

# **Q&A: POLICY TO PROTECT THE HUMAN RIGHTS OF SEX WORKERS**

## **1. Why does Amnesty International need a policy to protect the human rights of sex workers?**

Because sex workers are at high risk of human rights abuses in many countries around the world. Our policy outlines what governments should do to better protect them.

## **2. What kind of abuses are sex workers at risk of?**

Sex workers are at risk of a whole host of human rights abuses including:

- Rape
- Violence
- Trafficking
- Extortion
- Arbitrary arrest and detention
- Forced eviction from their homes
- Harassment
- Discrimination
- Exclusion from health services
- Forced HIV testing
- Lack of legal redress

We have recorded many instances where police – as well as clients, and other members of the general public – have inflicted abuses against sex workers with impunity.

## **3. What does your policy say governments should do to stop this?**

It says governments should protect, respect and fulfil the rights of sex workers including:

- Protecting them from harm, exploitation and coercion
- Ensuring they can participate in the development of laws and policies that affect their lives and safety
- Guaranteeing access to health, education and employment options

It also calls for the decriminalization of sex work based on evidence that criminalization makes sex workers less safe, by preventing them from securing police protection and by providing impunity to abusers.

You can read the full policy [here](#).

## **4. What does the decriminalization of sex work mean?**

It does *not* mean the removal of laws that criminalize exploitation, human trafficking or violence against sex workers. These laws must remain and can and should be strengthened.

It *does* mean the removal of laws and policies criminalizing or penalizing sex work.

This includes laws and regulations related to selling and buying or organising sex work, such as solicitation, renting premises, “brothel keeping” and living off the proceeds of “prostitution”.

We use the term ‘sex work’ only for consensual exchanges between adults.

### **5. Why does Amnesty International support decriminalization?**

Under this model there is better scope for sex workers’ rights to be protected—whether that be:

- access to health care;
- their ability to report crimes to the authorities;
- their ability to organise and work together for increased safety;
- or the comfort of knowing that their family will not be charged for “living off the proceeds” of sex work.

### **6. Those who sell sex need protection, but why protect the “pimps”?**

Our policy is not about protecting “pimps”. Anyone who abuses or exploits sex workers should face the full force of the law.

We do note, however, the very real problem with so called ‘pimping laws’—that they frequently harm sex workers themselves, rather than their abusers, because they are overly broad and not targeted enough.

For example, in many countries two sex workers working together for their safety is considered a brothel and is therefore illegal.

Amnesty International believes the law should be used to tackle acts of exploitation, abuse and trafficking in sex work; but we do not believe that catch-all offences that make sex workers’ lives less safe are the most effective way to do this.

### **7. Does Amnesty International believe that paying for sex work is a human right?**

No. Our policy is not about the rights of buyers of sex. It is entirely focussed on protecting sex workers, who face a range of human rights violations linked to criminalization.

Nor does Amnesty believe that buying sex is a human right (but we do believe that sex workers have human rights!).

To be clear: sex must be agreed between people at all times. No one person can demand it as their right.

### **8. How is the legalization of sex work different to decriminalization?**

Legalization is different to decriminalization and it is not the model we are proposing.

Instead of the *removal* of laws criminalizing sex workers, legalization means the *introduction* of laws and policies specific to sex work to formally regulate it.

Amnesty is not opposed to legalization per se; but governments must make sure the system respects the human rights of sex workers.

We note that there is still scope for criminalization and related human rights abuses under legalization as some sex workers can be left operating outside of the law in legalized systems.

A particularly bad example of how legalization can go wrong is Tunisia. Tunisian sex workers working in licensed brothels who wish to leave their jobs must obtain authorization from the police and demonstrate they can earn a living through “honest” means. Those who operate outside these regulations are still criminalized, without protection of the law.

### **9. Doesn't decriminalizing sex work just encourage human trafficking?**

To be clear: decriminalizing sex work would not mean removing criminal penalties for trafficking. Trafficking is an abhorrent human rights abuse. States must have laws in place which criminalize trafficking, and use them effectively to protect victims and bring traffickers to justice.

There is no reliable evidence to suggest that decriminalization of sex work would encourage human trafficking.

But criminalization of sex work can hinder the fight against trafficking – for example, victims may be reluctant to come forward if they fear the police will take action against them for selling sex. Where sex work is criminalized, sex workers are also excluded from workplace protections which could increase oversight and help identify and prevent trafficking.

Several anti-trafficking organizations including Freedom Network USA, the Global Alliance Against Traffic in Women and La Strada International believe that decriminalization of sex work would have a positive role to play in the fight against trafficking.

### **10. Won't decriminalization of sex work harm women's rights and lead to further gender inequality in the world?**

Gender inequality can have a major influence on women's entry into sex work; but criminalization does not address this—it just makes their lives less safe.

The same is true for transgender and male sex workers – many of whom are gay or bisexual – who experience discrimination and inequality.

States must combat discrimination and harmful gender stereotypes, empower women and other marginalised groups, and ensure that no one lacks viable alternatives for making a living.

### **11. Why doesn't Amnesty International support the Nordic model?**

Regardless of their intention, laws against buying sex and against the organisation of sex work can harm sex workers.

They often mean that sex workers have to take more risks to protect buyers from detection by the police.

For example, sex workers have told us about feeling pressured to visit customers' homes so that buyers can avoid the police – meaning sex workers have less control and may have to compromise their safety.

Under the Nordic model, sex workers are still penalized for working together, or organizing, in order to keep themselves safe.

They can also face difficulties in securing accommodation as their landlords can be prosecuted for letting premises to them. This can lead to forced evictions of sex workers from their homes.

### **12. So isn't this Amnesty promoting the sex work industry?**

Amnesty International neither supports nor condemns commercial sex.

But we do strongly condemn human rights abuses committed against people who sell sex and the discrimination they face; and we believe decriminalization is one important step towards addressing that.

### **13. What about those who disagree with you?**

We recognise that there are fundamental differences of opinion on the issue of decriminalization of sex work and we respect the views of those who are not supportive of the position we have taken.

We want to have a respectful and open dialogue about the best ways to protect the human rights of sex workers.

We believe there are many areas of agreement —like ensuring that those in, or who may consider, sex work have access to alternative forms of obtaining a livelihood and can leave when they choose.

#### **14. What evidence does Amnesty have to back up its position?**

Amnesty International has spent more than two years developing our policy to protect the human rights of sex workers, which is based on solid research and consultation with a wide range of organizations and people.

We looked at the extensive work done by organizations such as World Health Organization, UN AIDS, the UN Special Rapporteur on the Right to Health and other UN agencies. We also looked at the positions of others such as the Global Alliance Against Traffic in Women.

We conducted detailed research first hand research in [Argentina](#), [Hong Kong](#), [Norway](#) and [Papua New Guinea](#), and consulted more than 200 sex workers from around the world.

Our offices around the world also contributed to the policy through extensive and open consultation with sex worker groups, groups representing survivors of prostitution, organizations promoting criminalization, feminist and other women's rights representatives, LGBTI activists, anti-trafficking agencies, HIV/AIDS activists and many others.

This process has also been supplemented by Amnesty International's previous human rights research which highlights abuses against sex workers including but not limited to:

- Our report on Violence Against Women in [Uganda](#) where we highlighted the cases of women who were told that because they were selling sex they were "asking for it", that "a prostitute can't be raped"
- Our public statement calling on [Greece](#) to stop the criminalization and stigmatization of alleged sex workers found to be HIV positive
- Our report on the use of torture in [Nigeria](#) and how sex workers were particularly targeted by the police for rape and financial bribes
- Our Urgent Actions on the targeting and killings of sex workers in [Honduras](#) and the eviction and abuse of sex workers by police in [Brazil](#)
- Our report on [Tunisia](#) which detailed how sex workers are vulnerable to sexual exploitation, blackmail and extortion primarily by police

***The content on this page was updated on 26 May 2016 following the publication of Amnesty International's [policy](#) on sex workers' rights alongside four new research reports, on in [Argentina](#), [Hong Kong](#), [Norway](#) and [Papua New Guinea](#).***

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