

Dear Secretary of State van der Burg,

As an ally of sex workers in the Netherlands, and someone with an interest in getting involved in sex work myself, I would like to respond to the proposed bill of amendment to the WRS.

To me, the proposed legislation seems counter-productive. The workers I know do not feel represented or safer, nor do I myself feel cared for under these laws. I won't mince words; these legal changes feel like the movements of a proto-fascist state. By all means, protect sex workers by building bridges of trust and establishing communication. The currently proposed bill is not the way.

Earlier, the sex work community in the Netherlands made its objections to the WRS known. The letter<sup>[1]</sup> that Aidsfonds - Soa Aids Nederland submitted during the 2019 consultation lists those objections well. In brief, they said:

**1. Do not criminalize but decriminalize.** Procedures such as registering sex workers or criminalizing clients do not combat abuses. Research shows that decriminalization actually has a positive effect on the safety and health of sex workers. UNAIDS, WHO, UNFPA and UNDP therefore also recommend decriminalization: in fact, strengthening one's legal status reduces victimization.

**2. False security and the counter productiveness of registering sex workers.** Many voluntary sex workers do not register for privacy

reasons. It only creates false visibility of those who have registered because coercion cannot be ruled out from the registration interview.

**3. Poorer access to care and assistance.** Because unlicensed sex workers will seek clients through other routes, they will become harder to reach for healthcare and social institutions. In addition, sex workers will no longer dare to go to a healthcare or assistance provider, because of the fear of (legal) consequences.

**4. Willingness to report crimes will decrease further.** Unlicensed sex workers will not dare call on the police for fear of repressive measures. The willingness to report is already extremely low; this will only increase under the new bill.

The bill of amendment gives no improvements for the aforementioned objections. Many amendments make it even worse. In particular, the following:

## **A - Article 8a**

Understanding a person's personal situation is a lengthy and complicated process. There is no scientific evidence that a 90-minute interview can contribute to countering human trafficking. Repeating this useless interview annually not only creates **a further stigmatized position for sex workers, it also does not contribute to the goal** it says to pursue.

## D - Article 16

Processing special personal data of sex workers **goes against our fundamental rights and puts sex workers at risk**. Again, the sex work community has already spoken out against this, including in the internet consultation for the WGTS. The letter submitted here[2] by Aidsfonds - Soa Aids Nederland again provides a good overview of the arguments against this paragraph and its extension.

## F - Article 40

This amendment rewards clients for reporting sex workers to the police. The clarification shows that the **abuses referred to in this paragraph are not abuses**. They are merely the lack of a license or the fact that a person makes personal choices around sexual risks. The police will soon be called when someone has not had safe sex; the sex worker is harmed and the client goes free.

**Clients who still have doubts about the sex worker's voluntariness after receiving a sexual service will still be punishable**. Therefore, the expectation that clients will report this is zero. So with this change, there will be no more reports of human trafficking, while giving malicious customers a blackmail tool to be violent to unlicensed sex workers. Currently, sex workers are already being blackmailed by clients who threaten to inform the tax authorities or the housing association. **This change makes the position of sex workers working without a license extremely vulnerable**.

## **Lead with the welfare of sex workers**

The amendment shows that about a third of all sex workers in the Netherlands are expected to apply for a license. That is around 10,000 licenses. The aim of this law is to better identify abuses. However, no extra burden is expected to be placed on the police, nor will more money be freed up to legally deal with abuses against sex workers. Therefore, if on balance the visibility of abuses remains the same, this law is unnecessary.

For the nearly 20,000 sex workers who do not want or cannot apply for a license, this means that they will work in the Netherlands under the Swedish model. Scientific research shows that this will lead to more violence and further exclusion from society.

**I advise/ We advise against the changes in this bill of amendment and against this bill.**

13.7 million EUR has been budgeted for this bill over the next two years. I recommend investing this amount in strengthening the sex work community in the Netherlands and its alliances. Only then will you contribute to a safer working climate for everyone in the sex industry.

Warm regards,

*Mar Zandvliet*

[1]

<https://www.internetconsultatie.nl/sekswerk/reactie/31b866c0-ff4c-4181-8e69-86bbdc57b919>

[2]

<https://www.internetconsultatie.nl/seksbedrijventoezicht/reactie/35ea14db-682a-40c1-9efa-46cec1b515b0>