill.

Assessing the Fight Against Human Trafficking

The second evaluation cycle of the implementation of the Warsaw Convention by the *Group of Experts on Action against Trafficking in Human Beings* (GRETA) in 2017 and 2018 provided a relatively mixed picture of the Netherlands' efforts in this domain. The results show a strong concern about the steady decline in the number of identified victims, associated with an equally significant decrease in the number of legal convictions for these acts: 103 in 2016 compared to 139 in 2015. Additionally, the sentences imposed were low and did not match the severity of the crimes committed (585 days' imprisonment, on average).

Currently, the fight against human trafficking does not seem to constitute a real priority for the government. This is confirmed by the absence of a national plan of action against human trafficking. Indeed, a new plan has been awaited since the expiry of the previous plan, which covered the period 2011-2014. During their second evaluation, the GRETA were informed that a new plan was to be completed in early 2018. However, its publication was postponed. "GRETA is concerned about the delay in the adoption of the new national action plan against trafficking and urges the Dutch authorities to make it a priority and allocate the necessary budgetary resources (GRETA, October 2018).

Protection of victims

From 2012 to 2016, only 960 out of the 5,765 identified victims (all forms of trafficking combined) were able to benefit from protection in shelters, due to the lack of appropriate structures (*U.S. Department of State*, June 2018). Since then, three specialized centers for victims of human

trafficking (men, women and children) have been created. The sum of USD 2 million was released for their creation in 2017. From 2018 to 2021, approximately USD 1 million will be dedicated yearly to their management (*U.S. Department of State*, June 2018). The protection of foreign victims continues to present difficulties. To be recognized as victims, individuals have to file a complaint against their traffickers. They benefit from a period of reflection to do so, during which they must be placed under protection. Foreign individuals with a victim status can receive a residency permit (B-8 permit). However, these rules are applied inconsistently and randomly, depending on the government services contacted. As such, it is urgent to homogenize practices so as to respect the rights of victims. "No matter whether you meet the NZW services or the police, all trafficking victims deserve to be protected on the same level and according to the same rules", declared Corinne Dettmeijer, the National Rapporteur on the fight against trafficking (*Nationalrapporteur.nl*, November 9, 2017).

Training of Professionals

In accordance with the anti-trafficking program of the new government coalition, the national police and the Prosecutor's office have received additional funding to strengthen their efforts against human trafficking. An amount of USD 1 million were allocated in 2017 with an additional USD 2 million allocated per year starting in 2018. These funds are intended to increase the number of investigators and develop victim-identification training programs. Approximately 40,000 police officers are expected to receive this training (*Dutch News*, November 6, 2017). The Dutch government's current concern is to raise awareness amongst health professionals. In a study lead by seven different medical professionals, it was revealed that more

than 50% of health professionals either had little or no knowledge of the phenomenon at hand. Only 27.4% reported having sufficient knowledge of human trafficking and 22.2% reported they had received some sort of training on the subject. However, more than 50% of respondents admitted to meeting patients whom they suspected of being victims of trafficking. The urgent need to create training for health professionals is one of the main themes highlighted in the 10th annual report of the National Rapporteur on the Fight against Human Trafficking.

The Debate Continues...

A growing phenomenon, uncertain estimates, the multiplication of illegal prostitution sites, minors increasingly exposed to the risks of sexual exploitation, violence, authorities unable to control the situation... the Dutch authorities are beginning to realize the seriousness of the problem.

Today, a growing number of politicians, magistrates and involved personalities (such as former prostituted person Xaviera Hollander) recognize the Dutch system's inability to eradicate crime in the sexual exploitation of persons. The abolitionist voice is even beginning to be heard. Journalist and abolitionist activist Julie Bindel recounts witnessing a march in The Hague, with slogans such as "Stop the sex trade" and "Enough is enough!" (*The Independent*, February 13, 2018).

Yet, the current authorities in place are not allowing real progress. The succession of amendments of the WRP bill, so contradictory in spirit, testifies to this. One day, it is planned to exempt people engaging in prostitution (in their homes) from any obligation to register; another day, it is proposed to penalize "certain" sex buyers. The Netherlands may be at a crossroads. It is to be hoped that the governing coalition will finally be able to move the Dutch system towards abolition.

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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