



**nswp** Global Network of Sex Work Projects  
Promoting Health and Human Rights

## Statement of Support for Amnesty International

The Global Network of Sex Work Projects (NSWP) would like to take this opportunity to express our support for Amnesty International's Resolution and draft policy calling for the decriminalisation of sex work, tabled for adoption at the International Council Meeting, 6-11<sup>th</sup> August 2015. This draft policy is backed up by the findings of country-based research carried out by Amnesty International on the human rights impact of the criminalisation of sex work, and also on the consultation in 2014, which included input from many sex workers around the world – the community most affected by the proposals.

NSWP would also like to condemn, **in the strongest possible terms**, the CATW statement, open letter and online petition attacking Amnesty International's proposals. CATW's position is stigmatising, discriminatory and misrepresents the facts, conflating sex work with human trafficking. Most importantly it ignores the lived experiences of sex workers, silences their voices and seeks to perpetuate legal systems which place sex workers at increased risk of violence, stigmatisation, and discrimination; as well as limiting their access to health and social services. Furthermore, CATW is ignoring the overwhelming body of evidence and the findings of international bodies such as the Joint United Nations Programme on HIV/AIDS, who recommend that governments should work towards the decriminalisation of sex work and The Lancet which recently published a special series on HIV and Sex Workers, which also recommends the decriminalisation of sex work and reported **“Decriminalisation of sex work would have the greatest effect on the course of HIV epidemics across all settings, averting 33–46% of HIV infections in the next decade.”**<sup>[1]</sup>

NSWP membership comprises 237 sex worker-led organisations in 71 countries across the globe, including local organisations as well as national and regional networks. Our regional networks in the Global South and Global North represent many thousands of sex workers who actively oppose the criminalisation and other legal oppression of sex work.

In 2013, following a global consultation with our members, NSWP issued a 'Consensus Statement on Sex Work, Human Rights and the Law'<sup>[2]</sup> on behalf of NSWP members and the sex workers they represent. The consensus statement identifies and focuses on 8 rights that have been recognised and ratified by most countries as fundamental human rights – these 8 rights are established in various international human rights treaties, as well as many national constitutions, but are too often denied to sex workers. The fundamental rights identified by sex workers as most at risk of being denied were:

1. Right to associate and organise
2. Right to be protected by the law
3. Right to be free from violence
4. Right to be free from discrimination
5. Right to privacy and freedom from arbitrary interference:
6. Right to health
7. Right to move and to migrate
8. Right to work and free choice of employment

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NSWP would also like to draw attention to two recent Human Rights Watch World Reports of 2014 and 2015.<sup>[3] [4]</sup> These reports are annual reviews of human rights practices around the world and summarise key human rights issues in more than 90 countries and territories worldwide. The reports highlight human rights violations perpetrated against sex workers in Cambodia, China, Vietnam, Greece, Lebanon, and the USA. The 2015 report discusses the recent legislative changes that Bill C-36 Protection of Communities and Exploited Persons Act in Canada (PCEPA) has brought about. PCEPA was introduced in response to the 2013 Canadian Supreme Court ruling striking down previous restrictions that the court deemed violated the rights and security of sex workers. Human Rights Watch reports that: ‘...Bill C-36, which would criminalize communicating for the purposes of selling sexual services in public, or buying, advertising or benefitting from the sale of sexual services. **The bill would severely limit sex workers’ abilities to take life-saving measures, such as screening clients. Criminalizing communication disproportionately impacts street-based sex workers, many of whom are indigenous, poor, or transgender, forcing them to work in more dangerous and isolated locations.**’

Human rights abuses of sex workers include, arbitrary detention (Cambodia), punitive crackdowns, coercive HIV testing, privacy infringements, mistreatment by health officials (China), forced rehabilitation of sex workers (Vietnam), detention and forced HIV testing of alleged sex workers (Greece), subjecting sex workers (along with drug users and LGBT people) in security forces’ custody to ill-treatment and torture (Lebanon), and the use of condoms as evidence of sex work (USA). The report calls for the decriminalisation of voluntary sex work by adults in recognition of the fact that where sex work is criminalised (including the criminalisation of clients) this allows for human rights abuses and violations to occur due to stigma and discrimination, causing sex workers to be deemed second class citizens not deserving of even fundamental human rights.

To reiterate the conclusions of major international agencies: ‘Laws that directly or indirectly criminalize or penalize sex workers, their clients and third parties, [...] can undermine the effectiveness of HIV and sexual health programmes, and limit the ability of sex workers and their clients to seek and benefit from these programmes.’<sup>[5]</sup>

### **Sex workers and their allies campaign for full decriminalisation of sex work to:**

**Promote safe working conditions** – Sex workers can work together for safety and communicate openly with clients and managers without constantly fearing police harassment or worse. In New Zealand, the decriminalisation of sex work over the last decade has helped to promote the human and labour rights of sex workers. The New Zealand Human Rights Review Tribunal made a landmark ruling<sup>[6]</sup> in January 2014 on the violation of a woman’s human rights in a Wellington brothel where she was employed. The woman filed a complaint against both the manager of the brothel and the brothel’s owner after the manager sexually harassed and bullied her. The complaint was upheld and the woman was awarded substantial damages.

**Increase access to health services and reduce sex workers’ risk of HIV and STIs** – Sex workers carry a disproportionate burden of HIV and STIs, because criminalisation reduces their ability to control their working conditions and risks, as well as creating barriers to both health and social services.<sup>[7]</sup> For example, in many territories the police use the presence of condoms as evidence of sexual activity e.g. to prove intent to ‘solicit’ or ‘brothel keeping’. If condoms are used as evidence to prosecute any sex work related charge then these acts as a strong disincentive for having supplies available and in effect penalises the possession of condoms, which impacts on sex workers ability to protect themselves. This is against World Health Organization guidelines which call for countries to ‘Encourage ‘safe workplaces’ and availability of condoms in all sex work venues’ and ‘End the practice of law enforcement officials using condoms as evidence of sex work’.<sup>[8]</sup>

**Increase sex workers' access to justice** – Decriminalisation removes major barriers to sex workers' reporting rape and other crimes as sex workers in criminalised environments often fear arrest or punishment in other ways (e.g. losing custody of children). It will also make it harder for violence against sex workers to be committed with impunity.

**Reduce police abuse and violence** – the police are often the perpetrators of abuses against sex workers. Where sex work is criminalised, the police wield power over sex workers in the form of threats of arrest, extortion of sexual services, rape and public humiliation. In South Africa and Uganda for example, the police often march suspected sex workers in public forcing them to wear blown up condoms around their necks.<sup>[9]</sup>

**Help to tackle exploitation and coercion when it does occur** - The UNAIDS Guidance Note on HIV and Sex Work stated that 'Sex workers themselves are often best placed to know who is being trafficked into commercial sex and by whom, and are particularly motivated to work to stop such odious practices'.<sup>[10]</sup> Criminalisation of sex work impedes the anti-trafficking efforts of sex worker organisations and makes it easier for sex workers to be wrongly categorised as trafficked persons. Many anti-trafficking measures are deliberately used to disrupt sex work businesses and regularly blatantly follow an anti-migrant narrative. Anti-trafficking initiatives must be evidence-based grounded in human rights principals and must not negatively impact on the rights of sex workers.

**On behalf of NSWP members, listed below.**

[1] Shannon, Kate et al, 'Global epidemiology of HIV among female sex workers: influence of structural determinants.', The Lancet , Volume 385 , Issue 9962 , 55 – 71, DOI: [http://dx.doi.org/10.1016/S0140-6736\(14\)60931-4](http://dx.doi.org/10.1016/S0140-6736(14)60931-4)

[2] <http://www.nswp.org/resource/consensus-statement-english-full>

[3] <http://www.hrw.org/world-report/2014>

[4] [https://www.hrw.org/sites/default/files/wr2015\\_web.pdf](https://www.hrw.org/sites/default/files/wr2015_web.pdf)

[5] WHO, UNFPA, UNAIDS and NSWP Dec 2012. Prevention and Treatment of HIV and other Sexually Transmitted Infections for Sex Workers in Low - and Middle - income Countries, p 16. [http://www.who.int/hiv/pub/guidelines/sex\\_worker/en/](http://www.who.int/hiv/pub/guidelines/sex_worker/en/)

[6] <http://www.nzlii.org/cqi-bin/sinodisp/nz/cases/NZHRRT/2014/6.html?query=dml>

[7] WHO, UNFPA, UNAIDS and NSWP Dec 2012. Prevention and Treatment of HIV and other Sexually Transmitted Infections for Sex Workers in Low - and Middle - income Countries, p 16. [http://www.who.int/hiv/pub/guidelines/sex\\_worker/en/](http://www.who.int/hiv/pub/guidelines/sex_worker/en/)

[8] <http://www.nswp.org/resource/who-implementing-comprehensive-hivsti-programmes-sex-workers-practical-approaches-collabora>

[9] [http://www.plri.org/sites/plri.org/files/ASWA\\_Report\\_HR\\_Violations\\_and\\_Healthcare\\_Barriers\\_14\\_April\\_2011.pdf](http://www.plri.org/sites/plri.org/files/ASWA_Report_HR_Violations_and_Healthcare_Barriers_14_April_2011.pdf)

[10] Joint United Nations Programme on HIV/AIDS. **UNAIDS Guidance Note on HIV and Sex Work**. Geneva, 2009. [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)

## AFRICA

- **African Sex Workers Alliance - Regional Network**
- Sisonke Botswana, Botswana
- Solidarite Pour Les Droits Des Travailleuses De Sexe, Burundi
- AIDS-ACODEV, Cameroon
- Alcondoms, Cameroon
- CAMEF, Cameroon
- AHUSADEC, Democratic Republic of Congo
- ALCIS, Democratic Republic of Congo
- CODESCI, Democratic Republic of Congo
- UMANDE, Democratic Republic of Congo
- Nikat Charitable Association, Ethiopia
- CAFAF, Ghana
- Nayford Foundation, Ghana
- Bar Hostess Empowerment and Support Programme, Kenya
- CHAANI Post Test Club, Kenya
- Ebigeri United Self Help Group, Kenya
- HOYMAS, Kenya
- Kisauni Peer Educators, Kenya
- Action Hope, Malawi
- Female National Sex Workers Alliance, Malawi

- APYIN, Nigeria
- NDN, Nigeria
- Nigeria Sex Workers Association - Precious Jewels, Nigeria
- NNEWI, Nigeria
- RENAGAIDS, Nigeria
- Sisonke, South Africa
- SWEAT, South Africa
- CHESA, Tanzania
- Devine Economic Development Group, Tanzania
- Gender, Equality and Health Organisation, Uganda
- Kaana Foundation, Uganda
- Lady Mermaid's Bureau, Uganda
- Organization For Gender Empowerment and Rights Advocacy, Uganda
- Transgender Equality Uganda, Uganda
- Uganda Harm Reduction Network, Uganda
- Uganda Harmonized Rights Alliance, Uganda
- WONETHA, Uganda
- Thubelihle, Zimbabwe

## ASIA PACIFIC

- **Asia Pacific Network of Sex Workers - Regional Network**
- Respect Inc, Australia
- Scarlet Alliance, Australia
- SWOP New South Wales, Australia
- Dujoy Nari Shongho, Bangladesh
- HARC, Bangladesh
- MNDP, Bangladesh
- Community Legal Service, Cambodia
- JJJ Association, China
- Midnight Blue, China
- SCMC, China
- Xin'ai Female Sex Worker's Home, China
- Yunnan Parallel, China
- Pacific Rainbow\$ Advocacy Network, Fiji
- Aastha Parivaar, India
- Ashodaya Samithi, India
- Astitva, India
- Durbar Mahila Samanwaya Committee, India
- GAURAV, India
- Koshish, India
- MITRA, India

- MUSKAN, India
- National Network of Sex Workers, India
- SANGRAM, India
- VAMP, India
- VAMP Plus, India
- OPSI, Indonesia
- SWASH, Japan
- O.F. Taldikorgan Regional Fund for Promotion of Occupations, Kazakhstan
- AMA, Myanmar
- New Zealand Prostitutes Collective, New Zealand
- Aakash Welfare Society, Pakistan
- Care & Support Welfare Organisation, Pakistan
- Gender & Reproductive Health Forum, Pakistan
- Friends Frangipani, Papua New Guinea
- Poro Sapot Project, Papua New Guinea
- Empower Foundation, Thailand
- SWING, Thailand
- Scarlet Timor Collective, Timor Leste

## EUROPE

- **International Committee on the Rights of Sex Workers in Europe - Regional Network**
- **SWAN Foundation for the Human Rights of Sex Workers - Regional Network**
- LEFO, Austria
- Maiz, Austria
- Projekt PiA, Austria
- SXA-Info/Verein Frauenservice Graz, Austria
- Association PROI, Bosnia and Herzegovina
- NGO Action Against AIDS, Bosnia and Herzegovina
- Collectif Droits & Prostitution, France
- PASTT, France
- STRASS, France
- Women for Freedom, Georgia
- Berufsverband erotische und sexuelle Dienstleistung e.V., Germany
- Bufas e.V., Germany
- Hydra e.V., Germany
- Madonna e.V. Germany
- SZEXE, Hungary
- Tais Plus, Kyrgyzstan
- Demetra, Lithuania
- HOPS, Macedonia
- STAR-STAR, Macedonia
- Juventas, Montenegro
- PION, Norway
- APDES, Portugal
- Silver Rose, Russia
- JAZAS, Serbia
- Sloboda Prava, Serbia
- Colectivo Hetaira, Spain
- Rose Alliance, Sweden
- Aspasië, Switzerland
- Dignity, Tajikistan
- Soa Aids, The Netherland
- TAMPEP, The Netherlands
- Pembe Hayat LGBTT Dayanisma Dernegi, Turkey
- Red Umbrella Sexual Health and Human Right Association, Turkey
- English Collective of Prostitutes, UK
- SCOT-PEP, UK
- Sex Worker Open University, UK
- UK Network of Sex Work Projects, UK
- Working Mens Project, UK
- X:talk, UK
- HPLGBT, Ukraine
- Legalife, Ukraine
- Vsiyeukraiynskaya Assotsiyatsya Snyzhyeny Vriyeda, Ukraine

## LATIN AMERICA

- Associação das Profissionais do Sexo do Maranhao, Brazil
- Associação das Prostitutas dr Minas Gerais, Brazil
- Associação das Prostitutas da Paraíba, Brazil
- Associação de Mulheres Profissionais do Sexo do Estado do Amapá, Brazil
- Associação Mulheres Guerreiras, Brazil
- Dignidade, Acao, Saude, Sexualidade e Cidadania, Brazil
- Davida, Brazil
- Grupo de Mulheres Prostitutas do Estado do Para, Brazil
- Nucleo de Estudos da Prostituição, Brazil
- Vitória Régia, Brazil
- P.A.R.C.E.S, Columbia
- Asociacion de Mujeres Autonomas "22 de Junio", Ecuador
- Asociacion de 'Mujeres Con Esperanza Al Futuro', Ecuador
- Asociacion De Mujeres Trabajadoras Del Sexo "Colectivo Flor De Azalea", Ecuador
- Aproase, Mexico
- Colectivo de Hombres Accion Comunitaria, Mexico
- Diversidad TTT, Mexico
- Tamaulipas Diversidad Vihda Trans A.C., Mexico
- Union y Fuerza de Mujeres Trans Chihuahuenses A.C., Mexico
- Asociación Civil Angel Azul, Peru
- Asociación Civil Cambio Y Accion, Peru
- Miluska Vida y Dignidad A.C., Peru

## NORTH AMERICA and CARIBBEAN

- Antigua Resilience Collective Inc., Antigua
- Butterfly - Asian and Migrant Sex Workers Network, Canada
- FIRST, Canada
- Maggie's, Canada
- PACE, Canada

- Peers Victoria Resources Society, Canada
- POWER, Canada
- Projet L.U.N.E., Canada
- Sex Professionals of Canada, Canada
- Sida-Vie Laval (Venus Project), Canada
- Stella, l'amie de Maimie, Canada
- Stepping Stone, Canada
- Students for Sex Worker Rights, Canada
- SWAG, Canada
- SWAN Vancouver, Canada
- The Coalition for the Rights of Sex Workers, Canada
- Triple X Workers' Solidarity Association of British Columbia, Canada
- Champions for Change, Guyana
- Guyana Sex Workers Coalition, Guyana
- One Love, Guyana
- IWICC, Jamaica
- J-FLAG, Jamaica
- Sex Work Association of Jamaica, Jamaica
- Fundashon Orguyo Korsou, Netherlands Antilles
- Suriname Men United, Suriname
- RED Initiatives, Trinidad and Tobago
- BAYSWAN, USA
- Best Practices Policy Project, USA
- Community United for Safety & Protection, USA
- Desiree Alliance, USA
- HIPS, USA
- HOOK, USA
- New Jersey Red Umbrella Alliance, USA
- PERSIST Health Project, USA
- PONY, USA
- Red Umbrella Project, USA
- St James Infirmary, USA
- SWOP Chicago, USA
- SWOP Denver, USA
- SWOP Las Vegas, USA
- SWOP NOLA, USA
- SWOP Northern California, USA
- SWOP NYC, USA
- SWOP Philadelphia, USA
- SWOP Sacramento, USA
- SWOP San Antonio, USA
- SWOP San Francisco, USA
- SWOP Seattle, USA
- SWOP Tucson, USA
- SWOP USA, USA
- The Sex Workers Project, USA
- Women with a Vision, USA