

TAMPEP | European Network for the Promotion of Rights and Health among Migrant Sex Workers

Dear Minister Grapperhaus

The TAMPEP Network has 27 years of experience in assessing the intersection of migration and sex work in Europe, in implementing programmes and services that support the human rights of migrant people in the sex industry, including persons who have experienced or been affected by trafficking.

We appreciate the opportunity to contribute to the consultation on the new sex work law proposal, the Sex Work Regulation Act (Wrs). TAMPEP wishes to use this opportunity to stress a number of principles, which in our view should strongly underline proposed law reform in line with the stated purposes of bill: to combat human trafficking and other abuses and the aim is to improve the position of sex workers.

■ **Consider sex work and forced labour as two separate phenomena.** Anti-trafficking laws must not be used to target sex workers - in particular migrant sex workers - and curtail their rights.

■ **Acknowledge the global reality of migration, including for sex work.** Abolish laws and policies that criminalise migration and sex work, and provide the possibility for migrant sex workers to obtain residence and work permits in order to increase their independence, prevent exploitation and ensure their access to justice in cases of violence and/or abuse.

■ **Encourage the respect and protection of migrant sex workers' human rights, including their right:**

- to equal protection under the law
- to freedom of movement and residence
- to work
- to free choice of employment
- to just and favourable working conditions
- to the highest attainable standards of physical and mental health

■ **Encourage a clear separation between immigration and sex work enforcement and the provision of essential services.** Putting the enforcement of immigration and sex work laws ahead of people's fundamental rights prevents migrant sex workers without regular status from accessing vital services, reporting crimes and receiving justice.

We want to share our concerns in relation to the newly proposed Law Sex Work Regulation Act in the Netherlands as from our experience, we believe this legislative approach will not support the stated

purposes of the reforms, yet will have detrimental impacts on the lives, safety and well-being of all sex workers, but particularly those who are migrant.

■ **Registration of sex workers at a national register and a licence obligation**

Compulsory registration of sex workers is against the right of privacy and safety.

The sex workers who can/will not be submitted to the compulsory registration system will be obliged to work illegally and therefore be put in a vulnerable position and sex workers will be criminalized.

Registration increases the risk of sex workers becoming vulnerable to exploitation and victims of abuse (which should be combated according to the intention of the law).

Moreover, the intake interviews that are compulsory for a licence application can be arbitrary and lead to a labour ban with the consequential barrier for (migrant) sex workers to have access to safe working conditions.

The criminalization of unlicensed sex workers creates vulnerability of sex workers to punishment by the police and fines, which both create detrimental barriers to sex workers reporting crimes against them, seeking support through services and accessing the justice system as citizens and as (migrant) workers.

■ **Conflation of sex work and human trafficking**

The conflation of sex work and trafficking results in ineffective policies aimed at all sex workers and a complete disregard for the needs of sex workers that experience exploitation. The separation of trafficking in persons and unlicensed sex work is necessary to avoid conflation. Moreover, preventing abuses should not be the basis for laws regulating a labour sector.

TAMPEP is firmly committed to the prevention of trafficking in human beings and approaches that take seriously the high levels of violence faced by sex workers. However, licensing and repressive measures only exacerbate these harms. An approach based on promoting accessible care, community empowerment and strengthening cooperation between support service institutions and the police are essential.

Focusing the legal environment on the criminalisation of any form of sex work will not lead to the protection of the human rights of the people concerned. Rather, the government should take action to ensure that the rights of all persons are protected and that decent working conditions are promoted in all sectors.

We call the Dutch Government to reconsider this law proposal as it will negatively impact all sex workers and not combat or reduces the risk of abuses of the most vulnerable migrant sex workers.

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TAMPEP Coordinator, on behalf of the Steering Committee of TAMPEP Network

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