



# Only Rights Can Stop the Wrongs

## NSWP STATEMENT

### **BAD LAWS ARE NOT IN THE INTEREST OF SEX WORKERS' HUMAN RIGHTS!**

**The Global Network of Sex Work Projects (NSWP) stands by Human Rights Defender Alejandra Gil** and Amnesty International's decision to adopt a policy to protect the human rights of sex workers, including the full decriminalisation of sex work. Amnesty International's support for decriminalisation draws attention to the types of human rights abuses sex workers often experience, such as the [arrest](#) and sentencing of Alejandra Gil under new human trafficking legislation which conflates sex work and human trafficking.

Mexico's new anti-trafficking law is broad and [following Alejandra's arrest, a letter condemning](#) the treatment of her and her son under Mexico's new 'anti-trafficking' law was signed by over 100 international organisations, human rights activists and researchers.

Alejandra, before being arrested, was running the sex worker-led organisation [APROASE](#), an organisation that offered sliding-scale health services to street-based sex workers in Mexico City. Sex workers pay for health and other services in a fee-for-service arrangement, it is not difficult to see how the prosecutors used this fee structure to argue that Alejandra was living off the earnings of 'prostitution' or human trafficking under current Mexican law. It is important to remember Alejandra openly challenged and condemned human rights abuses, such as trafficking and abusive practices within sex work for nearly thirty years. Prior to her arrest Alejandra was working to develop a rights-based anti-trafficking tool to be used by sex workers. Sex workers have many diverse working relationships, sometimes as both employees and employers. Laws and policies that target 'third parties' under the premise of state 'protection' of sex workers, increase vulnerability to abuse and exploitation, and create real barriers for sex worker-led organisations organising to advocate for labour rights and the protection of human rights.

The [UNAIDS Guidance Note on HIV and Sex Work](#) clearly states that many anti-trafficking laws encourage the assumption "that all or most sex workers are trafficked into sex work against their will." It also clearly calls for anti-trafficking





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interventions to “be reviewed and evaluations carried out to ensure that the human rights of both sex workers and trafficked persons are being protected.” Criminalisation of sex work impedes the anti-trafficking efforts of sex worker-led organisations and makes it easier for sex workers to be wrongly categorised as trafficked persons or as human traffickers. Anti-trafficking initiatives must be evidence-based and grounded in human rights principals. They must not negatively impact on the human rights of sex workers, their clients or third parties<sup>1</sup>.

Amnesty International’s [recent resolution](#) calling for the protection of sex workers’ human rights, including the full decriminalisation of sex work, supports interventions and initiatives that are evidence-based and grounded in human rights principles. The law used to arrest Alejandra does not fit these criteria. Her sentence was imposed by legislation that is based upon stigmatising and discriminatory assumptions that conflate sex work and human trafficking.

Amnesty International joined other major international agencies such as UNAIDS, WHO, Human Rights Watch, the Lancet, GAATW in the call for the decriminalisation of sex work as the best way to uphold the human rights of sex workers.

NSWP would like to share a [message](#) from Alejandra, as a respected sex worker rights advocate in Latin America:

Alejandra asks sex workers and allies around the world to make her case and other cases like hers more visible, so that laws can be changed and the rights of those involved in sex work can be protected.

Alejandra calls on researchers and academics to investigate how many sex workers are being unfairly detained under trafficking offenses in Mexico and other countries in the world.

Alejandra calls on governments to revise their anti-trafficking laws and policies, particularly because victims are not being found and sex workers are being severely damaged.

Amnesty International also calls on governments to review their laws related to sex work to ensure they protect sex workers’ rights.

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<sup>1</sup> The term ‘third parties’ includes managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating sex work.