



June 16, 2014

Salil Shetty
Secretary General
Amnesty International

Ann Burroughs, Board Chair
Steven W. Hawkins, Executive Director
Amnesty International USA

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

We are writing on behalf of the Coalition Against Trafficking in Women (CATW), one of the oldest international organizations to fight human trafficking and address commercial sexual exploitation as gender-based violence and discrimination. We join our voices to the numerous national and international organizations, and individuals that have expressed deep concerns about Amnesty International's (Amnesty) reported deliberations on a policy position for the decriminalization or legalization of the commercial sex trade, including prostitution.

As you debate this purported policy, we are urging Amnesty to examine the related issues and the violations that are perpetuated, primarily against young women and girls, in the context of decriminalization/legalization of the sex industry.

We and our partners around the world who are advocates, survivors, and frontline organizations that serve victims of trafficking and exploitation in the commercial sex industry are firmly convinced that approving such a policy would condemn millions of women to the systematic violence, inequality and degradation inherent in commercial sex. Instead, we urge the adoption of legal frameworks and policies, also known as the Nordic Model, that address and prosecute the demand for prostituted sex and decriminalize *only* those exploited in the sex trade.

Establishing that the sex trade, including prostitution, is inherently exploitative and unequal, inflicting harm on women and society and recognizing a direct link between prostitution and sex trafficking, the Government of Sweden passed national legislation in 1999 decriminalizing those sold for sex while criminalizing the purchase of sex. The governments of Iceland and Norway followed suit. Currently, the governments of France, Ireland, Northern Ireland, Israel, and Canada are among jurisdictions exploring the passage of the Nordic Model. The European Parliament passed a resolution in February 2014 urging European Union members to adopt such legislation.

Convincing evidence shows that this gender-based approach is effective in placing the legal burden for prostitution on the buyer rather than the people who are sold. The official evaluation of the impact of the Swedish prostitution law found a 50% to 70% reduction in street prostitution and a significant reduction in human trafficking cases compared to surrounding countries that did not implement such a law (Swedish Government Report SOU 2010:49, 2010).

While criminalization of demand has provoked hypothetical concern regarding the welfare of prostituted women, no valid research supports this fear. To the contrary, it is the countries and counties that have opted for decriminalizing/legalizing the sex trade that are witnessing an exponential increase in sex trafficking, including of children, and other illegal, dangerous, and damaging forms of prostitution. Survivors of prostitution denounce the violence they experienced in brothels, on the streets and elsewhere and reiterate their desire to exit and to prevent other women from being equally exploited. In a decriminalization/legalization framework, it is not the prostituted who are protected but instead the traffickers, pimps, procurers and other exploiters.

From India to the United States, from Cambodia to Canada, research demonstrates that at the heart of the experience of prostitution is violence, physical and psychological harm, and dehumanization. Survivors of sexual exploitation consistently insist that sex buyers should be held accountable for the harm they cause, because the prostitution transaction is not neutral and harmless. Prostitution is not “sex work,” a term invented by the sex trade and its supporters to normalize and mainstream exploitation in the sex trade. Rather, prostitution is an exercise in power inequality with men violating vulnerable and marginalized women who would prefer shelter, safety and an occupation that does not subject them to violence, sexual harassment and sexual assault.

Also demonstrated clearly is that where prostitution is decriminalized/legalized, the legal and illegal markets for exploitation explode. The sex trade is the end goal, the destination, and the purpose of sex trafficking. In addition, governments have increasingly expressed concern about their inability to control organized criminal networks, traffickers and pimps in a full decriminalization context.

To illustrate with only two examples: first in the Netherlands, where prostitution was decriminalized/legalized in 2000, it is reported that Amsterdam has between 5,000 and 8,000 women in prostitution, 80% of whom are foreign-born. The Mayor of Amsterdam, Eberhard van der Laan, has recognized egregious abuse of power of brothel owners over the women found in these establishments. While the law was designed to allegedly “protect women” and curb trafficking, the Dutch government has acknowledged that the precise number of victims of human trafficking, coercion and exploitation is unknown, with estimates ranging from 8 to 90 percent. Unmistakably, the law’s goal of women registering with the authorities for purposes of safety and control is a failed experiment.

Secondly, since Germany passed its law to decriminalize/legalize the sex trade, the country now has the largest prostitution market in the European Union and was coined the “Bordello of Europe.” In May 2013, the German magazine, *Der Spiegel*, exposed the truths about legalization and recognized that the decriminalization of the sex trade has strengthened the rights of pimps and not the prostituted. One social worker has witnessed a tripling in numbers in the two decades she has worked with prostituted women, 65 to 80 percent of which are foreign. It is estimated that Germany now has 400,000 prostituted women, 40 of which are registered with the government (The Economist, November 16, 2013). “Mega brothels” offer nudist floors where the women wear nothing but high heels while buyers pick and choose them for paid commercial sex. Other floors are reserved for “gang bangs” where men can bring their friends to gang rape women for 100 Euros or less (Der Spiegel).

The German Government established that since decriminalization/legalization, it has not recorded any measureable improvements to prostituted women’s lives and social protections, nor has it seen any reduction in prostitution-related crimes (Report by the German Federal Government on The Impact of the Act Regulating the Legal Situation of Prostitutes, 2007).

Should any other disenfranchised population be subjected to such violence and denial of rights with impunity, not to mention torture in the guise of employment, we have no doubt that Amnesty would immediately launch a campaign calling for the protection of their human rights from these atrocities. Imagine, for instance, millions of African-American men facing such dehumanization for the profit of others. Would Amnesty opt for legalizing the abuses perpetrated on these men?

The fact that most of the individuals being systematically violated in prostitution are women cannot except and extinguish Amnesty's responsibilities to uphold the principles of the Universal Declaration of Human Rights. An Amnesty policy calling for the decriminalization/legalization of the sex trade would be irreconcilable with, and a deep betrayal of, the movement for gender equality. Amnesty would not only severely compromise its integrity and cast a dark shadow on all of its other extraordinary efforts to tackle human rights violations around the world; it would also irreparably damage its legitimacy in the field of human rights.

That Amnesty, a pre-eminent human rights organization, would support buying and selling people for sexual use and keeping them in houses for this purpose, defies not only Amnesty's own mission to uphold the human rights of all individuals, but also violates the principles of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹ among other international covenants and instruments.

Collectively, as women's rights activists, individuals and organizations that work to protect principles of equality and justice, we urge Amnesty to support a framework where the rights of women to live a life free of violence and discrimination, including in the sex trade, prevail over the rights of exploiters, including traffickers, pimps, procurers and buyers of sex. Amnesty must stand on the right side of history.

We remain available for any questions or discussions Amnesty may have relating to these issues; we wish you well in your quest to protect and promote the human rights of all.

Sincerely,



Aurora Javate-de Dios
Chair, Board of Directors



Taina Bien-Aimé
Executive Director

¹ **Article 5(a)** of CEDAW requires States parties to "take all appropriate measures: to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Prostitution is a customary practice based on stereotypical roles for men and women that has harmful effects on the individual women in prostitution and women in general. Also, **Article 6** requires that "States parties . . . take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."