



# EQUALITY NOW

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## A LETTER TO ALL AMNESTY INTERNATIONAL SECTION CHAIRS AND DIRECTORS

20 February 2014

Dear Friends,

I am writing to you from India where I have just seen an Amnesty International “Policy Background Document on Decriminalization of Sex Work” which is being widely circulated among feminists and women’s rights activists. As it happens, just the other night for the first time I walked through Sonagachi, possibly the world’s largest red light district and one that has been the subject of much controversy regarding prostitution and the question of free will. Having worked on sex trafficking and related prostitution issues for the past 20 years, I feel compelled to write to you as a longtime former Amnesty International staff member and volunteer. I was a member of the first AIUSA high school group in the 1970s, an intern at the AIUSA office in 1977, and the leader of the USSR Co-Group in the early 1980s. I joined the staff of AIUSA in the late 1980s and worked in the IS for a period of time under Secretary-General Ian Martin as acting Researcher for Southern Africa. Ever loyal to Amnesty International, I do not want you to be misled by this Policy Background Document, which is a work of advocacy rather than a background document and which does not tell both sides of the story. I want to share the other side of the story with you so that you can consider the proposed policy through a proper democratic process from a fully informed perspective.

I left the staff of Amnesty International almost twenty-five years ago, soon after completing the work of a Task Force on Women and Human Rights that I was asked to chair by then AIUSA Executive Director Jack Healey, following the Human Rights Now! concert tour in 1988 which I helped Jack produce. As you may remember, the tour celebrated the fortieth anniversary of the Universal Declaration of Human Rights – a vision of human rights adopted by the United Nations in 1948 that is much broader than Amnesty International’s mandate was in 1988. With Jack’s ongoing help and advice, thereafter in 1992 I co-founded Equality Now, an international women’s rights organization that was created to take up issues such as sex trafficking, which at the time were well outside Amnesty International’s mandate. Much has changed since 1992 and now Amnesty International has recognized sex trafficking, female genital mutilation, rape and domestic violence as violations of human rights. This is progress, but it is sad to see the continuing lack of gender perspective in the Policy Background Document on decriminalization of “sex work.”

Let me start with the term “sex workers,” whom the Policy Background Document likens parenthetically to “miners or foreign domestic workers.” Prostitution is radically different from mining and domestic work in a fundamental way. It is a bodily invasion that most people do not consider a job option or a form of labor like any other. In most countries, for example, unemployment benefits require that recipients be willing to accept available work. Consider, as they did in Germany,

whether this concept applies to prostitution and requires anyone who is unemployed to choose between the loss of benefits and work in the commercial sex industry. If you agree that we should not require women to be willing to engage in available “sex work” as a condition of unemployment assistance, then maybe you will agree that prostitution is NOT just like any other work and should not be considered in the same light.

Let’s also look at the term “decriminalization.” In the women’s movement we are united in believing that no one who is prostituted should be considered a criminal under any circumstances. We all support the decriminalization of prostituted persons. But your Policy Background Document equates “buying or selling” of sex. We do not all support the decriminalization of buying sex, and I urge you to consider whether there aren’t significant differences between buying and selling sex. In most cases, women are sold for sex by third party profiteers - pimps or traffickers who treat women in the same way they treat guns and drugs: as objects for sale. Unlike guns and drugs, women can be sold again and again, making prostitution and sex trafficking a multi-billion dollar industry with great incentive to legalize as much of the trade as possible. An internet post by Douglas Fox several years ago describes his insider efforts to promote the adoption by AI of a pro-prostitution policy. Fox has been identified as the founder of one of the largest UK escort agencies. I hope you will be wary of this kind of lobbying and aware of the profit motive for the commercial interests behind many of the efforts to legalize prostitution.<sup>1</sup>

No doubt you will be told that some women sell themselves in prostitution. This is true, and I would urge you to think about why this happens, although it describes only a small subset of women in prostitution who are over 18 at the time of their entry and independently sell themselves without the intervention of a pimp or trafficker who effectively controls them and the proceeds derived. These proceeds may take a non-monetary form. We have all seen the outrageous stories of UN personnel trading food for sex, often to young girls. Does it really matter whether these girls are 17 or 19? Aptly called “survival sex,” these transactions can hardly be represented as an example of free will, though technically they might be called “consensual.” Is this the kind of choice that Amnesty International wants to endorse? Ask yourself if almost all (or all) prostitution might be seen as some form of survival sex. The human right I see in this universe is not the right to prostitution but the right NOT to be prostituted as the only means of survival. What kind of choice is it if you don’t have any other choice?

Maybe the real human rights involved here are the rights to education and employment, and to sex equality, as set forth in the Universal Declaration of Human Rights, rather than the right to choose prostitution. Recall that in many countries it is illegal to sell your kidney – an operation arguably less harmful than the harm of prostitution, which has been documented to cause post-traumatic stress disorder at a higher rate than military combat.<sup>2</sup> States recognize that allowing a market in bodily

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<sup>1</sup> For information on Douglas Fox, see *Pimps Will Be Pimps Whether Male or Female or Posing as “Sex Worker Activists” & Other Conflicts of Interest* by Stella Marr, co-founder of Sex Trafficking Survivors United, at: [http://prostitutionresearch.com/pre\\_blog/2012/05/23/pimps\\_will\\_be\\_pimps\\_whether\\_ma/](http://prostitutionresearch.com/pre_blog/2012/05/23/pimps_will_be_pimps_whether_ma/)

<sup>2</sup> See *Prostitution in Five Countries: Violence and Post-Traumatic Stress Disorder (South Africa, Thailand, Turkey, USA, Zambia)* by Melissa Farley, Isin Baral, Merab Kiremi and Ufuk Sezgin in *Feminism & Psychology*, 1998, Volume 8 (4): 405-426; and *Prostitution and Trafficking in Nine Countries: An Update on Violence and Post-Traumatic Stress Disorder* by Melissa Farley, Ann Cotton, Jacqueline Lynne, Sybille Zumbeck, Frida Spiwak, Maria E. Reyes, Dinorah Alvarez, Ufuk Sezgin in *Journal of Trauma Practice*, The Haworth Press, 2003. Both articles can be found online at [www.prostitutionresearch.com](http://www.prostitutionresearch.com)

organs to flourish legally will result in the systematic exploitation of the most vulnerable population, who will sell their kidneys in a desperate effort to escape poverty. Is prostitution different?

Amnesty International used to shy away from female genital mutilation (FGM) as a human rights violation. In my time it was considered by AI to be a “cultural practice” rather than a human rights violation. Many argue that girls and/or their mothers choose FGM. They do so because in FGM-practicing communities an uncut girl may not be eligible for marriage, or she may be ostracized – AI has recognized that these social forces are not an excuse for FGM, which like prostitution is a violation of bodily integrity that causes great harm to the girls and women who may “choose” to subject themselves to it. The issue is harm, not choice. The human rights movement recognizes debt bondage as a human rights violation, not only for children but for adults as well. Yet men and women choose debt bondage – it is the best of bad choices or the only choice. Does that make debt bondage a human right rather than a human rights violation? Is Amnesty International going to endorse the right to be exploited in the context of prostitution?

Let me now say a few words about the buyers of sex, whom AI has conflated with the sellers of sex as though they are interchangeable. Unlike the sellers of sex, who have little or no choice, the buyers of sex have all the choice in the world. Buying a woman (or man) for sex is a purely voluntary choice that your Background Paper is proposing to recognize as a human right that men should be able to exercise freely. Human right or human wrong? Is patronizing prostitution really the same as “survival sex,” or is it possible that these buyers, virtually all men, are treating those whom they buy in a manner that is “incompatible with the dignity and worth of the human person,” the principle underlying the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Your Background Document has a section called Human Rights Legal Context, which cites the “right to freely chosen gainful work” and “safe and healthy working conditions” in the Covenant on Economic, Social and Cultural Rights. It does not, however, cite the more relevant 1949 Convention on prostitution and human trafficking, which starts with the understanding that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.”<sup>3</sup>

Having done my *Juris Doctor* thesis on the drafting and adoption of the two UN human rights covenants, I do not believe that the Covenant on Economic, Social and Cultural Rights was intended to include “sex work” in its conception of gainful employment or safe and healthy working conditions. I find it very troubling that, as a prominent international human rights advocacy organization dedicated to precision and accuracy, you have not been properly briefed on international law in your Background Document, which selectively cites and omits key treaties. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been interpreted often by the CEDAW Committee to include demand for prostitution within the ambit of “exploitation of

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<sup>3</sup> The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted by the UN General Assembly in December 1949 and entered into force in 1951. Ratified by 82 countries, it calls for the punishment of anyone who “procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person” and anyone who “exploits the prostitution of another person, even with the consent of that person.” (Article 2).

prostitution.” It has called on many countries, including Botswana, Denmark, Fiji, and the Republic of Korea, to address the exploitation of prostitution, “including by discouraging the demand for prostitution.”<sup>4</sup> Entirely omitted from the Background Document is the *most* relevant treaty – the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was adopted in 2000. This protocol defines human trafficking as including “the abuse of power or of a position of vulnerability” as a means of trafficking (in addition to other forms of coercion); it defines exploitation as “the exploitation of the prostitution of others or other forms of sexual exploitation,” and it specifically provides that “the consent of a victim of trafficking in persons to the intended exploitation... shall be irrelevant.” A close reading and careful analysis of this language would suggest that many pimps are traffickers and many women who have little choice but to acquiesce in their commercial sexual exploitation are victims of trafficking. It is worth noting too that AI’s preferred term “sex work” is not a term used anywhere in international law.

The AI Background Document attempts to separate prostitution and sex trafficking as if they are unrelated, when it is a matter of common sense that the demand for prostitution fuels the sex trafficking industry. What else are sex trafficking victims trafficked for, if not prostitution? It is common knowledge that in many countries such as and including the Netherlands, as standards of living and opportunities for women have risen, the number of national women in prostitution has fallen, leading to the “import” of women from other less developed parts of the world to satisfy the demand for legalized prostitution. Amsterdam is a hub of international sex trafficking, while countries like Sweden where it is illegal to buy sex are seen by traffickers as less attractive destinations, for obvious reasons. If you can’t legally sell women for prostitution in a country, you would be less likely to traffic them there for sale when you can traffic them to countries where selling women in prostitution is legal. While not all prostituted women are sex trafficking victims, all sex trafficking victims are sold in prostitution.

Your Background Document mentions the “Swedish Model” which criminalizes only the buying but not the selling of sex, recognizing the distinction between those who are driven by poverty and discrimination into selling sex and those who buy sex as an exercise of power and privilege. Yet the Background Document dismisses this approach without saying what is wrong with it other than to sympathize with some circumstances that drive men to buy sex. The document suggests that a significant component of prostitution is the sexual servicing of people with disabilities, and that we should support men who “develop a stronger sense of self in their relationships with sex workers, improving their life enjoyment and dignity,” without consideration of the negative impact of prostitution on the sense of self, life enjoyment or dignity of prostituted women. Is this really a statement you want to make as a human rights organization?

The Swedish Model, referred to in your Background Document without analysis, addresses the power imbalance between those who buy and those who sell sex. In the Background Document it is

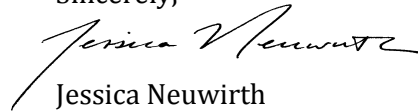
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<sup>4</sup> See e.g., CEDAW Committee, Concluding Observations: Republic of Korea, para. 23(f), U.N. Doc. CEDAW/C/KOR/CO/7 (2011) (calling on the Republic of Korea to “[t]ake appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution”); CEDAW Committee, Concluding Observations: Botswana, para. 28, U.N. Doc. CEDAW/C/BOT/CO/3 (2010) (calling on Botswana to “take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution”); CEDAW Committee, Concluding Observations: Denmark, para. 35, U.N. Doc. CEDAW/C/DEN/CO/7 (2009) (calling on Denmark to “strengthen measures aimed at addressing the exploitation of prostitution in the country and, in particular, the demand for prostitution”).

dismissed without reason although it is an answer to many of the concerns raised. The Swedish Model is quickly gaining traction in the world, having been adopted in some form also in Norway, Iceland, Nepal, South Korea, and in the process of adoption in France. Criminalizing the purchase of sex has been under discussion in Israel, Northern Ireland, and Belgium.<sup>5</sup> This approach is the progressive wave of the future, offering a third way for those who want to decriminalize prostituted women without legitimizing the men who buy them.

There is much more to be said about prostitution, sex trafficking and Amnesty International, and I urge you to give this issue the consideration it deserves. Like the Background Document, I urge you to listen to survivors of prostitution and sex trafficking.<sup>6</sup> I urge you to demand impartiality in your background documents so that you can fairly and properly discuss these important issues. I hope that you will do women justice, and in the fine tradition of Amnesty International, that you will recognize the prostitution of women and all forms of sexual exploitation as a fundamental violation of human rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Neuwirth', with a stylized flourish at the end.

Jessica Neuwirth  
Founder and Honorary President

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<sup>5</sup> In the context of anti-trafficking laws, those who buy victims have been criminalized in Finland and in India.

<sup>6</sup> See statement of Sex Trafficking Survivors United on Amnesty International at: <http://www.sextraffickingsurvivorsunited.org/statement-against-amnesty-internationals-suggestion-that-buying-sex-is-a-human-right/> and statement of SPACE International (Survivors of Prostitution and Abuse Calling for Enlightenment) on Amnesty International at [www.spaceinternational.ie/public-statements](http://www.spaceinternational.ie/public-statements)