



**Sex Work and Human Rights  
The International Union of Sex Workers, March 2014**

The red umbrella is the symbol of the global sex workers' rights movement. Red for our strength and our pride, it represents both the literal protection from the rain needed when working on the street, and a symbolic shelter from the prejudice, discrimination and abuse still endured by sex workers everywhere – which we resist, together.

The International Union of Sex Workers welcomes Amnesty's examination of the sex industry and human rights, particularly the human rights abuses that result from the criminalisation of consenting adults exchanging sexual services for money or other benefits.

The IUSW is a network of sex workers and allies who believe that

- everybody in the sex industry, whether there by choice, circumstance or coercion, is entitled to the same human, civil and labour rights as others
- protection of human rights and safety must be a priority
- practice and policy on the sex industry should be created through meaningful inclusion of those most affected – people who currently sell sex, not ideologically-driven NGOs or campaigners

and

- policies that solve problems are based in reality and on evidence, rather than on ideology, emotion, stereotypes, dramatic individual cases or cherry-picked data.

We are an unfunded organisation (all work is by volunteers) and as such we are not able to offer support to individuals in need; this means it is not possible for us to provide the requested "specific examples and/or case studies".

However, for the past decade, we have observed the policy-making process in the UK, driven by believers that "prostitution is violence against women" seeking increased criminalisation – particularly legislation that treats our consent to sex as less valid than that of other women (the debate is constructed exclusively around the model of "female seller/male buyer", ignoring the existence of male and trans sellers and female buyers)<sup>1</sup>. Prostitution has been a "dog whistle" issue for institutional women's organisations, which overwhelmingly subscribe to the view of prostitution as VAW<sup>2</sup>. They position themselves as "experts", denigrating the inclusion of people in the sex industry unless speaking in support of their opinions. Debate is usually emotive and sensationalised and this issue offers politicians and NGOs an easy way to gain media attention and a higher public profile. Sex workers' involvement in the decisions which will affect our lives and livelihoods has been systematically impeded, individuals who have spoken out have been targeted for personal attack and our involvement compared to "allowing the BNP to attend a Stephen Lawrence memorial"<sup>3</sup>.

Prostitution is where sex and money and gender and power all come together, all of which are actually and symbolically some of the most powerful phenomena in our, or any, society. It is an issue on which everyone has an opinion, and generally these are opinions of their own feelings and experiences about sex and power, rather than informed by current sex workers or the academic evidence base available.

Sex workers ourselves are the experts on the industry, despite the clamorous voices of those who wish to speak for us, and who dismiss the accounts from sex workers that do not fit with their ideological positions. Those who ignore our voices and dismiss the complexity of our experiences are part of creating the very problems they say they wish to solve.

## Criminalisation breaches human rights

UK law on prostitution, as in most countries, is complicated, ineffective in targeting exploitation or abuse and in breach of the Universal Declaration of Human Rights (articles 7, 20, 21 and 23). By preventing us from working together and decreasing the protection available from the police, it actively endangers people in the sex industry and prevents the development of good practice.

### Article 7 of the Universal Declaration of Human Rights

**All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.**

By criminalising us when we work together, UK law effectively discriminates against sex workers' right to equal protection of the law. Anti-sex workers' rights campaigners, although they sometimes describe themselves as in favour of decriminalisation, generally promote policies that "incite such discrimination" by seeking to make it illegal to pay for our services.<sup>4 5 6</sup>

Criminalising our consent to sex has the effect that if we contact the police to report a crime against us they may choose to seek easy arrest results by targeting our clients rather than those who have harmed us. The risk of losing our livelihood discourages us from contacting the police. Anti-sex workers' rights campaigners argue that the "Swedish model" (criminalisation of people who pay us for sexual services) decreases violence against us. However, in a context where sex workers have, potentially, much to lose by contact with the authorities (e.g., becoming homeless<sup>7</sup> or loss of child custody<sup>8</sup>) crimes of violence against us are highly likely to go unrecorded. **Sex workers in Sweden report increased likelihood of rape** due to having to accept clients who give no personal information who then act in the knowledge that identification of perpetrators is more difficult and **many recount stories of police abuse** and disrespect, including being harassed at home, being made homeless due to police threats to prosecute their landlords as living off proceeds of prostitution, being told by police that sex workers cannot be raped and being gang-raped by a group of police officers.<sup>7</sup> Pro Sentret, the support services for sex workers in Norway, reports **increased violence against indoor and onstreet, Norwegian-born and migrant sex workers since the criminalisation of clients**. Only 16% had received assistance from the police, a fall of 50% from before criminalisation of clients and only slightly greater than the 11% who reported help from clients. The consequences of seeking police protection could be severe: **"one person reported receiving help from the police, but the police then made sure she was evicted from the flat where she sold sex after she had contacted them for help."**<sup>9</sup>

A World Bank publication notes **"Criminalisation enables police to perpetrate abuse and humiliation, demand free sexual services, and extort fines from sex workers with impunity**, and renders those who suffer violence and other human rights abuses with little legal recourse... projects should recognise ...discrimination in public health facilities, and address labor issues, such as working conditions and the **need for the complete decriminalisation and regulation of the profession.**"<sup>10</sup>

**Article 17.1 of the Universal Declaration of Human Rights**

**Everyone has the right to own property alone as well as in association with others.**

**Article 20.1 of the Universal Declaration of Human Rights**

**Everyone has the right to freedom of peaceful assembly and association.**

Brothel keeping legislation, in the UK and elsewhere, concerns premises and location, rather than coercion or exploitation. The effect of this is that people who have sex for money cannot own or share property together without risk of prosecution. In addition, UK legislation on “controlling for gain” (“pimping”) is entirely unconnected with trafficking or exploitation. **It criminalises almost every way of working with or for a third party and explicitly includes people working of their own free will.**<sup>11</sup> **The only way to exchange sex for money indoors and be free of the risk of successful prosecution is to do so entirely in isolation,** breaching not only our human rights but vastly increasing the dangers we face. Gangs target us – for sexual predation and financial profit – knowing they will find either the easy target of a lone individual or occupants of a shared premise, who are at risk of arrest if they contact the police. There are numerous cases of sex workers over-optimistically relying on the police to target violent criminals who face arrest, conviction and/or eviction as a result of drawing the attention of the police force.<sup>12 13</sup>

Women connected with the IUSW have received criminal convictions as a result of sending two dozen text messages – over a period of two years - ensuring another woman would be present for her shift at a brothel and for working from a holiday flat, rented for a fortnight, with another woman on the basis that both were running the brothel created by the other's presence.

**Article 21.1 of the Universal Declaration of Human Rights**

**Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.**

People in the sex industry are isolated and endangered by criminalisation and stigma. Sharing the most casual details of our experience at work is a gamble on the ongoing goodwill of our confidant, since exposure risks police investigation of ourselves or our workplaces, potential problems with child custody, possible loss of employment (even if our sex work experience is completely in the past) and chance of eviction if we work from home.<sup>14 15 16</sup> **These vulnerabilities impede us from participating in the policy discussions that will affect our lives and livelihoods** – correspondence to a national or local elected representative cannot be guaranteed to be kept confidential and, particularly at local level, political staff may have connection with the writer. Similarly, physical lobbying of parliament requires giving a residential postcode to parliamentary staff. Sex workers who speak out have little personally to gain and much to lose – the hazards of drawing attention are exacerbated by anti-sex workers rights' campaigners who prefer to try to dismiss us as “pimps” rather than respond to our arguments.<sup>17 18</sup> The more closely we can be identified, the more dangerous this is – to clear ourselves of such accusations of illegality, we would need to make clear we work in complete isolation, informing those who might wish to do us harm of our vulnerability to attack.<sup>19</sup>

**Article 21.2 of the Universal Declaration of Human Rights**  
**Everyone has the right of equal access to public service in his country.**

The harmful effects of criminalisation on access to services are widely recognised. **UN Secretary-General Ban Ki-moon** has repeatedly spoken out about the need to “reach out to people at risk: sex workers, men who have sex with men, people who inject drugs, women and youth” and specifically notes the harms of discrimination against people in the sex industry: “In most countries, **discrimination remains legal against women, men who have sex with men, sex workers, drug users, and ethnic minorities. This must change.**”<sup>20</sup>

The **UNAIDS** Guidance Note on HIV and Sex Work describes problems caused by “laws, policies and practices [that] drive sex work underground” and increase stigma and discrimination against people in the sex industry. **Solutions include the need for HIV prevention work aimed at clients, rather than criminalisation** as well as tackling underlying causes – economic disadvantage, inequality and discrimination against women, migrants, LGBT and other groups. This view is **endorsed by UNAIDS co-sponsors UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, WHO, the World Bank and the UNAIDS Secretariat.**<sup>21</sup>

The **WHO** states unequivocally “**all countries should work toward decriminalisation of sex work** and elimination of the unjust application of non-criminal laws and regulations against sex workers ... **human rights include the rights to non-discrimination; security of person and privacy; recognition and equality before the law.**” “Laws that directly or indirectly criminalise or penalise sex workers, their clients and third parties, and abusive law enforcement practices, stigma and discrimination ... limit the ability of sex workers and their clients to seek [support and medical services]... sex worker-led organisations are crucial for enabling sex workers to protect themselves from discrimination, coercion and violence ... resources are needed ... to **prevent ... violence against sex workers, especially by supporting sex workers’ individual and collective self-organisation and self-determination.**”<sup>22</sup>

**Article 23 of the Universal Declaration of Human Rights**  
**(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.**  
**(4) Everyone has the right to form and to join trade unions for the protection of his interests.**

Despite anti-sex workers’ rights campaigners’ vehement statements that “prostitution is not work”<sup>23 24 25</sup>, the term “sex work” has been adopted by hundreds of organisations globally<sup>26 27</sup>, comprising many thousands of people, since it was originated by Scarlet Harlot (Carol Leigh).<sup>28 29 30 31</sup> **Together, we call for the way we earn a living to be recognised as work.**<sup>32 33 34 35</sup>

**The International Labour Organisation agrees, recognising sex workers’ explicit inclusion as workers and opposing criminalisation of clients.**<sup>36 37</sup>

However, in the same way that individual women are dismissed as “pimps”<sup>38</sup> (or sometimes, perhaps more generously, as sock-puppets of their pimp masters), these organisations are misrepresented as the “pimp lobby”<sup>18 39 40</sup> The fervency with which this opinion is communicated is illustrated by descriptions of this very consultation

process: Amnesty staff have been branded “liars”<sup>40</sup> for defending a process allegedly based on a consultation document “authored in part by a former pimp now on staff with Amnesty International”<sup>41</sup> “not only has AI given pimp lobbyists a platform, they’ve handed them the pen.”<sup>40</sup>

Similarly, there have been aggressive campaigns to undermine sex workers’ self-organising for trades union membership. Sex workers in the UK and Germany have been able to join established, officially recognised unions – GMB and Ver.di. GMB is frequently attacked for enabling sex workers’ to enjoy this fundamental human right, with opponents including senior Labour Party figures, other trades unionists, celebrities and NGOs.<sup>42 43 44 45 46</sup> Figures from an anti-prostitution website, which gives no reference materials for its data, are used as the source material for multiple “factsheets” on the ineffectiveness of Ver.di’s recruitment of sex workers.<sup>47 48 49 50</sup>

Criminalisation of clients not only breaches Article 7 of the Universal Declaration of Human Rights, it contravenes Article 6.

**Article 6 of the Universal Declaration of Human Rights**  
**Everyone has the right to recognition everywhere as a person before the law.**

From this it follows:

- Every individual has the right to autonomy and bodily integrity.
- **A woman’s consent to sex is her own to give.**
- **That other people disagree with or dislike her sexual behaviour does not diminish her right to decide for herself when, with whom and why she has sex.**
- **The state is not entitled to diminish or disrespect the validity of her consent to sex.**
- This is true for all adults.
- People in the sex industry are the experts on our lives; our description of our own experience is valid and worthy of respect.

**Criminalisation increases abuse and violence**

Criminalisation of sex work, by definition, criminalises adult consensual sexual behaviour. By doing so, it creates a smokescreen which obscures actual abuse, violence and exploitation. **There are no more vehement or dedicated opponents of the abuse of sex workers than sex workers ourselves: we have most to gain from safe, fair and non-exploitative working environments, and from an end to social exclusion and discrimination against us.**

Criminalisation provides many examples where denial of our personhood and disrespect of our self-determination and bodily integrity are legitimated by the view of us as unfit to make our own decisions, a social problem requiring intervention by the state or other “rescuers”.

At a workshop for brothel workers in Chiang Mai, Thailand, Empower recorded a list of reasons why they do not wish to be rescued by police, NGO or charity workers<sup>51</sup>:

- We lose our savings and our belongings.
- We are locked up.
- We are interrogated by many people.
- They force us to be witnesses.
- We are held until the court case.
- We are held till deportation.
- We are forced re-training.
- We are not given compensation by anybody.
- Our family must borrow money to survive while we wait.
- Our family is in a panic.
- We are anxious for our family.
- Strangers visit our village telling people about us.
- The village and the soldiers cause our family problems.
- Our family has to pay 'fines' or bribes to the soldiers.
- We are sent home.
- Military abuses and no work continues at home.
- My family has a debt.
- We must find a way back to Thailand to start again.

Sex workers in Hyderabad sought help from an “armed gang” in escaping a rehabilitation centre; those left behind commented “...life is hell at the centre”, “prison would be better than this,” and “we too would like to leave this place”.<sup>52</sup> The headline reporting this event paradoxically describes it as “ex-sex workers allow[ing] themselves to be abducted”. Other cases of similar harms across numerous jurisdictions are available.<sup>53 54 55 56</sup>

**In Hawaii, it is legal for police officers to have sex as a method of “gathering evidence” for a conviction<sup>57 58</sup> and in Philadelphia the gang rape of a sex worker was found to be “theft of services”<sup>59</sup>.** Less grotesque abuses of the legal system can be found in the UK, where Anti-Social Behaviour Orders have been used in a way that “renders sex workers liable to the issue of an ASBO *for merely being present* in a red-light area (even if her own behaviour is not causing harassment/alarm/distress)” forcing “displace[ment] to less well-known and thus more dangerous areas” [emphasis ours]<sup>60</sup>.

In a criminalised industry, we have no recourse against abuses by the police. **In the UK, 24% of sex workers reported violence by the police and in New York, where 27% of sex workers recounted similar experiences.**<sup>12</sup> Studies from other countries have found frequent abuse by law enforcement personnel; recognition that criminalisation facilitated police corruption was a significant factor in the decision to largely decriminalise in New South Wales.<sup>61 62</sup>

**In countries where we are criminalised for working together, the only way to work in the sex industry free of the risk of successful prosecution is to work for yourself in complete isolation.** Because of this, sex workers offer an easy target for perpetrators planning violent assaults for pleasure or for profit. Gangs make a rational choice, in the expectation of a small number of people on the premises, cash available, reluctance to report, and the knowledge that if the robbery, rape or other assault is reported, the police may be dismissive in their response, the CPS wary of prosecuting due to low

expectations of a conviction, and judge and jury may be influenced by their perceptions of sex work in the unlikely event a case does get to court.<sup>12</sup>

The vulnerability of street sex workers – in the UK almost exclusively female - is widely accepted: a high proportion are survivors of child sexual abuse, have been in care, have poor educational achievement, are IV drug users and are homeless or in insecure housing situations. Criminalisation is ineffective in addressing these problems, often simply requiring women to spend more time on the streets to raise money to cover fines.<sup>12</sup> In the UK, “persistent” soliciting or loitering is illegal; the definition of “persistent” is that it occurs twice in three months, **giving this profoundly vulnerable group of women the opportunity to have contact with the police four times a year without fear of arrest.**

Crackdowns on street sex workers or their clients effectively contravenes articles 7 and 20.1 of the Universal Declaration of Human Rights. **Aggressive prosecution increases street workers’ fear of the police.** Potential clients deterred by knowledge of police campaigns against kerb-crawlers are the most law-abiding; such campaigns do nothing to affect the behaviour of the worst. An individual intending to assault, rape, abduct, rob, or kill will not be prevented by the prospect of a fine for kerb-crawling. A smaller number of clients does nothing to reduce the amount of money the women need, so street sex workers work longer hours, compete more aggressively with other street workers, and are more likely to cut prices in order to secure a client, take greater risks and engage in activities they would prefer to avoid, including sex without a condom.<sup>12</sup>

Women are more likely to be targeted by the police if working in proximity so women work in more isolated locations; this is more dangerous as it is less likely someone will be close enough to hear cries for help or make a note of the number plate of a car. Women have less time to assess potential clients or agree prices, boundaries, safe sex and other limits so are more likely to find themselves in a situation they would have declined with more time to make a decision. Disrupted working hours and dispersal over a greater geographical area makes it more difficult for outreach workers to contact sex workers for safe sex counselling, drug rehabilitation or support in exiting prostitution.<sup>12</sup>

**As a result of dispersal over a wider area, more aggressive competition to attract clients and between women, and the longer hours needed to generate the same amount of money, crackdowns not only harm women selling sex but result in greater impact on communities of which they are part.** A substantial amount of violence to street sex workers comes from members of the ‘general public’, such as gangs of youths, aggrieved local residents and vigilantes. Attacks include shouted abuse, projectiles (e.g. cups of urine) thrown from cars, and assaults requiring hospital treatment.<sup>12</sup>

**Many perpetrators, both indoor and outdoor, express hatred of sex workers and appear to feel their actions are legitimated by the social attitudes of abhorrence for commercial sex.**<sup>12</sup>

## Criminalisation drives stigma and social exclusion

“Whore stigma” is a way of policing all women’s behaviour, from “describing women who wore perfume outside of the home as ‘prostitutes’”<sup>63</sup> to student events with the dresscode “what were you wearing when the police invaded the brothel?”<sup>64</sup> to restricting women’s freedom to travel to “save” them from trafficking<sup>65 66</sup>. As the owner of an upmarket Mumbai bar remarked after media and police comments that **“prostitutes form a major chunk of girls who visit bars and night clubs”**<sup>67</sup>: “We’re seeing fewer women ... they are frightened of being shoved in front of the TV cameras and branded as prostitutes ... No one wants to go out to have a good time, only to end up being subjected to blood tests and branded a whore.”<sup>68</sup>

**Stigma is contagious – former Home Office minister Fiona Mactaggart complained the media referred to her as “Madam Minister” while she was seeking increased criminalisation during a review of legislation on the sex industry.**<sup>69</sup>

The **World Bank** states **“Stigma and discrimination are perpetuated by the criminalisation, penalisation and other legal oppression of sex work...** projects should recognise regional diversities, the continued existence of internalised stigma among sex workers, persistence of stigma and discrimination ... and the **need for the complete decriminalisation and regulation of the profession.**”<sup>70</sup> UNAIDS and the World Health Organisation repeatedly highlight the role of stigma (and criminalisation) as a driver for HIV and other health problems.<sup>70 71 72 73 74 75</sup>

Some organisations that position themselves as “experts” on the issue of prostitution directly perpetuate stigma and dehumanisation of women who sell sex. For example, Eaves, which also operates under the brands “Poppy Project”, the “Beth Centre”, “London Exiting Action” “Lifeskills, and “Lilith” (its now defunct “research” brand), to campaign for increased criminalisation of sex work, remarked in the press release for its “Big Brothel” document: **“it has been said that we are never more than six feet away from a rat in London. Apparently, something similar applies to brothels, places where thousands of women are regularly exploited by men who buy sex.”**<sup>76</sup> (The Big Brothel report was considered to be of such poor quality that 26 academic experts signed up to a critique describing it as “contravening principles of good and ethical research”, containing “major misrepresentation [which] may have a detrimental effect on the safety of sex workers.”)<sup>77</sup> A previous Eaves/Poppy document “Sex in the City”<sup>78</sup>, was the subject of similar criticism; an academic focussing on trafficking and migration, who attempted to re-produce Eaves’ described research methods, found far fewer premises (148 as opposed to Eaves’ 730) and that in three quarters of the establishments contacted, some requested services would be refused, implying a high prevalence of decision-making autonomy on the part of women in those premises.<sup>79</sup>

**In Sweden, the government evaluation of the effect of criminalising clients was unable to offer any solid data to demonstrate a decrease in the number of people either selling or buying sex** (which had been the aims of the law), equivocating “evaluating the effects of the ban on the purchase of sexual services has proven to be a difficult task.” **The authors candidly advocated stigmatisation:** “The ban on the purchase of sexual services was intended as a statement of society’s view that prostitution is an undesirable phenomenon” and that this governmental condemnation was echoed in social attitudes: “in all three surveys conducted since the ban was introduced, more than 70 per cent of those asked took a positive view of the ban.”<sup>80</sup>

## Decriminalisation – for rights, for safety, for health

Decriminalisation is portrayed by its opponents as a legal framework that “normalises and legitimises” prostitution. This is a misrepresentation: decriminalisation is a value-neutral act, recognising that the criminal justice system does not offer the best way to deal with an issue (for example, the current discussions to decriminalise non-payment of a TV license could not be honestly represented as advocating non-payment.)<sup>81</sup>

**Decriminalisation is not a celebration of prostitution:** it does nothing more than recognise that the sexual behaviour of consenting adults requires no regulation by the state. It acknowledges that people in the sex industry are entitled to the same rights and safety as others and enables us to access those rights. **Decriminalisation allows better delivery of services to those who need support and removes the chance of criminal conviction that makes it almost impossible to move on from prostitution into other employment. Decriminalisation means that our consent to sex counts, respecting adults’ right to choose for themselves when, why and with whom to have sex, and gives people who sell sex the full protection of the law – rather being feared, the police can be as a source of safety.**

The positive effects of decriminalisation can be seen in New Zealand – since sex work was decriminalised

- an intensive nationwide survey has demonstrated no dramatic increase in the number of people selling or buying sex, the number of under-age people in the sex industry or of trafficking<sup>82</sup>
  - nationwide standards of occupational health and safety have been created and are enforced<sup>83</sup>
  - sex workers are reported to have a greater sense of well-being<sup>83</sup>
  - sex workers are more likely to report incidents of violence to the police and these are now taken seriously<sup>83</sup>
  - a police officer has been imprisoned after being found guilty of coercing a sex worker to perform sexual acts<sup>84</sup>
  - a client has been fined for removing a condom during sex with a sex worker<sup>85</sup>
- and
- a sex worker has won a landmark sexual harassment case against the owner of a brothel where she worked.<sup>86 87</sup>

**Prostitution is having sex for money, and neither having sex nor getting paid is inherently degrading, abusive, exploitative or harmful. But, by confusing prostitution with a whole host of other problems, we produce conditions in which those problems flourish.**

**It is vulnerability which creates victims, not sex work itself, and, as the evidence shows, criminalisation increases our vulnerability.**

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