

15 March 2023

Dear State Secretary van der Burg,

As a sex workers' ally in the Netherlands, I would like to respond to the proposed bill of amendment to the WRS.

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 about the WRS lists those objections well. As a criticism of the bill of amendment to the law, these arguments are still relevant:

- 1. Do not criminalise but decriminalise**  
Procedures such as obligatory registering sex workers or criminalising clients do not combat abuses. Research shows that decriminalisation actually has a positive effect on the safety and health of sex workers. UNAIDS, WHO, UNFPA and UNDP therefore also recommend decriminalisation<sup>2</sup>: in fact, strengthening one's legal status reduces victimisation. The WRS just criminalises further.
- 2. False security and the counter productivity of registering sex workers**  
It only creates false visibility of those who have registered because it cannot be ruled out that there is no coercion on the basis of the registration interview. Also, many voluntary sex workers will not register for privacy reasons. Creating a national database of sex workers comes with huge risks. Thus, driving the sector further underground. In other countries where compulsory registration has been introduced, this harmful effect is already visible.
- 3. Poorer access to care and assistance**  
Unlicensed sex workers will seek clients through other routes, because clients as well as sex workers will want to avoid prosecution. This will make them harder to reach for care and social institutions. In addition, sex workers will no longer dare to go to a care or social worker, for fear of (legal) consequences. After all, although the administrative fine has been scrapped, it does not rule out civil 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 contributes to resolving human trafficking. Repeating this interview every year is useless. It **stigmatises sex workers and does not contribute to its purpose.**

#### **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

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<sup>1</sup> <https://www.internetconsultatie.nl/sekswerk/reactie/31b866c0-ff4c-4181-8e69-86bbdc57b919>

<sup>2</sup> WHO (2013). Implementing comprehensive HIV/STI programmes with sex workers.

internet consultation for the WGTS. The letter submitted here<sup>3</sup> by Aidsfonds - Soa Aids Nederland again provides a good overview of the arguments against this paragraph and its extension.

#### **F - Article 40**

Customers are given too much power over sex workers. Customers are encouraged to report unlicensed sex workers so that they themselves do not face punishment. This is dangerous.

**Clients who still have doubts about the sex worker's voluntariness after taking 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 and you are giving malicious customers a blackmail tool to do violence 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 licence extremely vulnerable.**

#### **Make the welfare of sex workers leading**

The ministry expects around 10,000 sex workers in the Netherlands will apply for a licence. The aim of the law is to find more abuses. But no additional costs are expected for the police. So the police do not get extra money for the extra reports. So it is expected that no more abuses will be found. Then this law is not needed.

For the 17,000 sex workers who will not or cannot apply for a licence, 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 oppose the changes in this memorandum and I oppose the WRS.**

EUR 13.7 million has been budgeted for this law over the next two years. I recommend investing this amount in strengthening the sex work community in the Netherlands, their legal status, access to business services, destigmatisation and self-organisations. Because only then will you contribute to a safer working environment for everyone in the sex industry.

Warm regards,

Daniela Burba

SWARP (Sex Workers Action Research Project)

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<sup>3</sup> <https://www.internetconsultatie.nl/seksbedrijventoezicht/reactie/35ea14db-682a-40c1-9efa-46cec1b515b0>