

Containing Commercial Sex to Designated Red Light Areas: An idea past its prime?

The existence of Geylang, a large and vibrant red-light district near Singapore's city centre, may come as a surprise to those whose main impression of Singapore is that it is a straight-laced, spotless and conservative country.¹ Parts of Geylang have been designated as a red light district by the government, where the sale of sex is tolerated as part of a wider policy to contain prostitution to certain spaces.

However, beyond its function as a space for prostitution, Geylang has also earned an unsavoury reputation as an area of general lawlessness, where crime rates are relatively high and where assorted illegal activities such as illicit gambling are carried out openly on the street.² Over the years, illegal prostitution activities also seem to have expanded within Geylang, despite efforts to ring-fence such activities.

The sex trade in Singapore is not only found in designated red light areas (DRAs) like Geylang. Over the years, new areas widely regarded as 'sleazy' have popped up in previously residential and commercial neighbourhoods like Joo Chiat and Duxton Hill. In 2013, the local tabloid *The New Paper* ran a story that detailed the rise of open and aggressive solicitation along Clarke Quay, a popular entertainment and tourist attraction along the Singapore River.³

Geylang, Joo Chiat and Duxton Hill's evolution over time points to the limits of governmental efforts to contain prostitution within clear geographical boundaries. This case examines these limitations, by first providing a description of the commercial sex market in Singapore, and, in particular, in Geylang, Joo Chiat and Duxton Hill. It then identifies some of the challenges and problems that have arisen from the current approach, and provides an overview of how other countries have sought to regulate the commercial sex industry. The case ends with a series of questions about how Singapore's policy makers should address problems associated with the commercial sex industry that the official strategy of containment seems ill-equipped to handle.

A 'Containment' Approach

There is a simple premise underlying the enduring existence of the world's oldest profession, prostitution: (heterosexual) men have demanded more sex than is supplied freely. Consequently, a market emerged, comprising women who willingly or otherwise sell sexual services.

¹Accounts from international travellers: <http://www.bradleyfarless.com/prostitution-in-singapore/>, <http://browsingtheatlas.com/2012/12/01/singapore-sin-prostitutions-okay-just-dont-litter/>

²Kimberly Spykerman, "The trouble with Geylang, and why it's a "potential powder keg", *Channel News Asia*, March 30 2014, <http://www.channelnewsasia.com/news/singapore/the-trouble-with-geylang/1053758.html> (accessed March 31 2014)

³Zul Othman and Shaffiq Alkhatib "Sleaze comes to Clarke Quay: Take me home for \$200" *The New Paper*, Aug 14 2013, <http://news.asiaone.com/news/singapore/sleaze-comes-clarke-quay-take-me-home-200>

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Singapore is no exception. Inward-migration of mainly men to Singapore in the early years generated a lopsided sex ratio, making prostitution an extremely lucrative venture. At the time, the British colonial government was not adverse to prostitution and only intervened to ensure that the commercial sex business was conducted peacefully. Women intending to work as prostitutes could enter Singapore legally if they did so on their own volition. Nonetheless, the trafficking in women and girls for the purpose of prostitution was quite commonplace.⁴

The freewheeling commercial sex scene gradually came under heavier regulation and police action. In 1927, in response to the rising profits from prostitution, the increasing exploitation of women and girls and pressure from women's rights groups in Britain, the British colonial government forbade women from migrating to Singapore to be prostitutes even if they wanted to do so willingly.⁵ This was followed a clampdown on brothels in 1930, which were declared illegal, even though prostitution *per se* remained legal. Between 1930 and 1959, the British adopted a strategy of containment and control – instead of eradication – to limit the rising profits of prostitution and reduce the exploitation of women and girls.

The policy of containment and control has become a mainstay of the post-independent Singapore government's approach to dealing with prostitution. In the government's view, containment is the only pragmatic approach. Said then Home Affairs Minister Wong Kan Seng in 1999,

What the Ministry has done is to ensure that crime syndicates, gangsters and secret societies do not get involved in controlling this trade. And if they do, then Police will take action. We all know that no country has ever succeeded in eradicating prostitution and therefore we have taken a pragmatic approach in *ensuring that only certain areas have such activities taking place*. And it is better that the Police know where these areas are and enforcement action can be taken, rather than to disperse these brothels to the whole of Singapore, and we have a cat-and-mouse game chasing after them or, worse still, drive them underground and they will be operating everywhere (emphasis added).⁶

Pragmatism aside, the policy of containment seems contrary to laws regulating prostitution in Singapore. Under current laws, prostitution, defined under the Women's Charter as "the act of a female offering her body for sexual penetration⁷ for hire, whether in money or in kind", remains legal. But other activities and establishments related to commercial sex, such as public solicitation, pimping and brothels are illegal. Massage parlours, hair salons and spas are prohibited from providing ancillary services that are not stipulated in their licences or leases.

It can be argued that a strict interpretation and enforcement of these laws would imply that the most visible signs of the commercial sex industry should, in fact, have been eliminated. There should be no public solicitation, no brothels, no pimps, and thus no red light areas to speak of.

Instead, the policy of containment has given rise to well-known red light areas – Geylang, Desker Road, Keong Saik, and Flanders Square, which have been identified as "Designated Red

⁴ Ong Jin Hui, "Singapore" in *Prostitution: An International Handbook on Trends, Problems and Policies*, Nannette J. Darvis eds. (Connecticut and London: Greenwood Press, 1993), 245-246.

⁵ Ibid.

⁶ Parliament of Singapore, "Policy on Prostitution," updated 5 May 1999, http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00066883-ZZ¤tPubID=00069832-ZZ&topicKey=00069832-ZZ.00066883-ZZ_1%2Bid008_19990505_S0004_T00121-oral-answer%2B (accessed on 28 March 2014).

⁷ Sexual penetration is defined under section 2 of the Women's Charter as "the penetration of the vagina, anus or mouth of a woman or girl by a man's penis, or the sexual penetration of the vagina or anus of a woman or girl by a part of another person's body (other than the penis) or by anything else".

Areas” (DRAs) where brothels are allowed to operate. Tellingly, in 1999, when Home Affairs Minister Wong was asked if the government would move brothels from Desker Road to elsewhere, he said, “[I]t is a traditional area. People know about it. If we disperse the brothels there, it will create new problems”.⁸

Within DRAs, brothel owners are expected by the authorities to regulate their operations, to ensure compliance with rules and not cause problems for the maintenance of law and order. For instance, these brothels are restrained from publicly soliciting for customers, effectively containing their business indoors. Should these rules be flouted, the brothel owners run the risk of raids, suspension or closure of their brothels, fines or jail time.⁹

Additional measures to contain the negative externalities to those living in or around DRAs include restricting the number of pubs, KTVs¹⁰, clubs and restaurants¹¹, and scheduling regular patrols by uniformed and plain-clothes policemen who round up illegal streetwalkers, close down illegal gambling stalls and inspect clubs and massage parlours¹². Other efforts include installing more street lights and surveillance cameras¹³ in otherwise dark back lanes that may be used for vice activities.¹⁴

Beyond the physical containment of the sex trade within DRAs, the authorities also control and ‘contain’ the sector through the issuance of yellow cards to known sex workers. These yellow cards, issued by the Department of Sexually Transmitted Infections Control (DSC), require the sex workers to submit to regular medical check-ups. Any sign of sexually transmitted diseases would result in the withdrawal of the card.¹⁵ These yellow cards thus provide a mechanism to limit the spread of sexually transmitted infections (STIs). Furthermore, the clinics that issue the yellow cards also educate sex workers about the dangers of STIs, the importance of safe sex, and provide counselling and guidance.¹⁶

The yellow cards double as *de facto* licences to work in Singapore’s commercial sex industry.¹⁷ During police raids, the yellow cards have to be produced by the sex worker as proof that she has registered with the authorities.¹⁸ Brothel owners who allow any unregistered women into their brothels face severe penalties¹⁹.

⁸ Parliament of Singapore, “Policy on Prostitution”.

⁹ Laurence Leong Wai Teng, “Decoding Sexual Policy in Singapore,” in *Social policy in post-industrial Singapore*, Lian Kwen Fee, and Tong Chee Kiong eds. (Netherlands: Koninklijke Brill NV, 2008), 300.

¹⁰ KTVs are karaoke bars that allow patrons to book private rooms where social escorts can entertain them.

¹¹ URA, “Guidelines and Procedures on Food & Beverage”, <http://www.ura.gov.sg/uol/guidelines/development-control/change-use-premises/sections/guidelines-different-uses/fnb/fnb.aspx> (accessed March 31 2014)

¹² Kimberly Spykerman, “The trouble with Geylang, and why it’s a “potential powder keg”, *Channel News Asia*, March 30 2014, <http://www.channelnewsasia.com/news/singapore/the-trouble-with-geylang/1053758.html> (accessed March 31 2014)

¹³ Yen Feng, “More eyes to fight crime”, *The Straits Times*, October 17, 2011

¹⁴ Poon Chian Hui “New street lights in Geylang alleys to deter vice activities” *The Straits Times*, Oct 29 2012.

¹⁵ Laurence Wai-Teng Leong, 300-301

¹⁶ Eric Yum Heng Yee, *Prostitution in Singapore : uncovering the various milieus of prostitution and evaluating the formal control mechanisms*, National University of Singapore, 2000, 50-51

¹⁷ Laurence Wai-Teng Leong, 300-301

¹⁸ Eric Yum Heng Yee, 50

¹⁹ Ng Hui Hsien, *Moral Order Underground: An Ethnography of the Geylang Sex Trade*, National University of Singapore, 2011, 45

Commercial Sex Beyond the DRAs

The commercial sex market in Singapore is quite varied. Other than the brothels that are allowed to operate within DRAs, the largest portion of the commercial sex industry consists of the illegal sector,²⁰ which can be segmented into street solicitation and off-street solicitation.

Illegal street solicitation can be observed within the DRAs, and in other hotspots like Joo Chiat and outside Orchard Towers (near Singapore's main shopping street, Orchard Road). Off-street prostitution occurs in venues such as bars and clubs, massage parlours, and KTVs. There are also sex workers who advertise their services on the internet.

The market can also be segmented by price of the services provided. For instance, illegal street workers in Geylang serve the lower end segment, while Orchard Tower Bars serve the mid-tier segment²¹.

The demand for commercial sex comprises both local and foreign men of various ethnic origins. Likewise, the supply of sex workers is diversified in terms of country of origin with the bulk of sex workers originating from China, Thailand, Vietnam and the Philippines.²² Domestic supply is low. As most of these foreign sex workers enter Singapore on short-term visitor passes, they are not allowed to work in Singapore. Hence, the commercial sex services that they provide are illegal under Singapore's employment laws. When arrested, these women are often treated as immigration offenders. In 2012, about 5,300 foreign women were arrested for vice-related crimes.²³

Less than Watertight Containment

Singapore's pragmatic approach towards prostitution hinges on the premise that if only *select areas* operated prostitution services that could be monitored and regulated, crime syndicates and other problematic criminal elements could be kept out of the trade. This premise, however, has come under challenge.

Expansion of vice in Geylang

“ It is common knowledge that the gangsters and the crooks like to congregate in Geylang [...]Geylang presents an ecosystem which is complex, which is tinged with a certain criminal undertone”

Police Commissioner Ng Joo Hee, 2014²⁴

Geylang is the largest market in Singapore's commercial sex industry. Prostitution activities were traditionally concentrated along the low, even numbered lanes (also known as 'lorongs'),

²⁰ Li Huailu “Does Competition Eliminate Discrimination? Evidence from the Commercial Sex Market in Singapore” October, 2013, <http://www.fas.nus.edu.sg/ecs/events/seminar/seminar-papers/Huailu%20Li.pdf> (cited March 30 2014)

²¹ Li Huailu

²², “Women trafficked to Singapore lured into prostitution,” *The Manila Times*, Sept 2 2008.

²³ Parliament of Singapore, “Head P – Ministry of Home Affairs” March 7 2013, http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00079073-WA¤tPubID=00079066-WA&topicKey=00079066-WA.00079073-WA_9%2Bbudget%2B (accessed 29 March 2014).

²⁴ Walter Sim and Nur Asyiqin Mohd Salleh, “An undercurrent of fear in Geylang”, *The Sunday Times*, Apr 01, 2014, <http://news.asiaone.com/news/singapore/undercurrent-fear-geylang?page=0%2C0>, (cited April 2 2014)

but have spread to other parts of Geylang as well.²⁵ Large numbers of sex workers illegally solicit on the streets²⁶. These street walkers are typically foreign women who do not have access to registered brothel owners or prefer to work autonomously without having to report to a pimp or brothel owner.²⁷

Besides streetwalkers, there have been reports of unregistered brothels within or around the DRAs. Some are makeshift ones in back alleys and covered hotel carparks, while others consist of rented rooms in residential units and budget hotels²⁸.

Other types of illegal activities have proliferated in Geylang, such as the sale of illegal drugs and contraband cigarettes, and the operation of illegal gambling dens. These are run by well-organised vice syndicates that employ foreigner workers as runners and lookouts.²⁹ Fights often break out in the district, and can become very violent.

The local police have sought to control the district through frequent patrols on the streets, raids on budget hotels, massage parlours and clubs, as well as regular arrests. However, they have faced resistance, sometimes violent, when trying to enforce order. Furthermore, illegal activities tend to be fluid, moving inwards into hidden backlanes whenever authorities clamp down on the main stretch of Geylang Road.³⁰

Whether the situation in Geylang has worsened or improved over time has been a subject of disagreement. Recent reports indicate that the number of streetwalkers in Geylang has been increasing, and that solicitation has become more brazen.³¹ In 2013, the Member of Parliament for the Geylang area, Associate Prof Fatimah Lateef observed that the vice situation in Geylang had seen no satisfactory improvement over the years. She commented, “It also continues to be a “cat and mouse” game between the authorities, the operators and street walkers. Vigorous community as well as multi-disciplinary agencies efforts have not effected a sustainable positive change.”³²

On the other hand, others argue that the situation in Geylang has in fact improved. In April 2014, Second Home Affairs Minister S Iswaran shared in parliament that the number of major offences in the Lorongs in Geylang has fallen by 36 per cent since 2008, an indication that illegal activities in the district have been contained by a significant police presence and regular enforcement action.³³ Property analysts have also commented that mindsets towards Geylang seem to have shifted in recent years, and that investors are showing increasing interest in property there.³⁴

²⁵ Parliament of Singapore, “Head P – Ministry of Home Affairs” March 7 2013, http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00079073-WA¤tPubID=00079066-WA&topicKey=00079066-WA.00079073-WA_9%2Bbudget%2B (accessed 29 March 2014).

²⁶ Li Huailu, 8.

²⁷ Ng Hui Hsien, 48

²⁸ Eric Yum Heng Yee, 36

²⁹ Zul Othman, Zaihan Mohamed Yusof

³⁰ Walter Sim and Nur Asyiqin Mohd Salleh

³¹ Zul Othman, Zaihan Mohamed Yusof, “Welcome to Geylang”, March 31 2014, <http://news.asiaone.com/news/singapore/welcome-geylang?page=0%2C0> (accessed April 2 2014)

³² Parliament of Singapore, “Head P – Ministry of Home Affairs” March 7 2013

³³ Imelda Saad, “Authorities committed to maintaining law and order in Geylang: Iswaran” *Channel News Asia*, April 14 2014, <http://www.channelnewsasia.com/news/singapore/authorities-committed-to/1071008.html> (cited April 14, 2014)

³⁴ Kimberly Spykerman “Geylang’s changing image sparks property market revival” *Channel News Asia*, 5 April 2014, <http://www.channelnewsasia.com/news/business/singapore/geylang-s-changing-image/1059804.html>, (cited April 14, 2014)

Joo Chiat & Duxton Hill: Unanticipated Hotspots

Joo Chiat is a historic district near Geylang, characterised by low-rise, conserved shop houses, and a rich heritage of local Peranakan culture.³⁵ Its reputation as a place for sleaze only emerged in the early 2000s when the economic downturn brought down the prices and rentals of shop houses. Karaoke bars, massage parlours and pubs moved into the area. These establishments attracted streetwalkers to the areas, and budget hotels began offering hourly rates as well.³⁶

By 2004, Joo Chiat Road had transformed into a bustling hotbed of commercial sex, with over 44 bars, 38 massage parlours, and hotels offering hourly rates. Sex workers, mainly from Vietnam, who usually entered Singapore on short-term visit passes³⁷ either did so on their own volition or were trafficked into Singapore.³⁸ According to a report by the Alliance Anti-Traffic (AAT), a non-governmental organisation against sexual exploitation and trafficking, criminal syndicates did not control the sex workers in Joo Chiat. Instead, Singapore-based brokers and boarding house managers supported these sex workers.³⁹ The demand for commercial sex in Joo Chiat comprised mainly local men.⁴⁰

As Joo Chiat Road became more popular with sex workers, their customers and voyeurs, it started to create a nuisance to local residents. Drunken brawls became a frequent occurrence and loud music spilled out from the bars till late into the night. Women were harassed along the streets, and parents feared for the safety of their children. Things became so bad that residents who had lived for many years in Joo Chiat contemplated leaving. Several also complained that the visible sleaze affected their property prices, while others lamented the degradation of a heritage district full of culture and history.

In response to the problem, a group of residents formed 'Save Joo Chiat Work Group' (SJC), which galvanised support from over 200 concerned residents and representatives from civic organisations, to rid Joo Chiat of sleaze. SJC lobbied the authorities, including the Prime Minister, and wrote to the media, drawing attention to the malaise that had afflicted their neighbourhood. The Prime Minister urged SJC to work with its MP, who at the time was Chan Soo Sen.⁴¹

Within the span of a few years, the authorities succeeded in cleaning up Joo Chiat. Sex workers, who used to dot the whole 1.3 kilometres of Joo Chiat Road were pushed back into a smaller space of 50 metres⁴². The success turned on several interventions. First, in 2005 a moratorium on renewing licences for bars was imposed, and the number of massage parlours decreased. Closing

³⁵ Peranakans are descendants of 17th century Chinese and Indian immigrants who married non-Muslim natives from the Malay Archipelago. <http://www.yoursingapore.com/content/traveller/en/browse/see-and-do/culture-and-heritage/cultural-precincts/joo-chiat-katong.html>

³⁶ Zul Othman "Joo Chiat: Hip and breezy, now without the sleaze", *the New Paper*, Mar 26 2013, <http://www.asiaone.com/print/News/Latest%2BNews/Singapore/Story/A1Story20130325-411241.html> (accessed March 4 2014)

³⁷ Nicolas Lainez, *A Foot in, A Foot Out*, Oct 2011, ftp://ftp2.allianceantitrafic.org/alliancea/Research_reports/AAT_ResearchReport3_SexMigrationVietnamSingapore_Oct11.pdf

³⁸ EPAT International, *Commercial Sexual Exploitation And Trafficking Of Children And Young People In Singapore*, pg 61

³⁹ pg 13

⁴⁰ Naked hostesses nabbed in Joo Chiat vice raid, *AsiaOne*, Jun 25, 2011, <http://news.asiaone.com/News/AsiaOne+News/Crime/Story/A1Story20110625-285933.html> (Accessed March 5 2014)

⁴¹ Arti Mulchand, "Taking Joo Chiat back", *Going Places*, 04 April 2012, <http://www.goingplacessingapore.sg/people/2012/Taking%20Joo%20Chiat%20back.aspx> (accessed March 23 2014)

⁴² Tay Suan Chiang, "Joo Chiat facelift" *The Straits Times*, Oct 17 2010.

times for bars were also brought from 3 am to 1am.⁴³ Second, residents and grassroots leaders were urged to ‘blow the whistle’ on transgressions from offending bars, such as overcrowding, excessive noise and illicit activities. If offending clubs accumulated sufficient demerit points from these reported offenses, they would be shut down. This proved effective as several clubs lost their license this way.⁴⁴ A grassroots organisation – the Joo Chiat Road Community Watch Group – was also formed in 2005, which made monthly patrols of Joo Chiat Road, and sent their observations back to the authorities.⁴⁵ Third, police raids were also carried out to arrest illegal sex workers and the police stepped up patrols of the area.⁴⁶ Fourth, additional lighting for dark alleys were also installed. Moreover, in 2008, hotels were banned from offering hourly rates⁴⁷

Though the actions taken have successfully cut down the number of illegal prostitution activities in Joo Chiat, bars and massage parlours, the neighbourhood still sees foreign sex workers and men congregating at the few remaining bars along Joo Chiat Road at night. In addition, the policy of preventing new bars from operating in Joo Chiat has merely shifted the locus of illegal activities to nearby coffee-shops and restaurants.

Nevertheless, the general perception is that Joo Chiat has undergone a ‘facelift’.⁴⁸ Today, new restaurants, hip bars and even art galleries have moved into the area, which is undergoing a wave of gentrification.⁴⁹

While harsher controls have been effective in removing many of the disamenities that had annoyed Joo Chiat’s residents, some of the business owners wonder if these controls may prove detrimental to entrepreneurial ventures. Owner of BetelBox Backpackers Hostel, which opened in 2003, Mr Tony Tan, shared that applications for liquor licenses in Joo Chiat were much more difficult to obtain than elsewhere. He opined that the overly stringent regulation of disallowing certain uses in the area (e.g. hotels, outdoor dining⁵⁰) would hinder legitimate businesses and ultimately affect the district’s revitalisation as a tourist destination. Instead, he felt that authorities could perhaps exercise some flexibility in granting licenses for businesses that are deemed reliable and responsible.⁵¹

Duxton Hill is a charming area, characterised by conserved shophouses located right in the city centre near the central business district. Like Joo Chiat, it too was an informal red light district whose fortunes have waxed and waned in recent years. In 2008, there were over 110 karaoke clubs, pubs and lounges along Neil and Maxwell roads, filled with sex workers mainly from the Philippines who were in Singapore on short-term visit passes. Alcohol-induced fights and noise nuisances plagued nearby residents.

⁴³ Catherine Ling “Two sides of Little Vietnam in Singapore” *CNNgo*, Jul 27 2010 <http://travel.cnn.com/singapore/play/little-vietnam-singapore-322798> (accessed March 4 2014)

⁴⁴ “Battlefield Joo Chiat: Part II” *The Straits Times*, Jul 6 2006,

⁴⁵ Amanda Yong, “Sentinels of the ‘freeway of love’” *The New Paper*, Dec 10, 2008, <http://news.asiaone.com/News/AsiaOne%2BNews/Singapore/Story/A1Story20081209-106569.html>

⁴⁶ Chua Kong Ho “No more new pubs, massage joints in Joo Chiat” *The Straits Times*, Feb 13 2005

⁴⁷ Tay Suan Chiang.

⁴⁸ *Ibid*.

⁴⁹ Zul Othman, 2013; Walter Sim, “ Changing Face of Joo Chiat” *The Straits Times*, June 24 2013. <http://news.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20080608-69560.html> (accessed March 4 2014)

⁵⁰ Claire Huang, “Joo Chiat’s sleaze reduced substantially, says law minister”, *Channel News Asia*, May 9 2010, <http://sgforums.com/forums/3545/topics/398909> (accessed March 4 2014)

⁵¹ Source: Interview with Tony Tan, 24 Feb 2014

Following frequent police raids, many of these establishments lost their entertainment licenses due to breaches. Profits for the bars also dipped, as did shop rental rates, as the frequent raids deterred affected customers and businesses alike⁵². Furthermore, the police stopped renewing entertainment licenses of bars in the area⁵³.

By 2010, the number of bars and similar establishments had halved, replaced by a mix of restaurants, cafes and dance studios. Today, the area has gentrified significantly, and serves as home to pâtisseries, specialty bookshops, a high-end bicycle shop, art gallery and expensive restaurants⁵⁴.

The completion of Duxton Pinnacle, a public housing development with over 1,800 units, in end 2009 helped inject new life and residents into the district. Further plans by the Urban Redevelopment Authority (URA) to develop the Tanjong Pagar district, which Duxton Hill is part of, into a “vibrant and connected mixed-use district”⁵⁵, and the completion of high-end, luxury commercial and residential developments in the area are likely to give Duxton a further boost, and to put a further squeeze on the sleaze.⁵⁶

Factors that Undermine the Effectiveness of the Containment Policy

The examples above highlight the limits of the containment policy. Why have authorities struggled to contain the vice trade?

One difficulty the authorities face is in policing state borders to prevent the entry of illegal sex workers. For some foreign women, Singapore represents an ‘El Dorado’ where they can make high earnings quickly, and they go to great lengths to enter the country.⁵⁷ While Singapore’s authorities can conduct stringent checks of female tourists, this has to be balanced against Singapore’s push to grow its tourism industry by maintaining open borders. In 2005, then-Minister for Home Affairs, Wong Kan Seng, commented that a 37 per cent increase in arrests for vice between 2002 and 2004, was in part due to liberalised visa policies introduced to support Singapore’s tourism efforts⁵⁸. This tradeoff between boosting tourism and policing the borders was again highlighted in 2009 by then-Senior Minister of State for Home Affairs, Prof Ho Peng Kee, when he said, “about 190,000 tourists entering Singapore weekly. It is possible to tighten up further on checks and screening on female tourists but this will cause delays and inconvenience and hamper our efforts to promote tourism.”⁵⁹

⁵² “Businesses at Duxton Hill hit by anti-vice raids”, *AsiaOne*, Sep 06 2010, <http://news.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20100906-235771.html> (accessed March 5 2014)

⁵³ Elaine Ee-Meyers “Duxton Hill’s dirty side gets cleaned up” *CNNGo*, 16 February, 2011, <http://travel.cnn.com/singapore/visit/duxtion-hills-dirty-side-gets-cleaned-115104> (accessed March 5 2014).

⁵⁴ *Ibid*

⁵⁵ URA Website, Master Plan 2008, City Centre--Tanjong Pagar, <http://www.ura.gov.sg/uol/master-plan/View-Master-Plan/master-plan-2008/Growth-Area/City-Centre/Tanjong-Pagar.aspx>

⁵⁶ Joanna Seow and Yeo Sam Jo “A confluence of cultures and eras”, *The Straits Times*, Aug 11, 2013, <http://news.asiaone.com/news/singapore/confluence-cultures-and-eras> (accessed March 5 2014).

⁵⁷ Nicolas Lainez, pg 58

⁵⁸ Parliament of Singapore, “Head P - Ministry Of Home Affairs”, March 3 2005, http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00000998-WA¤tPubID=00004690-WA&topicKey=00004690-WA.00000998-WA_1%2B%2B (accessed March 10 2014)

⁵⁹ Parliament of Singapore, “Head P - Ministry Of Home Affairs”, Feb 5 2009, http://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00073329-ZZ¤tPubID=00075263-ZZ&topicKey=00075263-ZZ.00073329-ZZ_1%2B%2B (accessed March 10 2014)

Sex workers who are not detected at the borders, and who lack suitable work permits to work in sanctioned brothels would have to look for opportunities elsewhere. These include working in unregistered brothels within and outside of DRAs, commercial establishments (e.g. bars, KTVs, and etc) or walking the streets⁶⁰. The spillover of the sex trade outside the DRAs' sanctioned brothels thus seems inevitable as long as a steady supply of foreign, unregulated sex workers continue to enter the country.

Another reason for the proliferation of red-light areas outside of the DRAs could be that the latter is unable to contain demand and supply. According to a 2000 research study, there seems to be a cap on the number of sanctioned brothels in Singapore, which may have led to intensified efforts to operate illegal set-ups. The study also noted that brothels in DRAs other than Geylang (such as Keong Siak and Desker Road) have been declining in numbers over the years, due to urban renewal processes⁶¹. Indeed today, Keong Siak has been transformed into “ the coolest new block in Singapore”, what with its popular bars, clothing shops, restaurants and cafes.⁶²

The buying and selling of sex has also been transformed, similar to many other goods and services, by the internet. Using online forums and listings, prostitutes and pimps are able to reach out to an even wider pool of potential clients and employ screening methods to reduce the risk of discovery, all without requiring a physical ‘marketplace.’⁶³ Furthermore, internet-based escort businesses do not benefit from nor require a physical aggregation of people.⁶⁴ The advantages of congregating in DRAs and informal hotspots are thus being eroded with the rise of the internet solicitation. Should demand and supply shift significantly away from traditional ‘place-based’ prostitution (e.g. on streets or in venues like KTVs and brothels), as predicted by various studies⁶⁵, towards the more hidden, unregulated online space, the policy of containment is likely to become even more difficult to enforce.

Others have also hypothesised that the types of sexual services offered in sanctioned brothels are too limited to meet the desires of different market segments. For instance, men who prefer more discretion may opt to respond to online advertisements or postings instead of visiting a highly visible brothel in a known DRA. Others, who prefer the ‘thrill of the chase’, may gravitate towards KTVs, bars and lounges where they would have to charm the hostesses into selling sexual services to them. The proliferation of illegal red-light districts and hubs could thus be a ‘black market’ counterpart of the limited legal market, offering more options to the end user.

Challenges Posed by Illicit Prostitution Activities in Singapore

Public Unhappiness

The failure of the containment policy to ring-fence prostitution activities is problematic on several counts. Firstly, the spillover of ‘vice’ activities outside designated DRAs create significant unhappiness, public nuisance and discomfort among affected residents, as was evident from the reactions of Joo Chiat’s and Duxton Hill’s residents.

⁶⁰ Eric Yum Heng Yee, 36-43

⁶¹ Ibid, 34

⁶² Hiufu Wong, “Keong Saik Road: The coolest new block in Singapore” *CNN Travel*, Sept 17 2014, <http://travel.cnn.com/keong-saik-road-gallery-406281>(accessed March 6 2014)

⁶³ Scott Cunningham and Todd D Kendall “Prostitution 2.0: The Changing Face of Sex Work” *Journal of Urban Economics* 69 (2011), 273-287

⁶⁴ Rocha, Luis E C; Liljeros, Fredrik; Holme, Petter, “Information dynamics shape the sexual networks of Internet-mediated prostitution” *Proceedings of the National Academy of Sciences of the United States of America*, Volume 107, Issue 13, pp. 5706 - 5711

⁶⁵ Scott Cunningham and Todd D Kendall

Furthermore, Singaporeans are generally conservative, especially concerning sexual mores. A 2014 survey by the Institute of Policy Studies Singapore reported that 80.3 per cent of respondents felt that having sexual relations with someone other than their marriage partner was always or almost always wrong⁶⁶. Another demonstration of Singaporeans' social conservatism was the public uproar and government's subsequent blocking of extra-marital dating website Ashley Madison when it tried to launch a local site in 2013.⁶⁷ A highly visible prostitution scene would probably cause much outrage. During the 2005 Budget debates, Member of Parliament and Senior Minister of State for Law and Education, Ms Indranee Rajah highlighted that residents in her constituency were concerned about foreigners coming to Singapore on short-term visit passes to engage in prostitution activities, and by the fact that such activities were spreading into commercial districts and heartland areas outside traditional red light districts.

Health Risks

Sex workers operating outside of sanctioned red light districts are also more difficult to monitor because they work on a more informal basis and can evade the police.⁶⁸ Moreover, foreign sex workers on short-term visit passes who fall outside the yellow card system they do not have to submit themselves to regular health screenings to ensure that they are not carriers of STIs. They may also be poorly informed about the risks of unprotected sex.⁶⁹ This creates a potential public health risk to both the sex worker and her customers.

Human Trafficking

Coerced prostitution of trafficked persons has been identified as a problem in Singapore. According to the United States' State Department's 2013 Human Trafficking, "Singapore is a destination country⁷⁰ for men, women and girls from China, India, the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Vietnam and elsewhere in Southeast Asia subjected to sex trafficking and forced labor". Child sex trafficking also occurs here. News reports point to a growing problem of women lured to Singapore by the promise of jobs as entertainers, who instead end up indentured as prostitutes, forced to pay back the debt they owed to agents who lured them here.⁷¹

In 2013, the police received 53 cases of sex trafficking reports, up slightly from the 52 that were received in 2012, and 43 in 2011.⁷² While this number may seem moderate, NGOs and foreign embassies have highlighted that inadequate victim identification may have resulted in trafficking victims being among the individuals arrested and penalised for prostitution violations, rather than helped.⁷³

In recent years, activists and researchers have urged Singapore's policy makers to improve their efforts to stem the trafficking of women into Singapore. A 2014 study by Singapore-based academic Sallie Yea, argued that treating trafficked women as immigration offenders meant they

⁶⁶ Olivia Siong, "Singaporeans still conservative about certain social issues, says IPS survey", *Channel News Asia*, 28 Jan 2014, <http://www.channelnewsasia.com/news/singapore/singaporeans-still/971626.html> (accessed March 28 2014)

⁶⁷ Walter Sim, "MDA bans extra-marital dating website Ashley Madison", *The Straits Times*, Nov 8 2014.

⁶⁸ Ong Jin Hui, "Singapore", in *Prostitution: An International Handbook on Trends, Problems and Policies*, ed. Nanette J. Davis, 251. In Greenwood Press, 1994

⁶⁹ Eric Yum Heng Yee, 60

⁷⁰ The United States State Department makes a distinction between transit and destination countries.

⁷¹ Agency France Press, "Women trafficked to Singapore lured into prostitution".

⁷² Toh Yong Chuan, Janice Tai "Study sheds light on sex trafficking in Singapore", *The Straits Times*, Feb 10 2014, <http://www.straitstimes.com/breaking-news/singapore/story/study-sheds-light-sex-trafficking-singapore-20140210> (accessed March 29 2014)

⁷³ U.S. State Department, *Trafficking in Persons Report*, June 2013, 326-328

could neither return home nor seek legal employment while police investigations were ongoing. This increased the incentive for them to return to the sex trade.⁷⁴

To address these concerns, in 2010, the Home Affairs and Manpower ministries established a taskforce to combat sex and labour trafficking. In 2013, a dedicated specialist sex trafficking team was set up, to proactively detect sex trafficking syndicates. In the same year, authorities launched a yearlong sex trafficking victimology research to understand the prevalence of sex trafficking, the profile of trafficked victims, and the modus operandi of the sex trade in Singapore.⁷⁵

Prostitution Policies Elsewhere

Different countries pursue radically different policies towards prostitution. On one end of the spectrum, prostitution is criminalised in places where it is viewed as socially and morally deviant, or fundamentally exploitative.⁷⁶ Criminalisation can be of the sale of sex, like in the United States, or the purchase of sex, like in Sweden, or both.

The effectiveness of a strict criminalisation approach has been questioned by critics. They argue that criminalisation increases the social stigma faced by prostitutes, and drives the industry underground, which in turn creates a barrier against sex workers seeking help from authorities if abused or exploited.⁷⁷ Furthermore, when the purchase of sex is criminalised, customers who may previously have informed police about women they thought were trafficked or abused are now discouraged from doing so.⁷⁸

Certain countries, like the United Kingdom, have chosen to criminalise specific aspects of the trade, such as street prostitution. Street prostitution is often seen as more problematic compared to off-street prostitution, because it is associated with a host of problems that adversely affect the quality of life of nearby communities. However, critics have argued these render sex workers even more vulnerable, as they restrict the women's physical scope for action and escape, and lessen transparency of their operations, which could facilitate abuse at the hand of unscrupulous clients and pimps.⁷⁹

On the other end of the spectrum, proponents of decriminalisation and legalising view prostitution as a legitimate form of work. Other proponents opine that prostitution cannot be eradicated, and a pragmatic approach would simply be to recognise and manage problems that may be associated with prostitution.⁸⁰

⁷⁴ Toh Yong Chuan and Janice Tai, "Study sheds light on sex trafficking in Singapore," updated 10 February 2014, <http://www.thejakartapost.com/news/2014/02/10/study-sheds-light-sex-trafficking-singapore.html> (accessed 29 March 2014).

⁷⁵ Ministry of Manpower and Ministry of Home Affairs, "Efforts By The Singapore Inter-Agency Taskforce On Trafficking-In-Persons In 2013—Annex A" June 24 2013, <http://www.mom.gov.sg/Documents/press-releases/2014/News%20release%20for%20TIP%20%20Stakeholder%20Engagement%20Session%20-%20Annex%20A.pdf> (accessed 31 March 2014)

⁷⁶ Raymund Espinosa Narag, Sheila Royo Maxwell, "Prostitution", in *21 Century Criminology: A Reference Handbook*, ed. J. Mitchell Miller, 2009 Sage Publications

⁷⁷ Aziza Ahmed, "Think Again: Prostitution", *Foreign Policy Jan/ Feb 2014*, Ronald Weitzer

⁷⁸ "Prostitution: Caveat Emptor" *The Economist*, March 8 2014

⁷⁹ Max Whitman, "Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential", *Women's Studies International Forum* 34 (2011) 449–474

⁸⁰ Raymund Espinosa Narag, Sheila Royo Maxwell, 2009

In the Netherlands, voluntary prostitution was legalized in 2000,⁸¹ and the Dutch government has taken a fairly proactive, hands-on approach to licensing and regulating the prostitution space. However, the illegal sector there still remains an unexamined, potentially exploitative and unsafe space⁸² and human trafficking into the Netherlands remains problematic. Efforts by local authorities to further tighten controls on the sex industry have also led to a reduction of available spaces for prostitution and higher rental rates. As a result, big-players have squeezed out smaller operators, effectively creating monopolies and monophonies.⁸³ The high rents have also forced workers to work longer hours and engage in riskier behaviours for more money.⁸⁴

In contrast, New Zealand adopts a more liberal policy towards prostitution, where sex workers were allowed to work relatively freely, either at home, in brothels, or even on the street. A study published by the New Zealand government in 2008 indicated that the policy has worked to empower sex workers⁸⁵. However, there has been recent push-back by local governments for more stringent action to control the physical spread of prostitution. For instance, cities like Auckland and Christchurch have been lobbying for powers to ban prostitution near schools, family homes or sports facilities⁸⁶.

Please refer to **Appendix 1** for details of prostitution policies in other countries.

Questions

1. What do you think should be the key objectives that guide policy makers in policies towards prostitution?
2. Based on the objectives identified, what measures do the authorities have in place to meet these? Have Singapore's current policies fallen short? If so, in what ways?
3. What were the factors that led to the successful management of Joo Chiat and Duxton Hill's problems? Can similar measures be applied to Geylang successfully? Please explain how and why.
4. How should local policy-makers improve on current policies towards prostitution?
 - Should the current containment policy be maintained, and improved? If so, how?
 - Alternatively, should Singapore consider shifting closer towards a strict criminalisation model similar to Sweden's, or towards a model of decriminalisation similar to the Netherlands or New Zealand. Explain the likely benefits and challenges of your suggestions by drawing from the experiences of other cities/ countries.

⁸¹ Robert Weitzer, 149-150

⁸² Ibid, 158, 165

⁸³ Ronald Weitzer, 160

⁸⁴ Joshua Cruz, Swaan van Iterson "The Audacity of Tolerance: A Critical Analysis of Legalized Prostitution in Amsterdam's Red Light District", *Humanity in Action*, <http://www.humanityinaction.org/knowledgebase/312-the-audacity-of-tolerance-a-critical-analysis-of-legalized-prostitution-in-amsterdam-s-red-light-district> (accessed March 26 2014)

⁸⁵ New Zealand Government, 14

⁸⁶ "Prostitution ban splits select committee", *The New Zealand Herald*, Feb 14 2013

Prostitution Policies Elsewhere

1. Criminalisation of Prostitution

Prostitution tends to be criminalised in places where it is viewed as socially and morally deviant, or fundamentally exploitative, and should thus be strongly deterred.⁸⁷ Criminalisation can be of the sale of sex or the purchase of sex, or both.

Criminalising the sale of sex

Countries that criminalise prostitution include Thailand and most American states. While the Thai Penal Code does not explicitly state that prostitution is illegal, it prohibits any person from earning an income as a prostitute, and also penalises those who receive money, boarding or other benefits from a prostitution (i.e. pimps). Solicitation by a prostitute is also prohibited. Finally, those who control the entertainment establishments are also criminally liable if prostitution occurs within their premises.⁸⁸

Despite the criminalisation of prostitution in Thailand, it is practiced openly throughout the country. A 2008 Human Rights Report by the United States' State Department observed, "local officials with commercial interests in prostitution often protected the practice".⁸⁹ Furthermore, trafficking in women and children for prostitution poses a serious problem in Thailand. According to government officials, academics, and NGO representatives, children, especially among migrant populations, were sometimes forced, coerced, or lured into prostitution.⁹⁰

In the United States, prostitution legislation is largely devolved to the states, which adopt differing stances towards prostitution. Nevertheless, virtually all states prohibit solicitation, pimping, procuring, operating a brothel and running any other business that offers or allows sex for sale, with the notable exception of Nevada. These policies reflect the generally conservative mindset of Americans and American policy-makers. According to American sociologist Ronald Weitzer, "Legislators fear being branded as 'condoning' prostitution and see no political advantage in any kind of liberalization".⁹¹

In 2009, approximately 60,000 Americans were arrested for violation of prostitution laws. Of these, prostitutes are typically been arrested in much greater numbers than their customers, indicating a bias against the former.

Selective Criminalisation — Banning the purchase of sex

Sweden provides a well-known example of a country where only the purchase of sex has been criminalised. In January 1999, a law against the purchase of sex took effect, which stated that "[a] person who...obtains a casual sexual relation in return for payment, shall be sentenced for

⁸⁷ Raymund Espinosa Narag, Sheila Royo Maxwell, "Prostitution", in *21 Century Criminology: A Reference Handbook*, ed. J. Mitchell Miller, 2009 Sage Publications

⁸⁸ "Current Legal Framework: Prostitution in Thailand", *International Model Project on Women's Rights*, <http://www.impowr.org/content/current-legal-framework-prostitution-thailand> (accessed March 25 2014)

⁸⁹ 2008 Human Rights Report Thailand, U.S. Department of State, <http://www.state.gov/j/drl/rls/hrrpt/2008/eap/119058.htm> (accessed March 25 2014)

⁹⁰ 2010 Human Rights Report Thailand, U.S. Department of State, <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154403.htm> (accessed March 25 2014)

⁹¹ Ronald Weitzer, *Legalizing Prostitution*, (NYU Press 2012), 52

purchased of sexual service to a fine or imprisonment for at most six months” The maximum penalty was raised to one year in 2011.

Swedish policy makers chose this approach after more than twenty years of public debate and studies, driven by a firmly held conviction that prostitution is a form of sexual inequality that generates gender-based violence, exploitation and harm of the prostituted person.⁹² This belief is not without basis. Various international studies have shown that the majority of prostituted persons (55 to 90 percent) were subject to sexual abuse as children. Other studies show that many prostitutes exhibit signs of post-traumatic stress disorder, are subject to much higher homicidal rates than the national average, and also experience more frequent incidents of violence and rape. Such findings were folded into the reviews carried out by the Swedish government. The final decision to criminalise the client and not the prostitute also indicates an appreciation that the sex trade is not a deal between equal parties, and regulation should thus favour the more vulnerable party.⁹³

In 1995, there were an estimated 2,500 to 3,000 prostitutes in Sweden, of which 650 were on the streets. In 2008, the number dropped to an estimated 300 women in street prostitution, and another 300 who advertise online. According to Swedish NGOs and government agencies in Stockholm, Gothenburg and Malmo, prostitution disappeared from the streets after the sex-purchase law was passed, though it returned at a reduced scale over the years. Traffickers also demonstrated greater reluctance to pimp prostituted persons in Sweden⁹⁴.

The perceived success of Sweden’s approach has inspired several other countries like Iceland, Norway, Sweden and France to follow suit. In February 2014, the European parliament voted in favour of a resolution to criminalise the purchase of sex.⁹⁵ Several American states have also started focusing efforts on penalising the arrested clients of prostitutes, such as publicly humiliating them through posters and billboards, or sending them to ‘john school’, where they are put through an education programme customised to deter them from reoffending (for example, by raising their awareness about exploitation of prostitutes, sexually transmitted diseases, and etc.).⁹⁶

Selective Criminalisation – Targeting Street Prostitution

Certain countries have chosen a targeted approach to criminalising prostitution, by focusing on street prostitution rather than the off-street prostitution that happens in bars, hotels, private residences and brothels. The former is often seen as more problematic compared to off-street prostitution, because it is associated with a host of problems that adversely affect the quality of life of nearby communities. Common complaints include disorderly conduct of sex workers, customers and pimps; exposure of local residents to unwelcomed and salient displays of sex in public quarters; propositioning of male residents by prostitutes and female residents by punters; congestion and noise; declining property values in surrounding areas and collateral crimes such as drug use, robbery, assault and rape.⁹⁷ In contrast, prostitution that occurs behind closed doors is often seen as more tolerable because it is less visible.

⁹² Max Waltman, “Sweden’s prohibition of purchase of sex: the law’s reasons, impact, and potential” *Women’s Studies International Forum*, July 2011

⁹³ Max Waltman,

⁹⁴ Ibid.

⁹⁵ Maya Oppenheim “MEPs vote to criminalise buying sex”, *The Guardian.com*, February 26 2014, <http://www.theguardian.com/global-development/2014/feb/26/meps-vote-criminalise-buying-sex-european-parliament>

⁹⁶ Ronald Weitzer, 2012, 67

⁹⁷ Ibid, 57-58

Thus, several countries, like the United Kingdom, have adopted a ‘two-track’ approach, whether formally through legislation, or informally through selective policing and enforcement that ignores escorts, brothels and massage parlors unless complaints are made.⁹⁸

Criticisms of Policies Criminalising Prostitution

Vocal critics, including civil society organisations and researchers,⁹⁹ have campaigned against criminalisation of the sale and/or purchase of sex. They argue that in both instances criminalisation increases the stigma of prostitution, and drives the industry underground and off the streets. This in turn creates a barrier against sex workers seeking help from authorities if they are raped, trafficked or abused, either because they want to conceal their illegal activities, or simply because they feel that the police would not take their reports seriously, given the stigma attached to their profession.¹⁰⁰ In countries where purchase of sex is criminalised, customers who may previously have informed police about women they thought were trafficked or abused are now disincentivised from doing so.¹⁰¹

Sweden’s experiences illustrate how a policy crafted with a specific objective of ending gender inequality and violence can nevertheless perpetuate a negative, exploitative environment for the female sex worker. Sex workers in Sweden continue to report harassment and difficulties with police and other state authorities, while aid agencies experience difficulties reaching out and providing condoms or information to sex buyers and sellers because of the increased stigma associated with the concept of selling sex.¹⁰² Furthermore, sceptics have argued that the reduction in prostitute numbers in Sweden indicated a shift of the industry deeper underground, which makes estimates difficult, rather than a real reduction. They also hypothesise that Swedish men are crossing borders to seek sex in other countries—which equates a mere export of exploitation rather than eradication.¹⁰³

As for strategies aimed specifically at curbing street prostitution, critics have argued these render sex workers even more vulnerable, as they restrict the women’s physical scope for action and escape, and lessens transparency of their operations, which could facilitate abuse at the hand of unscrupulous clients and pimps.¹⁰⁴ For instance, transactions over the internet or the telephone reduce sex workers’ ability to identify and reject potentially threatening customers, compared to a scenario where they encounter these customers in person first before striking a deal.¹⁰⁵ Similar concerns were expressed by Swedish sex workers, after prostitution became more clandestine following the 1999 ban.¹⁰⁶

2. *Decriminalising prostitution*

On the other end of the spectrum, proponents of decriminalisation and legalising view prostitution as a legitimate form of work. Other proponents opine that prostitution cannot be

⁹⁸ Ibid, 54

⁹⁹ Maya Oppenheim

¹⁰⁰ Aziza Ahmed, “Think Again: Prostitution”, *Foreign Policy Jan/ Feb 2014*, Ronald Weitzer

¹⁰¹ “Prostitution: Caveat Emptor” *The Economist*, March 8 2014

¹⁰² Jay Levy, “Impact of the Swedish Criminalisation of the Purchase of Sex on Service Provision for Sex Workers” *Presented at the Correlation Final Conference Ljubljana*, 14 Dec 2011.

¹⁰³ “Policing Prostitution: The Oldest Conundrum” *The Economist*, Nov 1 2008

¹⁰⁴ Max Whitman, “Sweden’s prohibition of purchase of sex: The law’s reasons, impact, and potential”, *Women’s Studies International Forum* 34 (2011) 449–474

¹⁰⁵ “Policing Prostitution: The Oldest Conundrum”, 2008

¹⁰⁶ Working group on the legal regulation of the purchase of sexual services, Norway, “Purchasing Sexual Services in Sweden and the Netherlands”, 2004, 19. http://www.regjeringen.no/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_nederlands.pdf (accessed March 30 2014)

eradicated, and a pragmatic approach would simply be to recognise and manage problems that may be associated with prostitution. This includes placing sex workers in safe, regulated brothels, and mandating regular physical checkups for HIV and other STIs.¹⁰⁷

Tight regulation and active limitation

The Netherlands has a long-standing acceptance of prostitution that dates back to the 1400s. In the early 1990s, city governments began regulating and licensing brothels and ‘window fronts’, where sex workers are usually paraded.¹⁰⁸ Both the 1990 and 2005 World Values Survey revealed that the Netherlands was more tolerant of prostitution than most other European nations, and national polls similarly confirm that the Dutch largely perceive prostitution as an acceptable job. In 2000, the penal code was amended to formally legalise voluntary prostitution.¹⁰⁹

The Dutch government took a fairly proactive, hands-on approach to licensing and regulating the prostitution space. While each municipality is responsible for regulating prostitution, the federal government published a set of guidelines to create a uniform licensing system, code of conduct for local authorities, and procedures for identifying and assisting trafficked workers.

To specifically tackle the challenges of street prostitution, Dutch municipal authorities created tolerance zones in the mid-1980s, called *Tippelzones*, which were usually located away from residential neighbourhoods or outskirts of the city. These zones were intended to serve as safe areas, supervised by police or care workers, for those who wanted to work outdoors, and contained a kiosk that provided food, drink, condoms, medical advice, a restrooms and other facilities. Outside these zones, street prostitution became a misdemeanor offense and was subject to intensified enforcement. However, due to their success, these zones became overpopulated, particularly by illegal immigrants from other countries, and difficult to control. Several cities, including Amsterdam, thus chose to close down their *Tippelzones*.

Outside of *Tippelzones*, prostitution in the Netherlands takes place primarily indoors, in window rooms, brothels, clubs, hotels and private residences, and are often clustered in designated red-light districts. Amsterdam’s well-known red light district is unusual because of its large size, bustle, central location and mixed use. Elsewhere in the country, red-light districts are outside the historic city centre, single-used, tranquil, and are flanked by largely residential areas¹¹⁰.

The Dutch approach has its share of successes and failures. As a whole, the managed, legal prostitution sector is believed to be larger than the illegal sector, and illegal actors are rare in the legal venues thanks to stringent inspections.¹¹¹ Almost all workers in licensed brothels and escort agencies have been paying their taxes in full.¹¹²

However, the illegal sector still remains an unexamined, potentially exploitative and unsafe space, as officials focus most of their attention on legal establishments. Owners of legal sex

¹⁰⁷ Raymund Espinosa Narag, Sheila Royo Maxwell, 2009

¹⁰⁸ Window prostitution is a distinctive feature of prostitution in the Netherlands, where women stand behind lit glass doors, looking to attract the attention of potential customers.

¹⁰⁹ Robert Weitzer, 149-150

¹¹⁰ Ibid, 152

¹¹¹ Ibid, 154

¹¹² Ibid, 158

establishments have thus expressed concerns that not enough was being done to clamp down on illegal prostitution.¹¹³

Furthermore, reports indicate that human trafficking into the Netherlands has not been curbed. In response, the Dutch government had debated the creation of a national registry, which all prostitutes would have to register with before they continued operating. Applicants would be interviewed to assess if they are entering the business out of free will.¹¹⁴ The proposal proved controversial and unpopular though, as opponents argued it could lead more sex workers operating illegally out of fear of the intrusiveness of the proposed approach.¹¹⁵

In recent years, local authorities have started tightening controls on the sex industry. For instance, Amsterdam embarked on a campaign to clean up the city and its image. This translated into downsizing of the red-light district, clamping down on organised crime by closing suspected businesses and withdrawing licenses, and turning these spaces into cafes or shops. In other Dutch cities, authorities imposed a freeze on granting of new licenses when a sex business closes, which created a net decline over time.

The shrinking of available spaces for prostitution has led to higher rental rates. It also precipitated a trend where small number of big-players squeezed out smaller operators, and thereby effectively becoming both monopsonies and monopolies. This trend negatively affected sex workers, as their options for relocation to better brothels or windows were constrained.¹¹⁶ The high rents also forced workers to work longer hours, often up to 16 hours per day, as well as engage in riskier behavior, such as foregoing the use of condoms, to earn more.¹¹⁷

A More Liberalised Approach

New Zealand has in place a more liberal policy towards prostitution. In 2003, the country decriminalised the sex trade by passing the Prostitution Reform Act (PRA). The PRA's objectives included creating a framework to safeguard the rights of sex workers; promote the welfare and occupational health and safety of sex workers; contribute to public health; and prohibit persons under 18 years of age from entering the trade. The PRA also established a certification regime for brothel operators.¹¹⁸ Under the PRA, sex workers were allowed to work relatively freely, either at home, in brothels, or even on the street.

A study published by the New Zealand government in 2008 indicated that the policy has worked to empower sex workers. Over 60 per cent of sex workers felt they had more power to refuse clients than they did before the PRA was passed¹¹⁹, and only a small margin were either under the legal age of 18 or reported being pressured into working against their will. Sex workers also

¹¹³ Ibid, 158, 165

¹¹⁴ "Dutch Prostitutes hit by economic crisis", *National Turk*, Aug 1 2013, <http://www.nationalturk.com/en/dutch-prostitutes-hit-by-economic-crisis-breaking-news-41149>

¹¹⁵ Marijke Peters "Sex workers say 'no' to licensing law", *Radio Netherlands Worldwide*, Dec 2 2009, <http://www.rnw.nl/english/article/sex-workers-say-no-licensing-law> (accessed March 25 2014)

¹¹⁶ Ronald Weitzer, 160

¹¹⁷ Joshua Cruz, Swaan van Iterson "The Audacity of Tolerance: A Critical Analysis of Legalized Prostitution in Amsterdam's Red Light District", *Humanity in Action*, <http://www.humanityinaction.org/knowledgebase/312-the-audacity-of-tolerance-a-critical-analysis-of-legalized-prostitution-in-amsterdam-s-red-light-district> (accessed March 26 2014)

¹¹⁸ New Zealand Government, *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, May 2008, 14, <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf>

¹¹⁹ New Zealand Government, 14

reported that they felt more able to report incidents of violence to the police after the passing of the PRA.¹²⁰

As for initial criticisms that the PRA would result in a burgeoning of the sex industry and growth in numbers of streetwalkers, the study concluded that the enactment of the PRA has had little impact on the numbers of people working in the sex industry, or on the number of street-based sex workers.

Despite the generally positive feedback about the PRA, local governments have been clamouring for more stringent action to control the physical spread of prostitution. For instance, cities like Auckland and Christchurch have been lobbying for powers to ban prostitution near schools, family homes or sports facilities¹²¹. Businesses in Hamilton city have similarly been pushing for municipal authorities to corral the sex industry into a designated red-light district, citing concerns that the tackiness and sleaze of these uses were negatively affecting family-friendly businesses.¹²²

¹²⁰ New Zealand Government, 14-15

¹²¹ "Prostitution ban splits select committee", *The New Zealand Herald*, Feb 14 2013

¹²² Narelle Henson, "Calls for Hamilton to establish a red-light district", *Waikato Times*, Feb 22 2014, <http://www.stuff.co.nz/waikato-times/news/9752516/Calls-for-Hamilton-to-establish-a-red-light-district> (accessed March 26 2014)