



Only Rights Can Stop the Wrongs

NSWP STATEMENT ON PROPOSED BILL IN THE NETHERLANDS

NSWP 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. NSWP has a current membership of 280 sex worker-led organisations across 81 countries, with sex worker-led organisations living under various legal models for sex work. Our policy documents are developed with the NSWP membership, drawing on the experiences of sex workers living under these different legal models.

We are very concerned by the content of this bill as it is currently structured. Specifically, **‘Strafbaarstelling van het uit winstbejag behulpzaam zijn bij illegale prostitutie (pooierverbod)’** and Article 206a. As this bill currently stands it will have extremely adverse consequences for the health, safety and human rights of sex workers in the Netherlands.

NSWP accepts that exploitation and harm can occur in relationships between third parties and sex workers. However, we entirely reject the notion that third parties, by their very nature, are always and inevitably abusive or exploitative. Sex workers themselves and the sex workers’ rights movement understand issues of exploitation in third party relationships and, crucially, how best to address this. NSWP rejects the use of the term ‘pimp’ to describe third parties, because it reinforces a stigmatising and racialised stereotype and describes one very limited form of third party working relationship.

The criminalisation of third parties, and laws against organising, managing and facilitating sex work:

- Expose sex workers to increased vulnerability to HIV transmission, in contravention of the International Labour Organization’s (ILO) Recommendation 200
- Force sex workers into more dangerous and harmful working conditions
- Are used by authorities to prosecute and harass sex workers directly
- Are used to prosecute the friends and family members of sex workers

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- Are used by authorities to harass sex workers and limit their access to housing and services

The sex workers' rights movement's call to decriminalise third parties is based on the belief, supported by evidence, that the continuing criminalisation of third parties has a direct and harmful impact on sex workers themselves.

Decriminalising third parties will help sex workers organise to root-out exploitation, oppression, and violence (from both state and non-state actors), and to address unfair or abusive working conditions. Please refer to our more comprehensive [Policy Brief on the Decriminalisation of Third Parties](#).

Additionally, layers of excessive regulation and the complex system of mandatory registration within the Netherlands leads to the creation of a two-tiered sex industry, with a small 'legal' sector where a select group of individuals are able to comply with the high levels of regulation (e.g. payment of large fees for a brothel license), while other sex work businesses continue to operate illegally and the sex workers within those continue to work without any legal protections.

In the present system in the Netherlands, sex workers who work outside the licensing arrangements (and thus 'illegal' under this Bill) currently have little or no opportunity to apply for a license. If they wish to work independently, they have no opportunities to do so legally. Whilst the opportunities for sex workers to work independently remain so limited, it is completely counter-intuitive and dangerous to further criminalise those who assist in 'unlicensed' sex work.

With the addition of this new law, independent sex workers can not engage the services of e.g. an accountant, driver, or use internet platforms to advertise and screen clients carefully. Their partners, families, friends and other colleagues will be effectively criminalised, e.g. for sharing housing costs, working together for safety etc.

Regulating the organisation and management of sex work in line with existing labour laws and business regulations provides sex workers with the protections they deserve, while the unfair and excessive state control that is fostered in the system of legalisation simply replicates the harms of criminalisation and increases the risks of exploitation and abuse. **We urge you to urgently reconsider the content of this Bill.**