

Resolution 2.3. International Board - Policy on state obligations to respect, protect, and fulfil the rights of sex workers

The International Council

REQUESTS the International Board to adopt a policy that seeks attainment of the highest possible protection of the human rights of sex workers, through measures that include the decriminalisation of sex work, taking into account:

1. The starting point of preventing and redressing human rights violations against sex workers, and in particular the need for states to not only review and repeal laws that make sex workers vulnerable to human rights violations, but also refrain from enacting such laws.
2. Amnesty International's overarching commitment to advancing gender equality and women's rights.
3. The obligation of states to protect every individual in their jurisdiction from discriminatory policies, laws and practices, given that the status and experience of being discriminated against are often key factors in what leads people to engage in sex work, as well as in increasing vulnerability to human rights violations while engaged in sex work and in limiting options for voluntarily ceasing involvement in sex work.
4. The harm reduction principle.
5. States have the obligation to prevent and combat trafficking for the purposes of sexual exploitation and to protect the human rights of victims of trafficking.
6. States have an obligation to ensure that sex workers are protected from exploitation and can use criminal law to address acts of exploitation.
7. Any act related to the sexual exploitation of a child must be criminalized. Recognizing that a child involved in a commercial sex act is a victim of sexual exploitation, entitled to support, reparations, and remedies, in line with international human rights law, and that states must take all appropriate measures to prevent sexual exploitation and abuse of children.

8. Evidence that sex workers often engage in sex work due to marginalisation and limited choices, and that therefore Amnesty International will urge states to take appropriate measures to realize the economic, social and cultural rights of all people so that no person enters sex work against their will or is compelled to rely on it as their only means of survival, and to ensure that people are able to stop sex work if and when they choose.
9. Ensuring that the policy seeks to maximize protection of the full range of human rights – in addition to gender equality, women’s rights, and non-discrimination - related to sex work, in particular security of the person, the rights of children, access to justice, the right to health, the rights of Indigenous peoples and the right to a livelihood.
10. Recognizing and respecting the agency of sex workers to articulate their own experiences and define the most appropriate solutions to ensure their own welfare and safety, while also complying with broader, relevant international human rights principles regarding participation in decision-making, such as the principle of Free, Prior, and Informed Consent with respect to Indigenous peoples.
11. The evidence from Amnesty International’s and external research on the lived experiences of sex workers, and on the human rights impact of various criminal law and regulatory approaches to sex work.
12. The policy will be fully consistent with Amnesty International’s positions with respect to consent to sexual activity, including in contexts that involve abuse of power or positions of authority.
13. Amnesty international does not take a position on whether sex work should be formally recognised as work for the purposes of regulation. States can impose legitimate restrictions on the sale of sexual services, provided that such restrictions comply with international human rights law, in particular in that they must be for a legitimate purpose, provided by law, necessary for and proportionate to the legitimate aim sought to be achieved, and not discriminatory.

The policy will be capable of flexible and responsive application across and within different jurisdictions, recognizing that Amnesty entities may undertake work on different aspects of this policy and can take an incremental approach to this work (in accordance with and within the limits of this policy) based on assessments of specific legal and policy contexts.

The International Board will ensure that, following the release of the final research report, Sections and structures have an opportunity to review and give feedback on the final draft policy before it is adopted.

ENDS