

OPEN LETTER/SUBMISSION

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

The Sex Workers' Rights Advocacy Network from Central and Eastern Europe and Central Asia (SWAN) would like to show its full support for Amnesty International's Resolution and draft policy calling for the decriminalization of sex work, submitted for adoption at the International Council Meeting, 6-11th August 2015.

SWAN unites sex workers and rights advocates from 28 organizations in 18 countries in Eurasian region, with a shared vision – to create societies where sex work is decriminalized, where sex workers can operate free from police violence, stigma and discrimination, with full affirmation of their human and labor rights. In these societies, sex workers are empowered and actively engaged in issues that directly affect their lives and health.

That is why we find Amnesty International's call to states to “repeal existing and/or refrain from introducing laws that criminalize (directly or in practice) the consensual exchange of sexual services for remuneration” as empowering and crucial step to full implementation of human rights of sex workers regionally and globally. We also strongly support your call for states to ensure that sex workers enjoy equal protection under the law and are protected from discrimination, take measures to eradicate stigma against sex workers and ensure that sex workers are not denied access to health, housing, education, social security and other services or any government programs because of their occupational status.

This stand amplifies the voices of many sex workers and activists in our region too, where the struggle for identification of sex workers as citizens equal before the law and state institutions persists, and to live and work free from violence and discrimination is still a major challenge. Amnesty International's draft policy not only is in line with “a growing body of research from UN agencies, human rights organizations and social science”, but, the most important, it is based on a 2-year long consultation and debate with sex workers. Sex workers are the ones who are the most affected by criminalization of sex work, and their voices are crucial on this matter.

We also use this chance to strongly condemn the statement and open letter by the Coalition Against Trafficking in Women (CATW) which attacks the policy paper, and pressure Amnesty International to back down from its position. Arguments used in the CATW statement are discriminatory, ignorant to human rights based researches and evidences which expose direct links between criminalization and human rights abuses and vulnerability to HIV/STI, and most important are excluding and denying the voices of a lot of sex workers around the world which have been calling on decriminalization for many years already. Furthermore, the statement confuses and conflates sex work with human trafficking, which is harmful practice both for sex workers and victims of human trafficking.

A Community-based Research Projects of SWAN in 2009 with more than 200 male, female and transgender sex workers in 11 countries of CEECA, as well as in 2015 with more than 320 sex workers from 16 countries of CEECA, document and witness a widespread human rights abuses by police and other state actors. Many cases of both researches show the extent to which laws criminalizing or penalizing sex work can fuel violence, discrimination and other



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human rights abuses against sex workers, particularly if police enjoy impunity for abuses against sex workers.

"If this is how the police themselves behave, how can you call on them [for help] and to whom can you complain?" (Woman sex worker, Ukraine)

"I reported [the police violence] to a superior [in the police] but was told it was his word against mine and no one looks at a sex worker." (Woman street sex worker, Romania)*

"I do not count on police to defend me if they give me fines every week. I am more afraid of police [than the aggressor] because they are the ones who do not allow me to work, give me fines and bring me to the station." (Cis woman and street sex worker who injects drugs, Montenegro)*

The more police violence is routine, widespread, or systemic, in other words that it is an open secret and policing is explicitly or implicitly structured around it, the more reporting violence carries simultaneous risk of interacting with police who are involved in perpetrating it. In Kazakhstan, 18/20 or 90% of sex workers report sexual violence by police in the past year (and 4 report it occurring between one and three times a month) under the cover of a system called "subbotnik" – a reference to the day of free labor citizens needed to do for the state in Soviet times. There, one of the risks of reporting sexual violence is sexual violence*.

The research conducted by SWAN in 2015 has found that police repression of both sex workers and clients create further HIV risks for sex workers by displacing them to more dangerous environments, reducing their ability to screen clients and curtailing negotiations which impede sex workers' ability to assess and enforce compliance with condom use. Police displacement was also found to further fracture the longer-term ties many sex workers need to social, health and harm-reduction services in order to be bridged to drug treatment, and HIV and hepatitis C treatment and care. This is consistent with our findings in 2007, from Arrest the Violence.

The economic toll of police fines and extortion create economic pressure to forego condom use and engage in riskier practices for higher monetary returns. Police use of condoms as "evidence of a crime", confiscation or destruction of condoms impede sex workers' ability to assert safer practices. Furthermore, they may result with indoor sex work venues such as brothels or saunas prohibiting condoms on the premises, out of fear of tipping off police, reducing sex workers' ability to negotiate and enforce condom use.

In line with this, SWAN firmly believes that:

1. Decriminalization will reduce police abuse and violence;
2. Decriminalization will increase access to justice for sex workers;
3. Decriminalization will help fighting stigma and discrimination against sex workers;
4. Decriminalization will improve health status of sex workers by reducing risks related to HIV/STI and access to services;
5. Decriminalisation will help sex workers to organise and address all forms of exploitation, instituted by both state and non-state actors.

SWAN calls upon Amnesty International to stand firm and strong, to keep relying on own findings and evidences based on consultations made with sex workers in the past years, adopt the policy and call for decriminalization of sex work.



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Sincerely,
Stasa Plecas
Executive Director

On Behalf of
Sex Worker's Rights Advocacy Network from Central Eastern Europe and Central Asia (SWAN):

1. AKSION PLUS, Albania
2. PROI, Bosnia and Herzegovina
3. HESED, Bulgaria
4. Woman for Freedom, Georgia
5. SZEXE, Hungary
6. AMELIYA, Kazakhstan
7. Tais Plus, Kyrgyzstan
8. I Can Live Coalition, Lithuania
9. HOPS, Macedonia
10. STAR-STAR, Macedonia
11. Juventas, Montenegro
12. Support and Development of Human Rights Foundation, Poland
13. ARAS, Romania
14. Carousel, Romania
15. Silver Rose, Russia
16. Development of Civil Society, Russia
17. New life, Russia
18. Shagi, Russia
19. Association Prevent, Serbia
20. Sloboda Prava, Serbia
21. JAZAS, Serbia
22. Odysseus, Slovakia
23. Apeiron, Tajikistan
24. Buzurg, Tajikistan
25. Dignity, Tajikistan
26. Red Umbrella Sexual Health and Human Rights Association, Turkey
27. Lega-Life, Ukraine
28. UHRA, Ukraine

* Failures of Justice: State and Non-State Violence Against Sex Workers and the Search for Safety and Redress, May 2015, to be released in September 2015