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Global Network of Sex Work Projects
Promoting Health and Human Rights



For the attention of: State Secretary of Justice and Security Eric van der Burg

Subject: Memorandum of Amendment to the *Wet regulering sekswerk* (Sex Work Regulation Act)

Date: 13 March 2023

The Global Network of Sex Work Projects (NSWP) and the European Sex Workers Alliance (ESWA), along with the undersigned feminist organisations, welcome the opportunity to provide input on the proposed bill to amend the *Wet regulering sekswerk* (WRS).

NSWP is a global network of sex worker-led organisations, with 321 members in 102 countries across 5 regions, that exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers.

ESWA is a sex worker-led network representing more than 100 organisations in 35 countries across Europe and Central Asia. Our aim is to ensure that all sex worker voices are heard and that their human, health, and labour rights are recognised and protected. With our actions and approach inspired by our membership community, we work to build a strong, vibrant, and sustainable network that mobilises national, regional, and international advocacy activity that moves us towards long-term, systemic change.

Sex workers' rights advocates in the Netherlands have long voiced their opposition to the WRS, which further criminalises and marginalises sex workers by imposing mandatory licensing and registration, while also criminalising third parties and clients of unlicensed sex workers.¹ Not only do the proposed amendments to the WRS fail to address these concerns, but they will only further erode sex workers' human rights while undermining efforts to combat trafficking and sexual exploitation.

The proposed requirement to collect and process sex workers' personal data (**Article 16**) violates sex workers' fundamental right to privacy. Significant concerns have been raised surrounding the government's ability to adequately protect sensitive data. Breaches of data confidentiality pose particularly grave risks for sex workers, including: eviction, refusal of services, reduced access to justice, exclusion from the housing and labour markets, violence, and further stigma and discrimination.² Due to these risks, efforts to collect and process data from sex workers will only discourage more sex workers from registering. This will in turn foster a two-tier system, in which some sex workers work legally, while many others are driven underground into more precarious, criminalised environments in order to avoid police detection. In effect, this also makes actual cases of exploitation, abuse, and trafficking more difficult to detect and report.

¹ "[Wet regulering sekswerk – Reactie Soa Aids Nederland – Aidsfonds](#)," 14 December 2019.

² "[Wet gemeentelijk toezicht seksbedrijven – Reactie Soa Aids Nederland](#)," 27 February 2023.

Further, there is no evidence to suggest that conducting repeated interviews with sex workers (**Article 8a**) will reduce exploitation and human trafficking. On the contrary, forcing sex workers to repeatedly demonstrate their “self-reliance” to authorities undermines their agency and exacerbates stigma, perpetuating paternalistic attitudes towards sex workers, which heightens fear and mistrust of state authorities. Sex workers should be provided with opportunities to report trafficking and exploitation *voluntarily and safely* to authorities on their own terms, in ways which respect and uphold their agency.

In addition, proposed **Article 40** to the WRS poses significant threats to sex workers’ safety and wellbeing. While this article aims to address trafficking and exploitation by removing criminal liabilities for clients who promptly report suspected abuses and unlicensed workers, it will ultimately prove counterproductive. Firstly, imposing this article will strongly encourage clients to report unlicensed sex workers – whether or not they are actually experiencing abuse or exploitation – in order to avoid legal repercussions. Given that many sex workers in the Netherlands will likely remain unlicensed due to the aforementioned concerns, this provision will only increase vulnerability for thousands of already marginalised sex workers. This provision will also provide clients with greater ability to blackmail and wield power over unlicensed sex workers, reducing sex workers’ ability to protect themselves and negotiate services on their own terms.

Furthermore, Article 40 establishes a de facto ‘Nordic Model’ system for all other clients who use the services of unlicensed sex workers, and do not report them to authorities within 24 hours. The harmful effects of ‘Nordic Model’ or ‘End Demand’ legislation on violence, exploitation, and stigmatisation have been well documented. In Ireland, UglyMugs.ie, an app used by sex workers to confidentially report incidents of crime and abuse, noted a 90-92% increase in reported incidents following the adoption of the ‘Nordic Model’ in 2017.³

The criminalisation of clients also further compels sex workers to shift their activities underground. Fear of arrest discourages clients from visiting indoor establishments or meeting at hotels, which in turn leads sex workers to travel to clients’ homes or other distant locations, exacerbating their vulnerability to both violence and exploitation.⁴ Clients’ fears of arrest have also reduced sex workers’ negotiation power, and fewer clients are willing to provide sex workers with personal identifying information that can act as an insurance and safety measure.⁵

For these reasons NSWP and ESWA, and the undersigned organisations, strongly oppose any legislation which promotes the criminalisation of sex work, including the sale and purchase of sexual services, as well as the involvement of third parties. Even laws which seek to ‘regulate’ the sex industry, such as those proposed in the memorandum of amendment to the WRS, are dangerous and counterproductive – merely increasing criminalisation, vulnerability, and human rights abuses against sex workers.

International best practice guidelines, supported by a substantial body of evidence, promote the full decriminalisation of sex work as the best means to reduce violence, improve health outcomes, and uphold the human rights of sex workers. Decriminalisation guarantees sex workers the same health and safety standards as other workers. Decriminalisation is the legal framework favoured by the overwhelming majority of sex worker-led organisations worldwide, as well as leading authorities in health and human rights.

[The Joint United Nations Programme on HIV/AIDS \(UNAIDS\)](#), [UNFPA](#), [WHO](#), [UNDP](#), [the World Bank](#), [the International Commission of Jurists](#), [Amnesty International](#), [Médecins Du Monde](#), [Human Rights Watch](#), [the Global Commission on HIV and the Law](#), [Open Society Foundations](#), [the Global Network of People Living with HIV](#), [the Global Action for Gay Men’s Health & Rights \(MPact\)](#), the International

³ UglyMugs.ie, 2019, “[Crime has almost doubled in the two years since new law came in.](#)”

⁴ Médecins du Monde et al., 2019, “[Study on the Impact of the Law from 13 April 2016 Against the “Prostitution System” in France.](#)”

⁵ NSWP, 2015, “[Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers.](#)”

Women's Health Coalition, the [Association for Women's Rights in Development](#), the [American Jewish World Service](#), the [Global Alliance Against Traffic in Women \(GAATW\)](#), [The Lancet](#), The Global Fund for Women, the Elton John AIDS Foundation, [Frontline AIDS](#), the [International Community of Women Living with HIV](#), [Global Health Justice Partnership of the Yale Law School and Yale School of Public Health](#), [European AIDS Treatment Group](#), [ILGA-Europe](#), the [Platform for International Cooperation on Undocumented Migrants \(PIKUM\)](#), [Freedom Network USA](#), [STOPAIDS](#), [La Strada International](#), [International Planned Parenthood Federation European Network](#) and [ILGA World](#) all call for the decriminalisation of sex work.

Modelling estimates have shown that the decriminalisation of sex work could reduce HIV infections amongst sex workers and their clients by 33-46% over the next decade, through its combined effects on reducing violence, promoting safer work environments, and increasing condom use.⁶ In New Zealand, following the decriminalisation of sex work in 2003, sex workers have reported improved working conditions, negotiation power, and increased confidence in asserting their legal and employment rights.⁷ Sex workers in New Zealand have also reported improved relationships with law enforcement and an increased likelihood of reporting incidents of violence to the police.⁸ In Australia, the New South Wales Ministry of Health commissioned a report that reviewed the legislation, which found that the reforms that decriminalised adult sex work had "improved human rights; removed police corruption; netted savings for the criminal justice system; and enhanced the surveillance, health promotion, and safety of the NSW sex industry." Contrary to early concerns, the NSW sex industry has not increased in size or visibility.⁹

NSWP and ESWA, along with the undersigned feminist organisations, urge the government of the Netherlands not only to reject amendments to the WRS, but to work towards the full decriminalisation of sex work, in line with international best practices and the repeated calls of sex workers themselves. This process must be undertaken in meaningful collaboration with sex worker-led organisations and their allies to ensure an evidence- and human rights-based approach.

Thank you for your consideration, and please do not hesitate to contact us, should you have any questions.

⁶ Kate Shannon et al., "[Global Epidemiology of HIV among female sex workers: influence of structural determinants](#)," *The Lancet* 385(9962) (2015), 55-71.

⁷ Gillian Abel, "[A decade of decriminalization: Sex work 'down under' but not underground](#)," *Criminology and Criminal Justice* 15(5) (2014), 580-592.

⁸ New Zealand Ministry of Justice and Victoria University of Wellington Crime and Justice Research Centre, 2007, "[Key Informant Interviews: Review of the Prostitution Reform Act 2003](#)."

⁹ The Kirby Institute, University of New South Wales, 2012, "[The Sex Industry in New South Wales: A Report to the NSW Ministry of Health](#)."

Supported by the following feminist organisations:

- Count Me In! Consortium comprised of Association of Women’s Rights in Development (AWID), Mama Cash, CREA, JASS, Urgent Action Fund and Urgent Action Fund-Africa, and strategic partners Red Umbrella Fund (RUF) and Dutch gender platform WO=MEN



	<ul style="list-style-type: none"> Amnesty International – International Secretariat (AI)
	<ul style="list-style-type: none"> CREA
	<ul style="list-style-type: none"> Global Alliance Against Traffic in Women (GAATW)
	<ul style="list-style-type: none"> International Women’s Rights Action Watch Asia Pacific (IWRAP-AP)
	<ul style="list-style-type: none"> Women’s Global Network for Reproductive Rights (WGNRR)