

Dear Legislator, Minister,

I am an European citizen who have had the opportunity to work in the relax and sex industry across The Netherlands intermittently for the past 10 years, both for various operators and independently. I am grateful to have the opportunity to share a few observations and suggestions about some aspects of the proposed law, both based on my direct experience in the Dutch sex industry.

In contrast with most colleagues who are publicly expressing their opinion about, I sympathize and agree with the intentions of the proposed law.

First of all, I am confident that the new law will get in the way and weaken the opportunities and the power of the criminals operating in the sector. Secondly, I believe it will also dissuade many vulnerable persons from entering a business that may appear easy at first, but is much tougher than expected in many subtle ways. Last but not the least, the new law will indicate psychological qualities necessary and rightly required to be able to perform with dignity a profession as potentially destabilizing as sex work.

Unfortunately, most people involved in the sex business, following each their own interest and guided by the most vocal opinion makers, will see and interpret your attempt to regulate the sector as a general “criminalization of sex workers”, instead of interpreting it as a step further towards a better regulation and recognition of the profession. It would be a shame if this honorable attempt of the legislator failed, either because of too much public opposition before the implementation of the law, or due to the fact that after the implementation the vast majority of sex workers will just ignore the new rules and not register. The new law unfortunately seems to be strongly refused by most people involved in the sector mostly because it appears to have been tailored around the efforts to fight human trafficking and getting a clearer picture of the sector, while doing nothing to improve or protect the position of the sex workers in itself. I believe that from one point of view at least this perception is wrong and that from another is right: the new regulation has the potential to improve the general status of sex workers on one hand, but misses a big opportunity on another.

The positive outcome of the registration for the sex worker itself

Example in the current legislation: I work through a licensed company and I receive my clients on its premises. Many of my potential clients do not want to come in that place and/or would rather that I visit them in their hotel room, home etc. I do not do it because I am not allowed to do that by the current law regulation. In fact, I can only either work on the premises of a licensed operator, through an escort agency in other places (such as a hotel room or the house of the client) or in the privacy of my home - where I do not want to receive clients in order to protect my psychological health.

If the police find out that I am working outside of this scheme, I will be threatened with a hefty fine to not do it anymore. I would like to register in the Chamber of Commerce and be able to offer my services in places more suitable for a big part of my clientele, but at the present moment I cannot do it because the law does not allow it. I am therefore constrained by the current law either to work independently but illegally, or for an operator who exploits me and treats me unfairly and against which I have no rights at all.

I assume the proposed law to lift me from being restricted in terms of my place of work. With the registration, I will be confirmed as independent and responsible enough to be left in peace and not anymore be checked by the police who is busy searching for trafficked victims.

Furthermore, I will be empowered in respect to the operators because once the operators will know that we sex workers no longer depend on them to have a place to work, they will have to treat us better than now. It will not be them anymore to grace us with the possibility to work, but us to grace them with the chance to make their money thanks to us.

A shame for the Dutch institutions: regularly issued licenses for companies in which workers structurally have no labour rights at all

Currently, the complete lack of consideration for the labour rights in companies involved in sex business regularly licensed by the Dutch institutions are a sheer shame for a developed democratic country such as The Netherlands. If the proposed law is not to be more specific about how the operators of sex businesses are going to take care of the labour rights of the sex workers, this situation is not to change. The article 35 of the proposed law does not include, explain or specify from the legal or any other point of view the position of the sex workers towards the operators vice versa.

In designing the new law, the legislator appears so focussed on the prevention of coercion or human trafficking that it completely misses to tackle another important kind of injustice towards the sex workers and their abuse. If the sex workers are not coerced or trafficked and if taxes are paid, everything else is permitted.

Example: the operators of the businesses can unreasonably set and unexplainably change the rules under which sex workers have to perform their services, such as setting prices for the extras, restricting the possibilities to work elsewhere or not allowing individual sex workers to freely choose where and how to advertise their services on the internet. They can freely decide and change their minds every week about how the workers are to be dressed or advertised on-line, they can breach their privacy in various ways, set working hours that are not justifiable from the business point of view and finally dismiss the workers at any moment for unclear or unfair reasons. The sex workers on the other hand have no position or way to argue against the choices of the owners about their own work or finally about their own dismissal. In the institutions, it seems that nobody cares.

A minimal standard of labour rights and protection that is normal for any other kind of workers in The Netherlands is not applicable to sex workers and this seems to be just fine for the legislator and/or the institutions that grant the licenses for operators!

One possibility to tackle the gap in the regulation is to include the terms of protection for sex workers in the requirements for the business plan of operators. That section of the business plan should be made available in the businesses of the operators just as all the other rules are (for example there are rules hanged on the walls about how the clients have to behave). Sex workers who are providing their services there should be aware and able to understand the specific regulations for their own protection that the business they work in is applying. Any breach of the regulations for protection could then be reported by individual sex workers to the institution that granted that business the license. In case the institution receives reports from sex workers, supervision can be applied and possible systematic breaches can be identified, corrected and prevented, otherwise the threat of not prolonging the license. This would help against the systematic abuse that the operators are free to do now because they know very well that nobody can do anything against and will stop them.

The obligation for the operators to have a part of the business plan where they explain how the workers are gonna protect themselves from their abuse, plus the registration of infractions in the institution issuing/prolonging the license would be a clear instrument to improve the position of the sex workers against the power abuse of sex business operators.

I will be happy to give further explanations, if needed.

Kind regards,

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