

This letter briefly explains the concerns about the presented bill 'Municipal Supervision of Sex Companies Act' (Wgts). The main objections cover the following themes:

1. The discrimination against a group of citizens;
2. Restriction of privacy and possible consequences;
3. Doubts about the 'significant public interest' referred to in the bill.

1. Discrimination

Special personal data cannot be stored and processed, and with good reason. This concerns data such as race, ethnic origin, health data or data relating to someone's sexual behaviour or orientation. The Wgts will allow this data of sex workers to be stored and processed, which is discrimination. As a result, the rights of sex workers are not adequately protected. Through the Wgts, the government discriminates against sex workers compared to other citizens in the Netherlands, who can still count on the protection of their special personal data.

2. Privacy

Trust in (local) government to protect sensitive data is low. Think of the data leak of the GGD during the corona period, the benefits scandal and tattle-tale agreements between municipalities and housing corporations, of which it is known municipal inspectors who visit sex workers working from home pass on information to housing corporations and sex workers can subsequently become homeless. The risks associated with outing sensitive, special personal data are extremely high for sex workers. Think of being evicted, further exclusion from business services, not being able to buy or rent a house, not being able to get another job (outside the sex industry) or experiencing threats and violence from their environment.

The Wgts states that the fundamental rights and interests of sex workers must be protected, but this amendment of legislation actually endangers the privacy and safety of sex workers. We are concerned that this legislation will drive the industry further underground and further weaken the position of sex workers as workers and respected citizens with rights as any other.

3. Significant public interest

This adjustment of legislation can only be implemented if there is a compelling public interest. Facilitating control and sanction of the rules of Municipal Act 151a is not enough of a 'significant public interest' to justify this limitation of sex workers' rights.

The government has often tried to register sex workers. Thanks to our justice system, it is still prohibited to process special personal data. For this reason and the risks associated with the lifting of this ban for a group of (stigmatised) citizens, the Council of State[1] and the Dutch Data Protection Authority[2] were very critical of the Sex Work Regulation Bill (Wrs) in which this was also proposed.

These reasons have not lost their validity. That is why we call on the government to enter into and maintain dialogue with the sex industry about the rights of sex workers, building trust and what they do need to work safely.

International scientific research and the lived experience of sex workers show that equal rights without exceptions that endanger people and cooperative policies, through meaningful participation, are the only way to a safe and healthy sex industry.

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[1] <https://www.raadvanstate.nl/@121782/w16-20-0238-ii/>

[2]
https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/advies_wet_regulering_sekswerk.pdf