

What's on your mind ?

The Dutch government has proposed a new Sex Work Bill, which criminalizes sex workers, their clients and business relations unless they have a license and are registered in a national register. The proposal was open for consultation till 15 December. SekswerkExpertise thinks this law will not help to combat trafficking and will aggravate the situation of sex workers and called upon sex workers and other stakeholders to submit their opinion on the draft law. In response to the reactions, the government may decide to change (minor) parts of the proposal. Below you will find the sample letter SekswerkExpertise drafted for organisations to help them send in a reaction. More information you can find on the website of SekswerkExpertise: <https://sekswerkexpertise.nl/>

To: Secretary of State for Justice and Security

Dear Ms. Broekers-Knol

The Dutch government has drafted a new Sex Regulation Work Regulation (WRS). We realize that this bill is the result of a long process that has been worked on hard and aims to combat human trafficking and violence against sex workers. However, we believe that this law will have an opposite effect and will only aggravate the situation of human trafficking and violence against sex workers. The new law demands that sex workers apply for a permit and that they are entered in a national register. Sex worker who work without a permit, run the risk of a fine of € 20,750. Clients of unlicensed sex workers risk a 1-year prison term and people who help them may receive two years in prison. We are convinced that this law - much more than now - will push sex workers into illegality.

To qualify for a permit, sex workers must be at least 21 years old, must be allowed to work in the Netherlands and are obliged to have an interview with a civil servant who will decide whether they are 'self-reliant' enough to be allowed to do sex work. Sex workers who cannot register because they do not meet the criteria or who are unwilling to register because of privacy concerns and distrust in the government's ability to protect their data, will become punishable and will be pushed into the illegal circuit. 'Illegal' sex workers run a greatly increased risk of becoming a victim of human trafficking and violence. That is contrary to the main objective of the WRS.

We are very concerned about the inclusion of sex workers in a national register according to the WRS. In addition to information that identifies the sex worker, the register also contains information about the alleged 'resilience' of the sex worker according to the government, as well as notes about possible violations of the law. Sex workers who are found to work without a license are also entered into the national register. We expect that many sex workers will not want to register because they are concerned about their privacy and safety and do not trust the security of the register. They will disappear into illegality, which increases the chance of human trafficking and violence.

Even under the current Dutch law, where sex work is legal, the willingness to report trafficking and other abuses is extremely low. Sex workers who do not have a permit will no longer dare to call the police as they are punishable themselves. They will also no longer dare to go to the doctor or the health services for fear of negative consequences. Similarly, their clients and work relations will not be willing anymore to help them and report possible cases of trafficking or violence to the police as they may face imprisonment themselves if they do.

The right to free choice of work is a human right and as such is enshrined in the Dutch Constitution, the European Constitution, and the Universal Declaration of Human Rights of the United Nations. The WRS limits the right to free choice of work and is therefore in our opinion contrary to the Constitution. That is not worthy of a country like the Netherlands! We are also surprised by the arbitrary age limit of 21 years. Dutch law considers everyone from the age of 18 to be legally competent. Then why does

the Dutch government think it is necessary to make an exception for sex work? For sure, where she does recruit people for the army from the age of 17.

We also think that the level of sanctions is disproportionate. Sex work involves voluntary sex between two consenting adults. An action that poses no risk to society. We are stunned that the Government aims to criminalize voluntary sex between consenting adults with fines up to € 20,750 and imprisonment for up to 2 years, for the sole reason that they have sex without government permission. And moreover, to spend precious police capacity on the prosecution of voluntary sex at the cost of investigating serious cases of trafficking and violence. We also want human trafficking and violence against sex workers to be tackled, but we believe they should be tackled differently than through a licensing system and repressive measures. Accessible care, community empowerment and strengthening cooperation between care institutions and the police are essential; in good cooperation with sex workers and clients. We urgently ask you to withdraw this bill and look for better alternatives. These better alternatives exist, so let's join forces. Let us establish a dialogue between government, sex workers, and others to develop a better and more effective alternative.