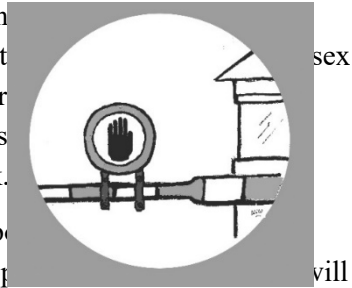


Information sheet draft Bill on the regulation of sex work (WRS). Let the government know your opinion about the bill!

The government has drafted a new Sex Work Regulation Bill (WRS). The bill aims to combat human trafficking and other abuses. It also states that the aim is to regulate sex workers. At the same time, the cabinet acknowledges that it puts sex workers in a different category from any other workers. In their opinion, this is justified because prostitution is not a normal job and cannot be compared with other work.

The proposal is now up for consultation. Everyone can share their views. In response to reactions, the government may decide to change (minor) parts of the proposal. The bill will go to the Parliament, which can change its content or reject it altogether. When the Parliament adopts the Bill, it will go to the Senate. The Senate cannot amend the bill anymore, they can only approve it or reject it.



The deadline for reactions to the draft bill is December 15th 2019.

This is what the bill says:

Licensing system for sex workers

- ❖ All sex workers must have a license, even if they work via the opting-in or behind the window
- ❖ In order to obtain a license, sex workers must be over 21 years of age and be allowed to work in the Netherlands
- ❖ All sex workers are obliged to have an interview with a civil servant who will decide whether they are 'self-reliant' enough to be allowed to work as a sex worker. If the official has no 'major objections' against the sex worker entering or continuing sex work, she or he will receive a license
- ❖ If the official thinks that the sex worker is not 'self-reliant' enough or that she or he may be working under duress, a license will not be granted. A license will also not be issued to sex workers who are not yet 21 years old or do not have the right papers to work in the Netherlands.
- ❖ Sex workers are only allowed to advertise with their license number and a work phone number
- ❖ A license is valid for five years

Home-based sex workers

- ❖ A license does not mean that sex workers have a permit to work home-based
- ❖ The bill is very vague about home-based sex workers. On the one hand it says that municipalities may not treat independent sex workers different from other self-employed workers, such as hairdressers or pedicures. On the other hand, municipalities have the power to set extra rules, and most zoning plans and housing corporations prohibit home-based prostitution

Withdrawal of the license

- ❖ The license may be revoked:
 - when the authorities believe a sex worker is no longer sufficiently 'self-reliant' or may be working under coercion
 - when a sex worker repeatedly advertises without their license number and work phone number or has not immediately reported a change in their work phone number

National register of sex workers

- ❖ All licensed sex workers will be listed in a national register with their social security number, their work phone number and their license number
- ❖ It is mandatory to provide a work phone number. Any change must be reported immediately
- ❖ The national register will also include the following information about sex workers:

- When they were caught working without a license
 - When they advertised without a license number and registered phone number
 - When they did not immediately report a change in their work phone number
 - When the officials think they may be working under duress or have doubts about their self-sufficiency
- ❖ Anyone can check in the national register whether a license number actually exists and whether a particular license number and telephone number belong together
 - ❖ Only the authorities can also see the social security number of the sex worker

Criminalization of unlicensed sex workers and their business relations (the bill calls this "illegal prostitution")

- ❖ Sex workers who work without a license or do not comply with the rules, may face a penalty up to € 20,750. This also applies to sex workers who (still) work while their application for a license was rejected
- ❖ Business relations of sex workers without a license are criminalized. They can face up to two years' imprisonment or a fine up to € 20,750. In the bill they are called "facilitators of illegal prostitution"
- ❖ This applies, for example, to drivers, bodyguards, cleaners and other service providers of unlicensed sex workers. Possibly, it may also apply to partners of sex workers who drive them to work, take care of their safety or with whom the sex worker shares her or his income. It may also apply to sex workers who work together with a colleague. The bill is not clear on this point.

Criminalization of clients of unlicensed sex workers

- ❖ Clients can check in the national register whether a license number actually exists and whether a particular license number and telephone number belong together.
- ❖ Clients who have sex with an unlicensed sex worker or a sex worker who works for an unlicensed sex business, can face up to one year imprisonment or a fine up to € 8,300

Licensing system for sex businesses

- ❖ All sex businesses must have a license, including, for example, escort services
- ❖ Municipalities can set a maximum to the number of licenses
- ❖ Municipalities may also decide not to issue any licenses (so-called 'zero-option')
- ❖ Only licensed sex workers are permitted to work in sex business which hold a license
- ❖ There will be a national register of all sex work businesses

Want to know more?

The complete draft Bill and Explanatory Memorandum can be found here:

<https://www.internetconsultatie.nl/sekswerk> or here:

<https://www.recht.nl/nieuws/strafrecht/177463/concept-wetsvoorstel-regulering-sekswerk/>

The press release from the Ministry of Justice can be found here:

<https://www.rijksoverheid.nl/actueel/nieuws/2019/10/15/vergunningplicht-voor-prostituees-en-exploitanten-van-seksbedrijven>

What do we think of the bill?

We think adoption of this bill is a bad idea as it will not combat abuses. Instead it will make sex workers more vulnerable to abuse and violence. Sex workers who cannot register because of their age or because they don't have the right papers, as well as sex workers who are unwilling to register because of privacy concerns and distrust in the governments ability to properly protect their data, will

be pushed into the illegal circuit. They can no longer safely go to the police when they, or a colleague become a victim of intimidation, extortion, coercion or violence because they are punishable themselves. They can no longer advertise on websites such as Kinky. Consequently, they will have to relay on others to find clients.

Clients and working relations of unlicensed sex workers are also criminalized. They will therefore no longer report abuses. Abusers know this and will take advantage of it.

The criminalization of clients and working relations of unlicensed sex workers has nothing to do with coercion, violence or deception. It only has to do with sex workers' unwillingness or their inability to comply with the obligation to register. Coercion, violence, exploitation and deception are already punishable, irrespective whether it concerns forcing someone into prostitution or forcing someone to hand over their money or sex work under unfree conditions. The bill will not change that.

The bill was made without sex workers and fails to meet their needs. Sex workers' warnings against the bill were not listened to. It treats sex workers as children who cannot make decisions about their own body, life and work. It increases the stigma on sex work and further marginalizes them.

We see sex workers as partners in addressing abuses rather than as unmanageable children who must be controlled by the police, the state and the brothel owners. Sex workers are adults, they are the first to have an interest in a clean sector and they know best what is good for their sector. Sex workers are not the problem, they are part of the solution.

Let the government know how you feel about this bill

We call on you to respond to the draft bill. The more sex workers and people working with sex workers oppose the bill, the more likely it will be rejected.

You can react until December 15th! You can do this by clicking on the button '*Give your reaction to this consultation*' on this website: <https://www.internetconsultatie.nl/sekswerk>. You can also write a letter and attach it as a document.

Opinion pieces

Various people have had their opinions on the bill published in newspapers.

This is an opinion piece in the *Volkskrant* of Marjan Wijers, member of SekswerkExpertise **Registration of sex workers has the opposite effect** https://www.volkskrant.nl/columns-opinie/registratieplicht-sekswerkers-heeft-averechts-effect~b585407d/?utm_campaign=shared_earned&utm_medium=social&utm_source=twitter

In English: **New prostitution law Netherlands will have opposite effect** <https://www.amsterdamredlightdistricttour.com/news/prostitution-law-netherlands/>

This is an opinion piece in the *NRC* of Rik Viergever, who is on the board of My Red Light: **In this way, sex workers will not become their own boss** <https://www.nrc.nl/nieuws/2019/10/23/zo-wordt-sekswerker-geen-eigen-baas-a3977803>

A video about the protest against the bill by PROUD, the Dutch sex workers union, can be found here: **My body, my business' - sex workers mark Halloween with protest** <https://www.youtube.com/watch?v=j78DzdvpOfc&feature=youtu.be>

In 2017, Joke Swiebel and Marjan Wijers wrote in the *NRC* about the Coalition Agreement in which the bill was announced: **Cabinet forces sex workers into illegality**

<https://www.nrc.nl/nieuws/2017/10/31/kabinet-dwingt-sekswerkers-de-illegaliteit-in-13756368-a1579287>

SekswerkExpertise, 20 November 2019

www.sekswerkexpertise.nl