

Salil Shetty
Secretary General
Amnesty International

July 17, 2015

Steven W. Hawkins
Executive Director
Amnesty International USA

Amnesty International Board of Directors

Dear Mr. Shetty, Mr. Hawkins and the Amnesty International Board of Directors:

We write to you in light of Amnesty International's "[Draft Policy on Sex Work](#)" to be reportedly submitted for consideration at its International Council Meeting in Dublin, from 7-11 August 2015, and which endorses the full decriminalization of the sex industry.¹

The signatories below represent a wide breadth of national and international human rights advocates, women's rights organizations, faith-based and secular organizations and concerned individuals, deeply troubled by Amnesty's proposal to adopt a policy that calls for the decriminalization of pimps, brothel owners and buyers of sex — the pillars of a \$99 billion global sex industry.² Most importantly, the signers include courageous survivors of the sex trade whose authority of experience informs us about the inescapable harms the sex trade inflicted on them and guides us toward finding meaningful solutions toward ending these human rights violations.

Amnesty International was the first and most prominent organization to bring the concept of human rights to the global community. Although Amnesty was late in understanding that women's rights are human rights and incorporating this concept in its mission, it was nevertheless seen as a beacon in mobilizing the public to ensure governments' implementation of the principles of the Universal Declaration of Human Rights. The "Draft Policy on Sex Work"³ flies in the face of this historical reputation.

We firmly believe and agree with Amnesty that human beings bought and sold in the sex trade, who are mostly women, must not be criminalized in any jurisdiction and that their human rights must be respected and protected to the fullest extent. We also agree that, with the exception of a few countries, governments and law enforcement grievously violate prostituted individuals' human rights. However, what your "Draft Policy on Sex Work" is incomprehensibly proposing is the wholesale decriminalization of the sex industry, which in effect legalizes pimping, brothel owning and sex buying.

Growing evidence shows the catastrophic effects of decriminalization of the sex trade. The German government, for example, which deregulated the industry of prostitution in 2002, has found that the sex industry was not made safer for women after the enactment of its law.⁴ Instead, the explosive growth of legal brothels in Germany has triggered an increase in sex trafficking.⁵

¹ Amnesty International, 32nd International Council Meeting, Circular No. 18, 2015 ICM Circular: Draft Policy on Sex Work; AI Index: ORG 50/1940/2015

² International Labour Organization, *Profits and Poverty: The Economics of Forced Labour* (Geneva: ILO, 2014), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf

³ Amnesty uses the term "sex work," a term invented by the sex industry and its supporters to mainstream and normalize the inherent violence, degradation and dehumanization that defines prostitution. It is not a term that complies with the principles of human rights or with international law.

⁴ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Report by the Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act)*, (Berlin: 2007), https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf

⁵ Seo-Young Cho, Axel Dreher and Eric Neumayer, "Does Legalized Prostitution Increase Human Trafficking?," *World Development* 41 (2013): 75-76, <http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-prostitution-anonymous-REVISED.pdf>

Decriminalization of the sex trade renders brothel owners “businessmen” who with impunity facilitate the trafficking of very young women predominantly from the poorest countries of Eastern Europe and the Global South to meet the increased demand for prostitution. For instance, the 2002 German deregulation law spawned countrywide brothel chains that offer “Friday-night specials”⁶ for men who have license to purchase women for sexual acts that include acts of torture.⁷ This prompted mainstream news outlets to tag Germany the “Bordello of Europe.”⁸ Last year, leading trauma experts in Germany petitioned their government to repeal the 2002 law, underlining the extensive psychological harm that serial, unwanted sexual invasion and violence, which are among the hallmarks of prostitution, inflicts on women. Harm reduction is not enough, they explain; governments and civil society must invest in harm elimination.⁹

Additionally, reports indicate that the Netherlands has also seen an exponential increase in sex trafficking that is directly linked to that government’s decriminalization of the sex industry in 2000.¹⁰ The Dutch government confirms such links.¹¹ Up to 90%¹² of the women in Amsterdam’s brothels are Eastern European, African and Asian women who are being patronized by predominantly Caucasian men. Without a vibrant sex industry, there would be no sex trafficking.

Amnesty appears to shape its opinion about the sex industry primarily from the perspective of the HIV/AIDS sector, including UNAIDS.¹³ As worthy as their global work is, it is evident that these groups have very little understanding, if any, of violence against women and the intersectionality of race, gender and inequality. Defending the health and human rights of women is significantly more complex than the single aim of protecting individuals from HIV/AIDS, however critical. The primary goals of UNAIDS and other agencies that support limited harm reduction policies in the sex industry seem far more concerned with the health of sex buyers than the lives of prostituted and sex trafficked women. On the other hand, medical professionals, including gynecologists and mental health providers, confirm that regardless of how a woman ends up in the sex trade, the abuse, sexual violence and pervasive injuries these women endure at the hands of their pimps and “clients,” lead to life-long physical and psychological harm — and, too often, death.¹⁴

Moreover, international laws and covenants¹⁵ recognize the abuse of power over acutely vulnerable populations — the poor, the incested, the transgendered, the homeless — as a tool for the purpose of

⁶ Nisha Lilia Diu, “Welcome to Paradise: Inside the World of Legalised Prostitution,” *The Telegraph*, January 8, 2015, <http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

⁷ For a list of ‘sexual services’ the German brothel chain *Pascha* offers in Cologne, Munich, Salzburg, Linz and Graz, go to <http://www.pascha.de/en/>

⁸ Cordula Meyer, Conny Neumann, Fidelius Schmid, Petra Truckendanner and Steffen Winter, “Unprotected: How Legalizing Prostitution Has Failed,” *Der Spiegel*, May 30, 2013, <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533-3.html>

Jim Reed, “Mega-brothels: Has Germany become the ‘bordello of Europe’?,” *BBC*, February 21, 2014 <http://www.bbc.com/news/world-europe-26261221>

⁹ “TraumatherapeutInnen gegen Prostitution!” *EMMA*, September 25, 2014, <http://www.emma.de/artikel/traumatherapeutinnen-gegen-prostitution-317787>

¹⁰ Daalder, A. L. (2007). *Prostitution in The Netherlands since the lifting of the brothel ban* [English version]. The Hague: WODC / Boom Juridische Uitgevers, <https://english.wodc.nl/onderzoeksdatabse/1204e-engelse-vertaling-rapport-evaluatie-opheffing-bordeelverbod.aspx>

¹¹ Wim Huisman and Edward R. Kleemans, “The challenges of fighting sex trafficking in the legalized prostitution market of the Netherlands,” *Crime, Law and Social Change* 61.2 (2014): 215-228.

Naftali Bendavid, “Amsterdam Debates Sex Trade,” *The Wall Street Journal*, June 30, 2013, <http://www.wsj.com/articles/SB10001424127887324049504578543370643627376>

¹² KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen.

¹³ Joint United Nations Programme on HIV/AIDS, *UNAIDS Guidance Note on HIV and Sex Work* (Geneva: United Nations, 2012)

http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf

¹⁴ See two interviews, respectively conducted by Taina Bien-Aimé, with German trauma expert Dr. Ingeborg Kraus in “Germany Wins the Title of ‘Bordello of Europe’: Why Doesn’t Angela Merkel Care?” *The Huffington Post*, May 27, 2015, http://www.huffingtonpost.com/taina-bienaime/germany-wins-the-title-of_b_7446636.html; and Dr. Julia Geynisman, founder of the Survivor Clinic in “‘If You Build It, They Will Come’: The Survivor Clinic Tackles Sex Trafficking in New York City,” *The Huffington Post*, July 14, 2015, http://www.huffingtonpost.com/taina-bienaime/if-you-build-itthey-will-b_7785724.html

¹⁵ *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Palermo, 15 November 2000, *United Nations Treaty Series*, vol. 2237, p. 319; Doc. A/55/383

exploitation. Disenfranchised women of color, including Aboriginal, Native, First Nations, African-American and “Scheduled Castes” women, are overwhelmingly represented among the prostituted and the sex trafficked.¹⁶ Every day, we combat male access to women’s bodies through power and control, from female genital mutilation to forced marriage; from domestic violence to reproductive rights. The exchange of money for such access does not eliminate the violence women face in the sex trade. It is unfathomable that a human rights organization of Amnesty’s stature is failing to recognize prostitution as a cause and consequence of gender inequality.

A primary way of protecting the human rights of commercially sexually exploited individuals is to provide comprehensive services and exit strategies, should they opt to leave the sex trade, and to hold their exploiters accountable. A number of governments have already passed legislation that reflects this gender and human rights framework.¹⁷ In a 2014 resolution, the European Parliament also recognized prostitution as a form of violence against women and an affront to human dignity, urging its members to pass laws that decriminalize *solely* those who sell sex and criminalize *solely* those who purchase it.¹⁸

Consequently, should Amnesty vote to support the decriminalization of pimping, brothel owning and sex buying, it will in effect support a system of *gender apartheid*, in which one category of women may gain protection from sexual violence and sexual harassment, and offered economic and educational opportunities; while another category of women, whose lives are shaped by absence of choice, are instead set apart for consumption by men and for the profit of their pimps, traffickers and brothel owners. Neither the Universal Declaration of Human Rights, nor international law excepts any human being from enjoying a life free of violence and of dignity.

Peter Benenson, the founder of Amnesty, once said: “The candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who ‘disappeared.’ That is what the candle is for.”

Amnesty's reputation in upholding human rights for every individual would be severely and irreparably tarnished if it adopts a policy that sides with buyers of sex, pimps and other exploiters rather than with the exploited. By so voting, Amnesty would blow out its own candle.

We implore Amnesty to stand on the side of justice and equality for all.

Sincerely yours,

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 18 December 1979, *United Nations Treaty Series*, vol.1249, in which Article 6 urges member States to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

The UN General Assembly *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, 2 December 1949, A/RES/317 states that “prostitution is incompatible with the dignity and worth of the human person and endangers the welfare of the individual, the family and the community.”

¹⁶ Cherry Smiley, “Real change for aboriginal women begins with the end of prostitution,” *The Globe and Mail*, January 14, 2015,

<http://www.theglobeandmail.com/globe-debate/real-change-for-aboriginal-women-begins-with-the-end-of-prostitution/article22442349/>

¹⁷ These set of laws, currently known as the “Nordic Model,” were passed by Sweden (1999), South Korea (2004, with modifications), Iceland (2008), Norway (2009), Canada (2014, with modifications), Northern Ireland (2015). Other jurisdictions debating the enactment of the “Nordic Model” in their legislatures include France, Ireland, Israel, Lithuania and certain jurisdictions in the United States.

¹⁸ *Report on sexual exploitation and prostitution and its impact on gender equality*, European Parliament Committee on Women’s Rights and Gender Equality, 4 February 2014 available from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0071+0+DOC+XML+V0//EN#title1>