

Dear ,

We are writing in regard to Amnesty International's global policy consultation on sex work. As organizations working to apply the international human rights framework to sex work, we would like to offer our support for Amnesty's proposed policy arguing for the decriminalisation of sex work.

We support Amnesty's assertion that states have an obligation 'to reform their laws and develop and implement systems and policies that eliminate discrimination against those engaging in sex work'. Amnesty calls on states to 'actively seek to empower the most marginalised in society, including through supporting the rights to freedom of association of those engaging in sex work, establishing frameworks that ensure access to appropriate, quality health services and safe working conditions and through combatting discrimination or abuse based on sex, sexual orientation and/or gender identity or expression'. This echoes the voices of sex workers around the world who argue that states are responsible for proactively protecting fundamental rights<sup>1</sup> and call on them to undertake measures that will help protect, respect, and fulfil these rights for all.<sup>2</sup>

In environments where many aspects of sex work are criminalised, for instance, soliciting, living off the earnings of a sex worker [families and children suffer the most], managers<sup>3</sup>; sex workers face discrimination and stigma which undermine their human rights, including to liberty, security of the person, equality, and health. Evidence suggests that sex workers' risk of HIV infection is inextricably related to their marginalized and illegal status, which drives their work underground and increases police abuse and exploitation.

According to the UNAIDS Guidance Note on HIV and Sex Work, "even where services are theoretically available, sex workers and their clients face substantial obstacles to accessing HIV prevention, treatment care and support, particularly where sex work is criminalized." In countries where sex work is decriminalized, there is evidence that violence directed at sex workers is reduced, relations between sex workers and the police are improved, and access to health services is increased.<sup>4</sup>

Punitive laws that criminalise and punish sex work act as instruments through which sex workers are harassed and regularly have their human rights violated by law enforcement agencies, health authorities and clients. In many countries, sex workers are a primary means by which the police meet arrest quotas, extort money, and extract information. Police wield power over sex workers in the form of threats of arrest and public humiliation and use condoms as evidence of illegal activity, undoing years of effective public health promotion and campaigning around STIs and HIV.<sup>5,6,7</sup> Forced testing for HIV is commonplace, along with breaches of due process and privacy. Sex workers in many jurisdictions are the targets of frequent harassment, physical and sexual abuse, and forced "rehabilitation". Where sex

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<sup>1</sup> Eight rights that have been recognised and ratified by most countries as fundamental human rights and that are established in various international human rights treaties, as well as national constitutions.

<sup>2</sup> <http://www.nswp.org/sites/nswp.org/files/ConStat%20PDF%20EngSum.pdf>

<sup>3</sup> [http://www.sangram.org/resources/sex\\_work\\_and\\_laws\\_in\\_south\\_asia.pdf](http://www.sangram.org/resources/sex_work_and_laws_in_south_asia.pdf)

<sup>4</sup> Prostitution Law Review Committee. Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003. Wellington, NZ; Ministry of Justice: 2008

<sup>5</sup> <http://www.opensocietyfoundations.org/sites/default/files/criminalizing-condoms-20120717.pdf>

<sup>6</sup> <http://www.hrw.org/world-report/2014>

<sup>7</sup> [http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/en/index.html](http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/index.html)

work is illegal, sex workers often feel there is little they can do to address the violations perpetrated against them and are deterred from accessing health services for fear of further stigma and abuse.

Sex workers support Amnesty's analysis of the human rights context of sex work and the health considerations and other implications for sex workers. The removal of punitive laws and policies targeting sex workers is imperative. International agencies such as The Global Commission on HIV and the Law<sup>8</sup>, UNAIDS<sup>9</sup>, the World Health Organization<sup>10</sup>, the Global Alliance Against the Trafficking in Women (GAATW)<sup>11</sup> and Human Rights Watch<sup>12</sup> have called for or support the decriminalisation of sex work.

Decriminalisation is not an attempt to legalise 'pimps', nor does it increase exploitation of sex workers. Such arguments are made with a limited understanding of the sex trade and undermine sex workers' struggle for the right to health and justice. Decriminalisation will help sex workers organise and address all forms of exploitation, including abusive, sub-standard or unfair working conditions instituted by both state and non-state actors.

The sex workers' rights movement is aligned with the human and women's rights movements in condemning the abuse and violation of the rights of women, including sex workers. Sex work must not be equated with sexual exploitation or sex trafficking.

As noted by the Global Commission on HIV and the Law, "*Sex work and sex trafficking are not the same. The difference is that the former is consensual whereas the latter coercive. Any point of view that casts "voluntary prostitution" as an oxymoron erases the dignity and autonomy of the sex worker in myriad ways. It turns self-directed actors into victims in need of rescue.*"<sup>13</sup>

We call for the full decriminalisation of sex work as demanded by sex workers themselves.

Yours sincerely,



Meena Saraswathi Seshu  
SANGRAM, India  
24/03/2014

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<sup>8</sup> <http://www.hivlawcommission.org/index.php/report>

<sup>9</sup> [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306\\_UNAIDS-guidance-note-HIV-sex-work\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf)

<sup>10</sup> [http://www.who.int/hiv/pub/guidelines/sex\\_worker/en/](http://www.who.int/hiv/pub/guidelines/sex_worker/en/)

<sup>11</sup> [http://www.gaatw.org/statements/GAATWStatement\\_05.2013.pdf](http://www.gaatw.org/statements/GAATWStatement_05.2013.pdf)

<sup>12</sup> <http://www.hrw.org/world-report/2014>

<sup>13</sup> <http://www.hivlawcommission.org/index.php/report>