

Timeline

Decriminalisation

From March 2020 until March 2022



The decriminalization of sex work has always been at the very top of our organization's list of priorities. This was also the case in our package of demands to the Belgian government that we proposed at a press conference in May 2019, just before the elections. Getting rights for sex workers on the political agenda is a challenge. It takes political courage, and the risk is high. Sex work is an issue that can bring only few votes to the table for politicians and that most do not want to touch with a ten-foot pole. Thus, with a few exceptions, the interest from politicians in sex workers was never that present. This changed at the start of the Covid pandemic.

On **March 13, 2020**, the cities of Schaarbeek and Ghent ordered the closure of all windows in the window districts, as well as all bars, restaurants and cafes in the country. This was immediately accompanied by media coverage. During the first radio interview that evening, we immediately pointed out that this situation would be very difficult for sex workers who fell without an income. Indeed, as long as sex work was not recognized as a profession, it would be impossible for the state to assist them.

On **March 18, 2020**, our country went into lockdown for the first time. All non-essential travel was banned. All sex workers were forced to stop working. In the weeks following the start of the lockdown, the first articles appeared in which journalists targeted sex workers. It was claimed that the whole world had stopped working, except for sex workers. Our organisation responded quickly and assertively with a straight answer: if some sex workers continued to work, in all likelihood they did so because they had no other option. The sex work sector was the only sector that was required to close, but where not everyone was automatically entitled to governmental support. Sex work was not recognized as a profession because the sector did not officially exist. Therefore, thousands of sex workers had lost their income.

On **April 1, 2020**, our organisation, in collaboration with the socio-medical relief organisations Violett, Espace P and Boysproject launched a large-scale support project. Those who did not qualify for support through other aid measures were sent to us by our partner organisations. UTSOPI organised a large-scale fundraiser and raised €40,000 which was used to support 146 sex workers. One of our members made her window in the Brussels North district available, from which food packages were distributed weekly to sex workers without papers or bank accounts. A total of 1,200 packages were distributed. We set up two online forums, where more than 100 sex workers worked together to find solutions to problematic situations. Based on these ideas, we published a corona help guide.

Meanwhile, media coverage was growing. Weekly reports on our actions appeared in quality newspapers or on major television channels. We saw a change happen: for the first time, sex workers were no longer portrayed as victims without will. The reports showed sex workers as individuals who know how to take control of their own destiny, as a group with enormous mutual solidarity and extraordinary capacities, given that they managed to organise their own social safety net.

What was also new to the general public was the fact that sex workers had political demands, which were repeated with every report: this miserable situation was not new, but an exaggeration of the misery we already knew well beforehand. This situation was a consequence of the lack of rights, of a discrimination. If we want to avoid this situation in the future, we must work to recognize sex work as work.

May 13, 2020 was the date when a political dignitary first made a statement about the situation in the sex sector. Flemish Minister-President Jan Jambon was unexpectedly asked by the news anchor during the seven o'clock news what he was going to do with sex workers, now that hairdressers, markets, museums and zoos had been allowed to reopen. The minister was startled at first, but soon after referred to the important social role of sex workers. He additionally said there would be a consultation with the sector.

That was true. On June 3, 2020, UTSOPI and Violett were invited by the GEES, the expert group on crisis policy for the entire country. The experts and UTSOPI set out the margins of a protocol of health conditions under which the sector could reopen.

Five days later, on Monday, June 8, 2020, sex workers were allowed to resume work. The protocol included amongst other things the use of a mouth mask, washable sheets and a carbon dioxide metre. Federal Minister for the Self-Employed Denis Ducarme officially endorsed the protocol on behalf of the government. The minister stated: "Just because sex workers operate in a grey legal area does not mean we should pretend they don't exist. With this protocol we are contributing to public health."

It is very good that sex workers were able to resume work. But at the same time, the government had for the first time addressed working conditions for sex workers and a protocol had been ratified in the name of the government. That was a first recognition of the sector, a quiet breakthrough.

That Monday, however, the chaos was complete. Mayors contacted us asking if it was true that sex workers were allowed to start back up and, if so, who would do checks on the protocol. Was that their responsibility? Others did not contact us and continued to ban sex work. In a report that evening, UTSOPI expressed its frustration with the situation. Again, a plea was made for official recognition of the sector and legal recognition of sex work as work.

The end of the first lockdown also marked the end of UTSOPI Corona TV, a live debate program via videoconference where members engaged in weekly discussions with experts. These were experts in criminal law, international sex work activists, writers or politicians. It was a way to update our own knowledge, but at the same time a way to gather a network of experts around us. The initiative was successful: after an online meeting about political advocacy with an employee of the information bureau of the Flemish Liberal Party, UTSOPI was invited to the party's headquarters in Brussels on **June 24, 2020**. There we reflected on ways to improve the rights of sex workers and how to get the dossier on the negotiating table of the negotiations to form a new government. On **July 2, 2020**, a political paper was finalised and then put on the negotiating table.

On **September 30, 2020**, the federal coalition agreement appeared, which included a mention on sex work. The majority parties all agreed on the following sentence: "Consideration will be given to improving the living and working conditions of sex workers in consultation with actors in the field."

It was progress, but at the same time, that fall, infections went back up and measures were tightened. On **Oct. 8, 2020**, all cafes in the Brussels region had to close, including all windows. On **Oct. 19, 2020**, all cafes and restaurants in the country followed, including erotic establishments. Telecommuting became the rule. All sex work was prohibited. A new lockdown began on **November 2, 2020**. Our support program shifted into high gear.

On **November 27, 2020**, we received word that the federal government wanted to help us. The new Minister for poverty reduction Karine Lalieux wanted to allocate half a million for emergency aid to sex workers. That money would be distributed to aid organisations across the country. The €130,000 UTSOPI received was almost entirely pumped into our direct aid program. The municipalities of Brussels and Schaarbeek together donated €50,000 in emergency aid to us, which enabled us to help another 350 sex workers.

Meanwhile, the political work had to continue unabated. On **November 17, 2020**, the first consultation took place with the cabinet of the president of the Flemish liberal party, to review together what the first steps would be in creating a statute for sex workers. On **November 24, 2020**, we met with the cabinet of the State Secretary for Asylum and Migration.

At the same time, UTSOPI began building a broad civil society coalition. Contacts were made with feminist and human rights organisations. On **December 1, 2020**, a common position on the decriminalization of sex work was initiated between us, the socio-medical aid organization for sex workers Violet and two of the three federally recognized centers of support for victims of human trafficking, namely the Flemish and Brussels centers.

During the last weeks of the year, a political note was written and sent out that made clear to all parties what was lacking in Belgian policy and what was the way forward to better the life and work conditions of sex workers.

2021

The new year started as the previous one had ended, with intense political discussions and ever new demands for emergency aid. The Flemish socialist party Vooruit invited us to a first meeting on Jan. 22, 2021. The party's study office promised to work with our recommendations. On Feb. 10, 2021, we were welcomed to the cabinet of the State Secretary for Gender Equality, Equal Opportunities and Diversity Sarah Schlitz, member of the French-speaking Green Party.

Meanwhile, the second lockdown was three months away and the numbers were favourable. On Feb. 13, 2021, hairdressers and beauticians were allowed to reopen their doors. Other non-medical contact professions were told to wait until March 1. Except sex workers. Our sector was kept quiet.

Meanwhile, through our political network we were informed that the new Minister of Justice wants to work on a complete reform of the sexual criminal law. Therein lay an opportunity to get sex work recognized in our country. With the help of new allies in the Flemish Liberal Party, we were given the chance to meet with Justice Cabinet staff on March 4, 2021. Their message was a disappointment: it is out of the question that sex work will be part of the reform. The subject is too sensitive.

Our sector was locked without perspective and our main political goal seemed hopeless. We saw ourselves with no choice but to take to the streets. We announced a demonstration that would take place in front of Brussels North Station on **Sunday, March 7, 2021**. The media coverage was overwhelming. All the major newspapers and television and radio channels contacted us for reports and interviews. The very popular radio show “De Ochtend” of the Flemish public broadcast company, aired a long interview with the political policy officer of UTSOPI at seven o'clock in the morning that Sunday. The key message of the interview, namely the need for recognition and decriminalisation, was repeated during every radio news bulletin that day.

That afternoon in front of Brussels' North Station, some 30 sex workers and at least as many journalists showed up. The organization's director and political policy advisor urged on camera a reopening of the sector and a recognition of sex work as work. Every television news on both sides of the language border reported on our demonstration and our demands that Sunday night.

A few hours after the demonstration, the political director of our organization received a phone call from the Justice Minister's office: contrary to what we had learned earlier that week, the minister had just decided that the decriminalization of sex work will, after all, be part of the planned reform of the sexual penal code.

On Monday morning, **March 8, 2021**, seven articles appeared in our country's quality newspapers, including a full-page eye-catcher in the newspaper De Morgen. We were contacted at seven o'clock in the morning by the cabinet of the new Minister of the self-employed and small and middle size enterprises David Clarinval, with an invitation to work together on a new protocol for the reopening, based on the latest scientific findings on Covid.

On **March 24, 2021**, we were invited, along with the socio-medical partners Violett and Espace P, to a meeting with the cabinet of the Minister of Health and the federal corona commissioner. The first ground-work was laid for a new protocol. It was decided that no proposal would be approved by the government without first consulting the sex workers' organisation.

A week later, on **April 1, 2021**, our organisation was informed that the Minister of Justice would make an important announcement in the Federal Parliament. Numerous phone calls from partner organisations and press followed. That afternoon, Justice Minister Vincent van Quickenborne proclaimed in parliament that he would decriminalize sex work. The proposal had been drafted together with the State Secretary for Gender Equality, Equal Opportunities and Diversity Sarah Schlitz. The Minister and State Secretary proposed a far-reaching decriminalisation that would allow sex workers to work under exactly the same statutes as other citizens, whether self-employed or employed, with the same protections.

Before discussion could start within the government, the bill had to be checked by the Council of State. That Council always checks if proposals do not conflict with the Belgian Constitution or other higher rules of law and does so within a six-week period.

On **May 20, 2021**, the protocol for the reopening was finished. UTSOPI organised a meeting with all but one of the country's aid organisations to review and possibly correct the protocol. After all organisations agreed, we sent the text back to the government. On **June 2, 2021**, the Minister of Labor and that of the Self-Employed gave their official approval to the protocol. On **June 9, 2021**, sex work was once again permitted in Belgium.

Around the same time, the advisory opinion of the Council of State on the bill had been published. The next goal was an agreement among all government ministers before the bill could be voted on in parliament. A heated battle immediately broke out within the government. The anti-prostitution movements, small in number but with considerable political power, seized their opportunity to put pressure on politicians and sabotage the bill. Our political work went into high gear.

The anti-prostitution lobby first set its sights on the State Secretary for Gender Equality, Equal Opportunity and Diversity. As always, the organisations claimed that decriminalisation would lead to an increase in human trafficking - an ideological and moralistic position not supported by any scientific study. On the contrary: research keeps showing again and again that criminalization endangers the safety and health of sex workers. Moreover, research shows that decriminalisation has a positive impact on the relationship between sex workers and the authorities, which is an advantage in the fight against human trafficking.

The Justice Minister's office stood firm. Our organisation was kept informed of every new attack from the anti-prostitution lobby and was always given the opportunity to formulate a clear and factual response. The pressure became more intense and the attacks more aggressive, but we stood firm as well. The anti-prostitution movements then turned to the press, with, in our opinion, the aim of causing panic.

The headlines suggested the worst. On **June 22, 2021**, the first opinion piece contesting the reform appeared. "Will 30 years of fighting human trafficking be wiped out?" the newspaper *Le Soir* headlined that day. In the opinion, the authors claimed that the bill legalised pimping and would facilitate child prostitution. The following day, an opinion piece appeared in *La Libre Belgique* titled "Criminal code reform risks facilitating pimping."

FACES, a consortium of six French-speaking women's movements, published an opinion piece on the website of the francophone public broadcaster, on **June 24, 2021**. Again, it cited that the law reform would lead to child prostitution and impunity for pimps. After more than a year of fighting for sex workers who were barely surviving, the fact that we were lectured by organisations we had never encountered in the field, was very bitter for us and our partner organisations.

As we could have predicted, the authors refused to distinguish between sex work and human trafficking. The amalgam between trafficking and sex work was condemned by three different UN bodies in 2018 as a violation of the human rights of sex workers as well as trafficking victims. This appeared to be of no consequence to the authors. Because of intellectual dishonesty, the fact was dismissed that decriminalisation is a weapon in the fight against human trafficking, according to leading domestic and foreign experts.

On **June 27, 2021**, UTSOPI, together with the aid organization Espace P, published an opinion in *Le Vif*: "Sex work: finally a major advance in the law?" The opinion was signed by 24 national and international organisations, including organisations for the defence of migrants without residence, health and feminist organisations.

The collective FACES organised a rally against the law reform on **July 7, 2021**, in front of the administrative office of the Ministry of Justice. UTSOPI went to the demonstration with a delegation to dialogue with the activists.

But the damage was done. On **July 8, 2021**, at the height of negotiations between Ministers regarding the reform, a parliamentarian from ruling party Écolo made this comment to the Justice Minister: "I know that the work you do is difficult. We should not take a moral view of prostitution, but experts in the field tell us that legalisation will cause a suction effect on human trafficking." This comment was picked up by the press, with no context and no mention of which experts it was about.

At this point, several sides were diametrically opposed. It was a painful and frustrating partisan political game, where the plight of countless sex workers who saw their income disappear was either lost sight of, or deliberately hushed up. It was very clear to us which anti-prostitution movements were active and which political parties followed their arguments. We, together with the Justice Cabinet, had ended up in a war of attrition, which we as an organisation were fighting with a team that was far too small and lacking in resources.

On **July 16, 2021**, the Council of Ministers reached an agreement. The original draft bill, which proposed complete decriminalisation, was diluted into an incomprehensible compromise. It was unclear, for example, whether access to social security would ever be possible for sex workers. Indeed, the law proposal prohibited the employment of sex workers, even though the clarifying annex said this would be possible. At the same time, after a political fight of months, the compromise was the only chance we had. The proposal could now go to parliament. If we could find enough parliamentarians there to amend the problematic passages and change the text, we could still achieve a breakthrough.

The same day, the draft bill was given to the King for signature. On **July 19, 2021**, it was turned over to the Justice Committee of the Federal Parliament, where parliamentarians monitor, debate and amend draft bills. In the fall, hearings would hear organisations with experience in the field and other experts.

In preparation for the parliamentary hearings, we organised think tanks with our members on the bill in September. Our proposals were turned over to the study offices of three majority parties. We also took the first steps to involve national trade unions and had discussions with the women's, gender and diversity leaders there.

On **October 18, 2021**, UTSOPI received an invitation from the Justice Committee of the Federal Parliament, asking to be heard as an expert. Upon reviewing the list of who was still invited, it was immediately apparent that there was no fair and objective approach. The list of invitees and the distribution of speaking time was clearly a result of political bickering. Our ally Violet, a first-line socio-medical aid organisation that assists several thousand sex workers each year in Flanders, was not invited. The three recognized centres for support of victims of human trafficking, with front-line experience and without doubt the most important experts on the subject of human trafficking, were together given ten minutes of speaking time. The three organizations with an openly anti-prostitution position, which continue to refuse to distinguish between sex work and human trafficking, were each given three times the amount of speaking time.

If the fear was that the bill would lead to more human trafficking, why was so little speaking time given to the human trafficking experts who are in the field every day? Why was preference given to organisations that favour ideology over reality?

On **Oct. 26, 2021**, it was UTSOPI's turn. The organisation's political leader and co-chairman together formulated a sharp indictment of Belgian policies that denied sex workers rights. We referred to the pandemic and the tragedies the Belgian policy had led to among sex workers. We took a swipe at other organisations for repeatedly using disinformation, untraceable figures and methodologically worthless scientific research. Finally, we argued that our proposals would lead to better protection for both sex workers and trafficking victims, which was later fully endorsed during the hearings by the council of court experts who had written the criminal justice reform.

It didn't seem to have done much good. More and more parliamentarians seemed frightened. Many of them believed the other side's argument, that more rights for sex workers necessarily meant less protection for victims. As if they were communicating vessels, a misrepresentation with no evidence. But the risk seemed too great for many parliamentarians.

The **October 27, 2021** hearing of the Board of Prosecutors General was the coup de grace for us. The Board, the highest judicial body in our country, told Parliament bluntly that this bill would lead to an explosion of human trafficking. It advocated the continued criminalization of the sex work sector as a whole, citing cases of human trafficking within this sector. We did not expect this, the damage was enormous. We were shocked, and with us many parliamentarians. It seemed to us the end of the story, after a year and a half of gruelling hard political work.

This was the end of the hearings. From beginning to end, we counted no less than twenty cases of plain disinformation about sex work.

That evening we contacted Payoke, the recognized centre for victims of human trafficking in Antwerp. There too the dismay was great, but immediately we decided to take action. During several meetings that would follow in the evenings, with both the three recognized centres for human trafficking and the socio-medical aid organisations Violett and Espace P, a letter was written to the Board of Prosecutors General. In it, we would raise 11 points on which we had wished for more explanation. We would urge for a meeting.

The twenty cases of disinformation were listed, debunked and forwarded to the Minister of Justice's office. At the same time, there was a need for a very big gesture to the parliamentarians, because the power was now in their hands. UTSOPI began building a large coalition of organisations that together would support decriminalisation.

On **Nov. 3, 2021**, UTSOPI organised the first meeting with the three centres of support for victims of trafficking to jointly develop amendments. At the end of a two-hour meeting, our four organisations had an agreement. On **November 4, 2021**, this was repeated with sex worker support organisations Espace P, Alias and Violett. The Fédération des Services Sociaux, an umbrella organisation of 82 social services in Wallonia and Brussels, and Médecins du Monde Belgique also came to the table and gave their endorsement. The same day, the Flemish Human Rights League gave its agreement.

During the weekend of **November 6 and 7, 2021**, UTSOPI wrote a comprehensive text in Dutch and French explaining why the amalgam between human trafficking and sex work is problematic for sex workers and trafficking victims. The text clarified in detail what positive consequences decriminalisation would have for both groups. On **November 8, 2021**, Sensoa, the Flemish expertise centre for sexuality, joined in. We received another endorsement from Entre 2 Wallonie, a socio-medical aid organisation to sex workers in Wallonia.

On **November 8, 2021**, our letter with discussion points was sent to the Board of Prosecutors General. On **November 9, 2021**, all parliamentarians of the Justice Committee received a copy of our amendment proposals, signed by a broad coalition of 11 organisations.

On **November 16, 2021**, the Justice Committee met for the first time since the hearings. The final debate would now begin. Several members of the opposition argued that sex work should be removed from the sexual criminal justice reform. 'This is moving too fast, too little thought has been given to it, we have been told too much conflicting information', they said. One parliamentarian accused the Justice Minister of looking for a personal medal, or a place in the history books. The Minister responded in dismay that this is not about his ego, but about sex workers' rights. Sex work reform will not be removed. The Commission dispersed without a vote.

All we needed now was for the majority parties to agree on amendments. However, one party hit the brakes. The discussion within the majority reached another boiling point. The issue of sex work, we learned, was put on the agenda of the Core, the meeting of all deputy prime ministers, on **December 6, 2021**. If they found no agreement, sex work would indeed be removed from the reform. Once again, we feared the worst.

On the evening of **December 13, 2021**, the majority parties reached an agreement. A few hours before the Justice Committee meeting on **December 14, 2021**, the amendments were sent to the opposition parties. These reacted with exasperation and requested a postponement of the discussion to first study the amendments thoroughly. The debate was resumed on **December 15, 2021**. The Minister immediately had to face a barrage of questions from the opposition parties. He defended his choices, and the amendments that were submitted, by waving a copy of the political note that UTSOPI had sent to everyone together with ten organisations from the field. He added that the amendments were drafted based on that memo.

Each of the majority's amendments was voted on and passed that day. The amendments allowed sex workers to be treated the same as workers in any other sector, self-employed or employed, with access to social security and health care. However, the draft bill had now been changed in such a way that a new advisory opinion was needed from the Council of State. This would be followed by a final vote in the Justice Committee before the proposal went to Parliament.

On **Feb. 22, 2022**, the very last debate began. There was a very brief exchange of words between the Minister of Justice and a member of an opposition party. The text had survived the Council of State and was approved in less than an hour and a half. The all-important hurdle was behind us, but it was not yet certain whether the bill would gain a majority in the Federal Parliament. If the PTB-PVDA party, for example, decided to vote against it, the bill would fall.

On the eve of **March 17, 2022**, a delegation of representatives from UTSOPI, Violet, Espace P and Doctors of the World gathered at the gates of Parliament. After a brief meeting with the Minister of Justice, we were invited to go inside. During the parliamentary debate, Justice Minister Vincent Van Quickenborne spoke the following words, on behalf of our organisation: **“Ethics is what we need, not morality. Objective facts and intellectual honesty, and not hysterical panic. We hope that our example will soon be followed, for the sake of hundreds of thousands worldwide who suffer stigma, arbitrary treatment and disenfranchisement.”**

On **March 18, 2022** at 1:35 a.m., the reform of sexual criminal law was voted on and passed by the Belgian parliament. A total of 70 parliamentarians voted in favour of the law reform, 41 abstained. Only four voted against it.

Three days later, on **March 21, 2022**, the first meeting took place between UTSOPI and the Flemish Liberal Party on the future labour framework for sex workers. That labour framework should enable labour protection and provide minimum guarantees of safety, health and hygiene in the workplace.

