

Prostitution and sex work in Belgium after decriminalisation

Opportunities and challenges

**Stef Adriaenssens, Benno Stevens,
Sophie André, Renaud Maes,
Magaly Rodríguez García**



May 2024

Contents

1.	<i>Executive Summary</i>	5
2.	<i>Introduction</i>	7
	a. Contextualising the report	7
	b. Defining two important terms	7
	c. Topics to be tackled	7
	d. Delineating the report	8
3.	<i>A systematic review of sex work policy and its effects around the world</i>	9
4.	<i>Data Description</i>	29
	a. Redlights	32
	b. Hunqz and Boys4U	33
	c. Girlsreview	33
5.	<i>State of affairs</i>	34
	a. Demographics	34
	b. Market	41
	c. Geography and Mobility	51
	d. Challenges facing sex workers	62
	e. Sexual exploitation and trafficking	69
6.	<i>Decriminalisation</i>	73
	a. Changing forms of sex work	73
	b. Services and changing composition of the sex worker population	77
	c. Decriminalising third parties	87
	d. Stigmatisation and the general population	91
7.	<i>Policy Recommendations</i>	94
	Introduction: a long and humble game	94
	1. Take into account that market changes interact with policies	94
	2. Make formalisation attractive	95
	3. Effective policies require coordination and consultation	96
	4. Well-equilibrated policies differ depending on the goal and target group	97
	5. Increase knowledge and awareness to reduce stigma and allow for evidence-based policies	98
8.	<i>References</i>	101
9.	<i>Appendices</i>	111

1. Executive Summary

Prostitution in Belgium was effectively criminalised through reforms of sexual criminal law, which went into force on the 1st of June 2022. Sex workers were not criminalised before the reforms, and as such, the new law can primarily be thought of as a decriminalisation of third parties that facilitate prostitution. The reforms stipulated that an evaluation must occur within two years and every four years thereafter. This report is the first in that list. It has the combined aim of providing future research with a benchmark of the current status quaestionis of the prostitution sector and an initial evaluation of the decriminalisation, to the extent that is possible.

The report consists of four main parts: (i) a systematic review that scopes the global literature on the effects of prostitution policy on a wide range of outcomes; (ii) a status quaestionis of the current prostitution market in Belgium; (iii) an initial evaluation of the effects of the new law on various outcomes; (iv) recommendations for policymakers based on our findings across the different chapters.

i. Systematic Review

The global scientific literature lacks a robust knowledge base to assess the effects of prostitution policy on different outcomes. Most research is qualitative and contains limited, non-random and skewed samples. Well-designed studies based on large-scale data are scarce. There is little previous research that investigates the effects of decriminalising prostitution, given that it has been implemented only a handful of times. What the global body of work suggests is that the criminalisation of prostitution tends to be related to lesser safety and health for sex workers. The Nordic model, where only clients and third parties are criminalised, seems to replicate some of these harms. Regulating the sector is no panacea either and can cause perverse effects by pushing a part of the sex worker population back underground. As we assess throughout the report, regulating the sector is not easy, and many context-specific measures need to be adopted. There is no simple framework that will tackle the problems that exist in the prostitution sector, and consistent monitoring is essential.

ii. State of affairs

We combine several data sources to describe the current Belgian prostitution market. Over the past year, we have conducted focus groups with thirty-one experts in addition to four sex workers and a massage parlour owner. This qualitative data is complemented by novel large-scale internet data from advertisement sites and client forums. Taken together, the data allows us to describe the prostitution sector in some detail, with particular emphasis on essential demographic characteristics (e.g., age, gender, and nationality), market characteristics (e.g., services offered and segments of the sector), and the challenges sex workers face (e.g., stigmatisation and exploitation). Stigma is particularly salient given how pervasive stigma is in sex workers, affecting both their professional and personal lives.

iii. Decriminalisation

To evaluate the decriminalisation of prostitution, we rely on the same data sources. The analysis primarily relates to changing forms of sex workers, where we observe a shift to private commercial sex. This is partly due to the COVID-19 pandemic, but there are arguments to be made that the new law will accelerate this shift. We uncover signs that the provision of services may have become safer in the wake of the decriminalisation. Experts in the focus groups acknowledged that the new law has some shortcomings, perhaps primarily a failure to properly define abnormal profit. Additionally, the decriminalisation of third parties, which made it possible for accountants and banks, among others, to provide services to sex workers, does not always have the intended effect due to persistent stigmatisation and discrimination. Stigmatisation remains pervasive, and there is little evidence that the law impacted it as yet.

iv. Policy Recommendations

In the policy recommendations, five elements are highlighted.

1. **Market changes**

Before anything, one should acknowledge that prostitution markets change continuously. Recent trends relate to, for instance, migration patterns. Most prominent is the impact of new technologies on the organisation of the prostitution sector. These interact with policies, amongst others, increasing decentralisation of sex work through internet-based platforms.

2. **Make formalisation attractive**

The policy of legalisation can only be successful if formal sex work is attractive. This can be achieved by allowing people to freely choose the work status that best fits their situation, access support services, and reduce discrimination. The income loss due to taxation can be cut back by giving sex workers access to services and goods at prices that are no longer above market rates. Clear and achievable criteria for formal participation are crucial, next to easy access to financial services and support.

3. **Coordination and consultation**

Effective policies require multi-party and multi-governance coordination and consultation between agencies, policy levels, and stakeholders to address challenges. This also applies to third-sector organisations and sex workers themselves.

4. **Well-equilibrated policies**

Effective policies are well-equilibrated, taking into account that specific policies may have trade-offs in other aspects of sex work. It suggests that policies should focus on expanding services for formal workers while ensuring that existing services for all sex workers, regardless of their formal status, are not reduced. It also highlights the need to consider trade-offs and potential unintended consequences of policies, such as the age of entry into sex work, and to ensure access to minimum services for informal workers.

5. **Increase knowledge**

The most pressing problem may be multiple knowledge gaps. In one aspect, increased knowledge and awareness in the general public may reduce stigma. Some groups that were before not confronted with the typical problems of sex work and prostitution may need information and training opportunities. We also emphasise the importance of conducting cutting-edge research to document the effects of regulation and policy on prostitution outcomes. This research should address the existing data and design problems. We suggest collecting evidence on the "abnormal gain" threshold, vulnerabilities, and effective policing approaches.