Open Statement of Support for Amnesty International's Draft Policy on Decriminalization of Sex Work

August 5, 2015

As sex worker-led organizations, feminist and human rights activists and sex worker allies working in health, faith-based, legal and many other fields, we are writing in solidarity with the Global Network of Sex Worker Projects (NSWP) and join them in supporting Amnesty International's proposed policy to advocate for the decriminalization of sex work. We recognize the leadership of sex workers in this debate as communities most affected by this policy, and we respect their expertise in matters that affect their own lives.

We support Amnesty International's proposed policy, based on the core principles of human rights, to oppose the criminalization of activities related to the buying or selling of consensual sex between adults. Amnesty International's proposed policy builds on their own evidence- and community-based research that contributes to a growing consensus amongst UN agencies, sex worker organizers and health and human rights experts. We support the decriminalization of sex work so that people engaged in sexual commerce can realize their rights to have increased access to health services, report crimes against them without fear of violence or abuse, and organize for their right to safe working conditions free of coercion and forced labor. We see decriminalization of sex work as an important step towards strengthening sex workers’ ability to advocate for a life of dignity in which their full human rights are respected and promoted.

Criminalization exacerbates stigma and discrimination against sex workers experienced through various interactions with society, legal institutions, and health service providers. Sex workers and researchers around the world have documented evidence of violence at the hands of police, challenging the falsely held notion that most violence is perpetrated by brothel managers and/or clients. Police operate in many countries with impunity and take advantage of sex workers’ criminalized status to commit abuses from rape to other forms of violence. Conversely, decriminalization removes the legal barriers and empowers sex workers to register complaints against police and others who commit these abuses. Criminalization of sex work also prevents sex workers from seeking health services in which they can share their real needs and vulnerabilities for fear of stigma or persecution.

Decriminalization is proven to reduce the risk of HIV/AIDS and encourages safer-sex practices. A recent study in a major public health journal The Lancet showed that decriminalization of sex work could avert up to 46 per cent of HIV incidence among female sex workers over the next ten years. Furthermore, the authors concluded that decriminalization of sex work had the single greatest impact on reducing HIV incidence. Beyond HIV risk, criminalization harms a sex worker's negotiating power with their clients and negatively impacts condom usage. In many countries around the world, police use condoms as evidence of prostitution. This practice deters sex workers from carrying condoms and increases their risk for STIs and HIV/AIDS.

We emphasize a sex worker's right to work and stand in solidarity with groups that organize to combat the harmful effects of criminalization and discrimination. Furthermore, we condemn the conflation of sex work and trafficking into forced prostitution. The melodramatic and moralistic portrayal of sex workers as exploited ‘victims’

denies the reality that sex workers engaged in consensual adult sexual commerce are actually making informed choices within their set of options. Denying their capacity to self-determination and only seeing them as victims undermines their fundamental right of equality and dignity. The idea that all sex workers are exploited is not only patently false; it reinforces patriarchal structures that cause harm.

We consider strengthening sex worker rights as a critical component of an effective anti-trafficking effort. Sex worker groups such as Durbar Mahila Samanwaya Committee (DMSC) are at the forefront of a rights-based approach to anti-trafficking and have succeeded in tackling the problem by establishing self-regulatory boards to identify and counter forced prostitution. Forced prostitution is harmful to sex worker organizing efforts, efforts that have arisen to combat the challenges faced by sex workers every day - from police violence to stigma and discrimination. As labor activists, many sex workers have worked hard to establish working conditions that are free from coercion, where they have increased their negotiating power and have access to health and justice. An intimate knowledge of the community positions sex workers as key leaders in addressing the issue of trafficking as well as other human rights challenges faced by the community. By criminalizing sex workers and treating them as adversaries, human rights-based trafficking efforts are undermined, instead of strengthened.

We support a sex worker’s right to dignity and freedom from violence, stigma and discrimination. Criminalization of all activities related to sex work including both the buying and selling of sex work not only hampers these fundamental rights, but it is contrary to evidence- and community-based organizing efforts across the world. Furthermore, decriminalization and other rights-based policies are instrumental to deconstructing the patriarchal systems that result in so many abuses against sex workers.

As the proposed policy acknowledges, numerous UN agencies and leading international human rights experts support the decriminalization of sex work. They reached this position following consultation with those most affected by criminalization and an examination of extensive, credible evidence on the issue. We are confident that Amnesty International will continue to be a leader in the international human rights field by adopting this proposed policy that is aligned with core principles of human rights and developed from extensive, community-based evidence.

This statement is endorsed by:

Vice President for Programs, American Jewish World Service
Asia Pacific Transgender Network (APTN)
Astraea Lesbian Foundation for Justice
AFRO-BENIN, Benin
Best Practices Policy Project
Center for Health and Gender Equity (CHANGE)
Empower Foundation Thailand
Global Fund for Women
Davida, Rio de Janeiro, Brazil
International Women’s Health Coalition

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NY Anti-Trafficking Network, USA
OTS-ES (Organizacion de Trabajadoras del Sexo de El Salvador)
Queer African Youth Network (QAYN)
Red Umbrella Fund
Sex Worker Education and Advocacy Taskforce (SWEAT), South Africa
Sex Workers Project, USA
Sisonke – The National Movement of Sex Workers in South Africa
TAMPEP International Foundation for the human and civil rights of female and transgender migrant and national sex workers
Third Wave Fund
The International Union of Sex Workers
Transgender Equality Uganda
Transgender Victoria, Inc.
Urgent Action Fund for Women's Human Rights

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