

Dear Secretary of State van der Burg,

As a ally of sex workers 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 lists those objections well. In brief, they said:

1. **Do not criminalise but decriminalise** Procedures such as 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: in fact, strengthening one's legal status reduces victimisation.
2. **False security and the counter productiveness of registering sex workers.** Many voluntary sex workers do not register for privacy reasons. It only creates false visibility of those who have registered because coercion cannot be ruled out from the registration interview.
3. **Poorer access to care and assistance.** Because unlicensed sex workers will seek clients through other routes, they will become harder to reach for healthcare and social institutions. In addition, sex workers will no longer dare to go to a healthcare or assistance provider, because of the fear of (legal) consequences.
4. **Willingness to report crimes will decrease further.** Unlicensed sex workers will not dare to 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 can contribute in countering human trafficking. Repeating this useless interview annually not only creates a further stigmatised position for sex workers, it also does not contribute to the goal it says to pursue.

#### **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>

internet consultation for the WGTS. The letter submitted here<sup>2</sup> by Aidsfonds - Soa Aids Nederland again provides a good overview of the arguments against this paragraph and its extension.

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

This amendment rewards clients for reporting sex workers to the police. The clarification shows that the abuses referred to in this paragraph are not abuses. They are merely the lack of a licence or the fact that a person makes personal choices around sexual risks. The police will soon be called when someone has not had safe sex; the sex worker is harmed and the client goes free.

Clients who still have doubts about the sex worker's voluntariness after receiving 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, while giving malicious customers a blackmail tool to be violent 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.

#### **Lead with the welfare of sex workers**

The amendment shows that about a third of all sex workers in the Netherlands are expected to apply for a licence. That is around 10,000 licences. The aim of this law is to better identify abuses. However, no extra burden is expected to be placed on the police, nor will more money be freed up to legally deal with abuses against sex workers. Therefore, if on balance the visibility of abuses remains the same, this law is unnecessary.

For the nearly 20,000 sex workers who do not want 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 advise against the changes in this bill of amendment and against this bill.**

13.7 million EUR has been budgeted for this bill over the next two years. I recommend investing this amount in strengthening the sex work community in the Netherlands and its alliances. Only then will you contribute to a safer working climate for everyone in the sex industry.

Warm regards,

Auriane Vez

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<sup>2</sup> <https://www.internetconsultatie.nl/seksbedrijventoezicht/reactie/35ea14db-682a-40c1-9efa-46cec1b515b0>