

Dear Mr. Shetty,

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 in favour of 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 – including, for example, soliciting, living off the earnings of a sex worker (the latter generally penalizing families and children of sex workers the most), or other provisions criminalising third parties<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</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 work is illegal, sex workers often feel there is little they can do to

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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)

address the violations perpetrated against them and are deterred from accessing health services for fear of further stigma and abuse.

Sex workers across the globe 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 all 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.

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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>

<b>Sr.No.</b>	<b>Endorsements by Organisations.</b>	<b>Country</b>
1	ABIA	Brazil
2	Advocacy Triangle	South Africa
3	AIDS Accountability International	South Africa
4	AIDS Foundation East-West (AFEW)	Netherlands
5	AIDS Foundation East-West (AFEW)	Europe
6	AIDS Information, Support Centre, Medical Centre	Estonia
7	Akshara	India
8	American Jewish World Service	United States
9	Análises Socioculturais	Brazil
10	Aneka	India
11	Association Boulevards	Switzerland
12	Astraea Lesbian Foundation for Justice	United States
13	Association for Women's Rights in Development (AWID)	Canada
14	Canadian HIV/AIDS Legal Network	Canada
15	Caribbean Vulnerable Communities Coalition and AIDS	Saint Lucia
16	Carusel Association	Romania
17	Comite de Apoyo a las Trabajadoras del Sexo (CATS)	Spain
18	Center for Health and Gender Equity (CHANGE)	United States
19	Center for International Studies, Jawaharlal Nehru University	India
20	Centre for Applied Legal Studies	South Africa
21	Law School	India
22	Chetan India	India
23	Clóset de Sor Juana AC	México
24	Coalition 'Sexual and Health Rights of Marginalized	Macedonia
25	Coletiva das Vadias de Campinas	Brazil
26	Counselling, Education and Support for Migrant Women	Austria
27	CREA	India
28	Da Cia de Teatro Pessoal do Faroeste/SP	Brazil
29	Departamento de Ciência Política UNICAMP	Brazil
30	ESSE	Macedonia
31	Eurasian Harm Reduction Network	Europe/Asia
32	Feminist Initiative Network	Finland
33	Feminist Ire	Ireland
34	Gadejuristen // The Danish Street Lawyers	Denmark
35	Global Coalition of Women Against AIDS in Uganda	Uganda
36	GRIP – Rape Intervention Programme	South Africa
37	Groupe TUnited Statesidiane	Democratic Republic of
38	Healthy Options Project Skopje (HOPS)	Macedonia
39	INSAF	India
40	Instituto de Medicina Social	Portugal
41	International Human Rights Clinic, Yale Law School	United States

42	International Women's Health Coalition	United States
43	Italian League for Fighting AIDS	Italy
44	John Jay College of Criminal Justice, City University of New	United States
45	Keeping Alive Societies' Hope (KASH)	Kenya
46	KELIN	Kenya
47	Marcha das Vadias- Campinas	Brazil
48	MASUM	India
49	Mujer y Salud en Uruguay - MYSU	Uruguay
50	MuJER: Women for Justice, Education, and Awareness	United States
51	Mumbai Mobile Creches	India
52	Northumbria University	United Kingdom
53	Núcleo de Estudos de Gênero - Pagu/Unicamp	Brazil
54	One in Nine Campaign	South Africa
55	Opcija-Ohrid	Macedonia
56	Open Gate	Macedonia
57	Open Society Foundations, Public Health Program	United States
58	Partners For Law In Development	India
59	Podruga	Kyrgyzstan
60	Point Of View	India
61	Program for Vulnerable Groups at Health and Social	Bulgaria
62	Pro-tukipiste	Finland
63	Red Umbrella Fund	Netherlands
64	Red Umbrella Sexual Health and Human Rights Association	Turkey
65	Refugee Law Project	Columbia
66	Rights4Change Cooperation U.A.	Netherlands
67	Saheli	India
68	Samraksha	India
69	SANGRAM	India
70	School of Public Health & Family Medicine, University of	South Africa
71	School of Social Policy and Practice, University of	United States
72	Sex Workers Education and Advocacy Taskforce (SWEAT)	South Africa
73	Sex Workers' Rights Advocacy Network (SWAN)	Central Eastern Europe
74	Sexual Rights Centre	Zimbabwe
75	Sexual Rights Initiative	Switzerland
76	Sexuality Policy Watch	Brazil
77	Sneha Mahila Sangha	India
78	Social Medicine Institute, Rio de janeiro State University	Brazil
79	Solidarite Pour Les Droits Des Travailleuses De Sexe	Burundi
80	Sonke Gender Justice	South Africa
81	South India AIDS Action Program (Siaap)	India
82	Spandana Mahila Okkuta	India
83	Swathi Mahila Sangha,Banaglore	India
84	Tais Plus Dva	Kyrgyzstan
85	TAMAUIPAS DIVERSIDAD VIHDA TRANS A.C.	México

86	TARSHI	India
87	The Ellis Franklin Foundation	United States
88	The International Planned Parenthood Federation European	Europe
89	The Urban Justice Center	United States
90	Transgender Law Center	United States
91	Triangle Project	South Africa
92	UFPE	Brazil
93	Ulukman Daryger	Kyrgyzstan
94	UNICAMP	Brazil
95	United Belize Advocacy Movement	Belize
96	Urgent Action Fund for Women's Human Rights (UAF)	United States
97	VIMPOCHANA, Forum for womens Rights, Bangalore	India
98	WINS,India	India
99	Wits Institute for Social and Economic Research (WiSER)	South Africa
100	Women's Legal Centre	South Africa
101	Women's Global Network for Reproductive Rights	Global
102	WOMEN'S INITIATIVES (WINS)	India
103	Women's Legal Centre	South Africa
104	Women's Network for Unity	Cambodia
105	Women's ReEntry Network-WREN	United States
106	WPF	Netherlands