



09 December 2019

Dear Minister Grapperhaus,

The Global Network of Sex Work Projects (NSWP) is a network of sex worker-led organisations, with over 265 members in 80 countries that exists to uphold the voice of sex workers globally. We understand that the Dutch government is currently considering a bill that proposes new legislation on sex work law, the Sex Work Regulation Act, and we wish to raise a number of concerns about the proposed legislation.

Since 2007, NSWP has conducted research and developed policy briefings in cooperation with our members to advocate for a rights-affirming approach to be adopted by international organisations, such as the United Nations and the Global Fund as well as regional policy bodies. The advocacy papers include one on the impact of different legal frameworks on sex workers' human rights. Our submission is based upon the lived experiences and realities of sex workers and the expertise developed within the sex worker community globally.

REGISTRATION OF SEX WORKERS

Compulsory registration does not prevent ineligible individuals (e.g. migrants, individuals under 21) from engaging in sex work. Instead, compulsory registration violates sex workers' rights to privacy and increases exposure to health and safety risks. It discourages sex workers who are not able or willing to register from accessing the legal system when they are the victim of violence or exploitation and renders them more vulnerable to exploitation. It decreases sex workers' access to health and social services and exposes them to stigma and discrimination.

An assessment of the impact of laws and policy on HIV responses among sex workers in 48 countries in Asia and the Pacific found that regulation and licensing "have not proven effective in preventing HIV epidemics among sex workers." A recent metanalysis of research covering 33 countries similarly found that compulsory registration excludes "the large majority" of sex workers, especially those who are disproportionately vulnerable to violence of HIV.

"Typically, in jurisdictions that have introduced licensing or registration systems, the vast majority of sex workers operate outside of the system. This approach compounds the marginalization of most sex workers. Human rights violations may result from licensing

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models that require compulsory testing and registration of sex workers with government authorities.”¹

The proposed legislation rather than protecting sex workers, would increase vulnerability and violations of sex workers’ rights while decreasing their safety and access to services. Provisions in the draft legislation, including mandatory counselling required to obtain a permit and a compulsory two-week waiting period, the broad discretionary power of municipalities in ruling on permit applications, the lack of privacy of personal information held in the national sex work register, and the police powers to search sex worker’s home if they work with other sex workers from their home will drive sex workers to work illegally.

CRIMINALISATION

The detrimental impacts of the criminalisation on the health, safety, and human rights of sex workers are well-documented. Whether at the national or municipal level, criminalisation and penalisation of sex work impedes sex workers’ access to [sexual and reproductive health services](#), to [justice](#), to [labour rights](#) and to [social protection](#) while perpetuating sex workers’ [marginalisation, exclusion, and vulnerability to violence and HIV](#).

Elsewhere, devolution of power to municipalities to regulate, zone, and ban sex work often result in the broad penalisation of sex work. For example, in Germany, where small towns are allowed to prohibit sex work entirely, [sex work is prohibited](#) in approximately 98% of Germany’s physical territory and permitted in only 230 of Germany’s 2,064 cities.

NSWP believes that Article 20 and Article 34 of the proposed law, which allow municipalities to establish limits on the number of sex worker permits or ban sex work businesses entirely, would result in widespread prohibition of sex work, exposing even registered sex workers to the harms of criminalisation. Although the draft law requires a "public order", "living environment", "safety" or "health" justification to ban or limit sex work, these criteria have repeatedly been manipulated in other countries in order to suppress sex work.

CRIMINALISATION OF CLIENTS AND THIRD PARTIES

Laws that criminalise third parties² and clients of sex workers reproduce the harms of criminalising sex workers.

“The qualitative and quantitative evidence demonstrate the extensive harms associated with criminalisation of sex work, including laws and enforcement targeting the sale and purchase of sex, and activities relating to sex work organisation³”.

Third party criminalisation increases sex workers’ isolation and vulnerability to exploitation. By criminalising employers and association among sex workers, third party criminalisation also

¹ UNAIDS, UNDP, UNFPA, 2012, "[Sex Work and the Law in Asia and the Pacific](#)", 6.

² The term 'third parties' includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating sex work.

³ Platt L. et al. 2018. "[Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies](#)." *PLoS Med* 15(12): e1002680.



impedes sex workers' ability to organise and undermines their right to protection under labour laws. Criminalisation of sex workers' clients reduces sex workers' economic security while impeding access to services and increasing vulnerability to violence, discrimination and exploitation.

These impacts are well-documented in the following research [Twenty Years of Failing Sex Workers: A Community Report on the Impact of the 1999 Swedish Sex Purchase Act](#), [The Impact of End Demand Legislation of Women Sex Workers](#), and in reports from [Médecins du Monde](#) and [Amnesty International](#).

CONFLATION OF SEX WORK AND TRAFFICKING

Sex work is work, it is first and foremost an income-generating activity that encompasses diverse workplaces and working arrangements. Sex workers have the right to work and free choice of employment; they also have the right to be protected against exploitative and unsafe working conditions, violation of their labour rights, forced labour and providing any sexual service against their will.

The conflation of sex work with trafficking is a significant factor in perpetuating and exacerbating exploitation and precarious working conditions in the sex industry. This conflation has led to legislation that undermines sex workers' access to justice, prevents them from organising for better work conditions or asserting their human and labour rights. Please see our [Briefing note: Sex Work is not Sexual Exploitation](#), for more details.

It is our hope that the Dutch Government will maintain an evidence-based and rights-affirming approach to sex work that recognises sex workers' self-determination and sex work as work.

Kindest regards

A handwritten signature in black ink that reads 'Ruth Morgan Thomas'.

Ruth Morgan Thomas
Global Coordinator