

August 4, 2015

Amnesty International Secretariat

Mr. Salil Shetty
Secretary General
Amnesty International

Dear Mr. Shetty and the Amnesty International Secretariat,

We, the undersigned, are writing as leaders, service providers and allies in the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) communities. We write in our own names and in solidarity with numerous organizations that work to improve the lives and circumstances of individuals engaged in the exchange of sex for money, food, clothing or shelter. Our work with these individuals shows time and again that the vast majority are victims of multiple forms of systemic oppression, including poverty, racial inequality, and gendered violence rooted in misogyny and homophobia.

We are concerned by recent news articles indicating that Amnesty International may revisit a proposal to adopt a policy calling for the decriminalization of the sex trade during its International Council Meeting taking place in Ireland from August 7-11, 2015. This letter aims to express our strong opposition to any proposed “sex work policies” that promote decriminalization of pimping, brothel owning and commercial sexual exploitation of human beings. Instead, we respectfully urge Amnesty to abide by internationally recognized human rights principles when examining these issues.

In 2014, Amnesty International USA, in its Final Statement on the “Proposed Sex Work Policy” stated that “The best available option whatever one’s view on the wisdom or morality of sex work seems to be empowerment of sex workers, particularly sex workers who are poor, so that they can claim their human rights and have access to more choices free from discrimination.” It is undeniable that persons who exchange sex for basic necessities are in need of empowerment. However, by simply advocating for the legalization or decriminalization of “sex work,” Amnesty International will further disempower persons involved in commercial sexual exploitation in fundamental ways. Our work reveals that most persons who exchange sex for money, food, clothing, or shelter are in positions of extreme vulnerability and are easily exploited by trafficking rings as well as individuals with socio-economic and other forms of privilege. These are the individuals who must be decriminalized, not those who abuse their power and exploit with impunity. In particular, AIUSA’s Statement makes several references to the LGBT community, including: “Any policy AI adopts must [...] recognize how criminalization of consensual sex work disproportionately affects the LGBT community and significantly increases the discrimination that LGBT people face.” The Statement also mentions the phrase, “walking while transgender,” which means that a transgender individual is often automatically assumed by law enforcement and others to be a person in prostitution.

While the majority of the population bought and sold in the sex trade is female, the causes and consequences of trafficking in boys and young men are strikingly similar. The factors that contribute to the extreme vulnerability and heightened risk of trafficking and commercial sexual exploitation are manifold, and those who exploit those risk factors do so in myriad ways. This is particularly salient among the often underrepresented and under-researched trafficked population of boys and men, especially those who identify as gay, bisexual, or are questioning their sexual identity. Unfortunately little is known and much more research is needed about trafficked transgender individuals.

Researchers have found that traumatic life events related to families of origin, including unstable family backgrounds, caretaker fluidity, and early histories of domestic violence and sexual abuse, are potent risk factors for exploitation in the sex trade. Instances of caretaker or peer involvement in prostitution as well as backgrounds of family drug abuse also correlate to the commercial sexual exploitation of boys and young men. However, poverty and gender inequality remain the primary socioeconomic risk factors. Service providers have found that poverty and a lack of economic opportunity is the most critical, predisposing factor for vulnerability to commercial sexual exploitation among young males. The combination of a non-conforming sexual or gender identity, homelessness, and poverty forms a trifecta of vulnerability. What emerges is the demographic profile of a homeless, gay, bisexual, or otherwise sexually non-conforming male-bodied youth who is especially at-risk of being trafficked. A particularly important factor towards homelessness among the LGBTQ population is a lack of understanding and acceptance at home of their sexual orientation or gender identity. This also leads to vulnerability to trafficking and commercial sexual exploitation.

While it may seem that the best way to support LGBTQ-identified individuals who exchange sex for money is to legalize and decriminalize “sex work,” such a policy fails to address the core issue of systemic societal homophobia and transphobia, and the consequent marginalization of vulnerable LGBTQ-identified individuals. Laws that decriminalize prostitution as a whole fail to recognize the egregious and inherent harms of commercial sexual exploitation on these prostituted individuals. For sexually exploited individuals, anxiety, depression, suicide attempts, and substance abuse are common consequences of their experiences. In addition, as it pertains to boys and young men, it fails to address the cruel logical end of homophobia and transphobia for many LGBTQ-identified individuals: they and their very bodies are so devalued that they are available for purchase as objects and commodities for the sexual gratification of others. This is not a form of human liberation, but rather disempowerment and bondage masquerading as freedom.

A few Amnesty International country sections have stated in their materials that legalizing and decriminalizing “sex work” would “clarify and strengthen efforts to combat human trafficking.” This cannot be farther from the truth. The overt and subtle forms of force, fraud, coercion, and exploitation of vulnerability that are the hallmarks of human trafficking would only be increased, not ameliorated. If Amnesty International is interested in working to eradicate sex trafficking, it would do well to consider legal frameworks and policies that protect these marginalized populations sold for sex and target their exploiters, including the buyers of sex. In the context of furthering the human rights of all, Amnesty International should endorse the set of laws, known as the “Nordic Model,” which decriminalizes the sale of sex but criminalizes its purchase, thus protecting and providing support to the individuals who are victims of systemic oppression and at the same time combating the demand that fuels the egregious exploitation of the most vulnerable members of our society.

We implore Amnesty International to investigate the complexity of commercial sexual exploitation further and to carefully consider its position given the likelihood of the inherent exploitation that is at the root of any abuse of human rights.

Very truly yours,

Julie Bindel, Anti-Gay Bigotry Activist and Author, UK

Brigitte Boucheron, Head, L'association Bagdam Espace lesbien, Toulouse, France,

Denise Charlton, LGBT Activist, Ireland

Paula Fagan, LGBT Activist, Ireland

Mia de Faoite; Survivor of prostitution and LGBT activist, Ireland

Kathi Hardy, Freedom From Exploitation, USA

Dr. Gráinne Healy; Researcher, Feminist and LGBT activist, Ireland

Jacqueline Julien, Head, L'association Bagdam Espace lesbien, Toulouse, France,

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Sunniva Schultze-Florey, Lawyer specialized in women's rights and human rights, Politician, LGBTQ activist, and Co-Founder, Feminist Initiative, Bergen, Norway

Lori Watson, Ph.D., Director of Women's and Gender Studies, University of San Diego, USA