

120 Questions for Amnesty

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On 24 August 2015, I published [What Amnesty Did Wrong](#) in which I laid out many errors that Amnesty made in developing its proposal for the full decriminalisation of all aspects of “consensual sex work”. This proposal had been passed as a [resolution](#) at a meeting of the International Council in Dublin two weeks earlier (referred to as “**the resolution**” in this article).

In September, members of an internal Amnesty USA discussion forum requested that Amnesty USA respond to all of the points that I raised in that article. On 22 September 2015, [Terry Rockefeller replied](#) to the forum on “behalf of the Board and the Priorities Subcommittee” declining to respond to the article because it was “filled with errors and rumors”. She failed to explain who made the errors or what she consider to be rumours. I believe Amnesty needs to clarify this. In order to make it easier for Amnesty to answer the points I raised, I have reframed them as simple questions and include additional questions that arise from Terry Rockefeller’s reply. Please note that this is not an exhaustive list.

I beg Amnesty’s International Board to honestly and seriously consider all of these points and answer the questions honestly and with an open mind before proceeding with the implementation of the proposed policy to fully decriminalise the sex trade. Please consider carefully whether it is ethical to proceed with implementing a policy to fully decriminalise the sex trade in the light of the issues raised in these questions.

1. Did Amnesty consider the [1949 UN Convention on the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others](#) when developing the draft policy? If not, why not?
2. Does Amnesty agree that the resolution contravenes Articles 1, 2, 3 and 4 of this convention, and that this means that the resolution contravenes the legal obligations that states have under this binding UN convention? If not, why not?
3. Does Amnesty understand that this UN convention defines prostitution as incompatible with the human rights enshrined in the [Universal Declaration of Human Rights](#)?
4. Does Amnesty agree that the resolution therefore contradicts the Universal Declaration of Human Rights? If not, why not?
5. Do you agree that Amnesty’s mission statement is: “Amnesty International’s vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. In pursuit of this vision, Amnesty International’s mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights”?

6. Does Amnesty agree that the resolution therefore also contradicts its very own mission statement?
7. The resolution and the draft policy do not mention the legally binding obligation that states that have ratified the [Palermo Protocol](#) have to discourage the demand that leads to sex trafficking. (a) What is the explanation for this omission? (b) How does Amnesty propose to rectify it?
8. Having regard to: (a) The observation of Sigma Huda, UN Special Rapporteur on Trafficking 2004–2008, that “prostitution **as actually practised** in the world **usually** does satisfy the elements of trafficking”; (b) The Palermo Protocol makes it clear that consent to the exploitation of a person’s prostitution is not relevant when any form of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits has been used to achieve that consent; and (c) Prostitution involves [approximately 40 million people](#) worldwide, three quarters of whom are between the ages of 13 and 25, and 80% of them are female. Why does the proposal focus on the small minority who are 18 or over and who have allegedly experienced no coercion at all, either from people or circumstances?
9. Why did Amnesty not consider the [body of research](#) that shows that full decriminalisation of the sex trade invariably leads to an increase in sex trafficking?
10. Did Amnesty consider the legislation in [England and Wales](#) that criminalises buying sex from someone who has been coerced and the lack of success of this legislation in practice? If not, why not?
11. Does Amnesty agree that the vast majority (99% or more) of sex buyers (punters) worldwide are male?
12. Does Amnesty agree that the vast majority of those bought and sold in prostitution worldwide are women and girls (perhaps as many as 80%)?
13. Does Amnesty recognise that prostitution is therefore a profoundly gendered system?
14. Is Amnesty aware of the [body of research](#) that shows that men who buy sex tend to have a degrading image of women, are more likely to have misogynist attitudes, and to commit sexually coercive acts and other acts of violence against women?
15. Is Amnesty aware that prostitution [entrenches women’s subordinate status](#) generally and provides a disincentive to men as a class to fight to fix the enduring pay gap between men and women?
16. Did Amnesty consider the message that decriminalising, and thereby legitimising, prostitution sends out to all men and boys?
17. Did Amnesty consider the impact of decriminalising, and thereby legitimising, prostitution on the way all men and boys view women and girls?

18. Did Amnesty consider the message that decriminalising, and thereby legitimising, prostitution sends out to all women and girls?
19. Did Amnesty consider the impact that decriminalising, and thereby legitimising, prostitution has on the self worth of all women and girls – given that it suggests that they are legitimate commodities for men and boys to buy and sell?
20. Did Amnesty consider the impact that decriminalising, and thereby legitimising, prostitution has on gender equality/inequality?
21. If Amnesty answered no to any of questions 16 – 20, please explain for each one how this is consistent with its stated “overarching commitment to advancing gender equality and women’s rights”.
22. If Amnesty answered no to any of questions 16 – 20, please explain this omission for each one, given the legally binding obligations of states that have ratified of [CEDAW](#).
23. If Amnesty answered yes to any of questions 16 – 20, please explain for each one how the proposal to fully decriminalise the sex trade is consistent with its stated “overarching commitment to advancing gender equality and women’s rights”.
24. If Amnesty answered yes to any of questions 16 – 20, please explain for each one how the proposal to fully decriminalise the sex trade is consistent with the legally binding obligations of states that have ratified [CEDAW](#).
25. Did Amnesty seriously investigate alternative approaches to prostitution, such as the Nordic Model? If yes, please explain what form this investigation took. If no, please explain why not.
26. Did Amnesty consider the [European Parliament’s resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality](#)? If not, please explain why not. If yes, why did you disregard its conclusions and recommendations?
27. Given that Amnesty claims a commitment to gender equality and women’s rights, did it consider that as [3 of the 4 most gender-equal countries](#) in the world have adopted the Nordic Model, this approach should at least be investigated and taken seriously?
28. Does Amnesty understand the [research and thinking](#) undertaken by the women in Sweden before the introduction of the Nordic Model in their country in 1999?
29. Does Amnesty fully understand [the Nordic Model](#)? For example, does Amnesty understand that it has several planks: (a) The **full decriminalisation** of all prostituted persons; (b) High quality support services for those in prostitution including practical support to exit prostitution if that is desired; (c) Criminalisation of buying sexual services; (d) Training for police and those providing front line services; (e) Public information and education campaigns.
30. If so, why did you not provide members and supporters with any unbiased information about it?

31. If not, why not (given that the European Parliament recommends it and 3 of the 4 most gender-equal countries have adopted it)?
32. Does Amnesty understand that (a) The success of the Nordic Model depends on the political will to carry through its implementation and to provide funds for the services for those in prostitution, for training the police and others, and for public information campaigns? And (b) That the introduction of the Nordic Model approach usually takes some time to bed in because it requires the police and those in public services to undergo a significant shift in attitudes?
33. If so, why did Amnesty not undertake research on the approach in Sweden, which has the longest experience with it and where there has been the greatest political will to ensure its success, rather than in Norway, where it is still bedding in?
34. Is Amnesty aware that the Nordic Model law is popular in [Sweden](#) and has been credited with changing attitudes of young men in particular and of reducing sex trafficking in that country, without an increase in violence towards prostituted persons?
35. If so, why did Amnesty base its dismissal of the Nordic Model approach in the [final draft policy](#) on one piece of research (by Bjorndah on behalf of Pro Senter) that was conducted in Norway?
36. Is Amnesty aware that the research in question has been discredited and [Pro Senter has publicly acknowledged](#) that the statistical foundation of the report is unreliable and the data does **not** show that violence has increased since the introduction of the Nordic Model as the report claims but in fact the data suggests that violence has **decreased**? (See also page 16 of this [Norwegian newspaper](#).)
37. Amnesty's "[Sex Work Policy Discussion Paper](#)" stated that none of the consultation responses disagreed with the proposal to decriminalise persons in prostitution but many disagreed with the proposal to decriminalise pimps and punters. In view of this, why did Amnesty subsequently couch the arguments in terms of criminalisation versus decriminalisation, which gave the incorrect impression that some people were calling for the criminalisation of persons in prostitution?
38. Does Amnesty understand what a [straw man argument](#) is?
39. Does Amnesty agree that the presentation of the issues as criminalisation vs. decriminalisation is a straw man argument?
40. If so, why does Amnesty persist in the use of such straw man arguments (e.g. in [Terry Rockefeller's response](#))?
41. Why did Amnesty not state explicitly that it is advocating for the full decriminalisation of pimps and punters and instead wrap this fact in obfuscating phrases such as "operational aspects" and by lumping punters and prostituted people together?
42. Do you believe that the resolution would have been passed if Amnesty had stated clearly that it was proposing the full decriminalisation of pimps and punters?

43. If no, do you agree that this suggests that the resolution was passed on false pretences?
44. If yes, why did Amnesty not state the facts of the proposal clearly?
45. Why does the [press release](#) state that the [resolution](#) supports the “full decriminalisation of all aspects of consensual sex work” when it actually allows for the criminalisation of the “sale of sexual services” but not the buying of them?
46. How does Amnesty justify the fact that the resolution therefore provides more protection to punters than to the prostituted, given its mission to protect the most vulnerable?
47. Amnesty has [acknowledged](#) that the first draft policy on full decriminalisation of prostitution was proposed as a motion by the Newcastle upon Tyne Amnesty group, of which Douglas Fox, a well-known pimp, was a member. Douglas Fox subsequently [encouraged his sex trade friends](#) to join Amnesty to help influence its policy to their advantage. Did Amnesty take any steps to mitigate the effects of the internal influence of those with vested financial interests in the sex trade? If so, what steps did it take? If not, why not?
48. Do you agree that the [notes obtained by Julie Bindel](#) of an Amnesty meeting in November 2013 were genuine and that these show that the International Secretariat (IS) had the clear intention of supporting the full decriminalisation of the sex trade prior to the consultation process and prior to conducting its so-called research?
49. Do you agree that the IS maintained this position in spite of significant opposition to the proposal to decriminalise pimps and punters?
50. Why did the IS not keep an open mind on the best solution to the problems that they had identified until after the consultation and research had been undertaken?
51. Is Amnesty aware that many people who claim to be “sex workers” or representatives of “sex workers” [are in fact pimps](#) or have vested interests in prostitution or are involved in activities (such as dominatrix or sex phone line work) that do not involve penetration of their mouth, vagina or anus by a man’s penis?
52. What steps did Amnesty take to ensure that the voices of such “sex workers” did not drown out the voices of those who are actually prostituted and endure men penetrating their mouths, vaginas and rectums with penises and other intimate physical contact on a daily basis?
53. What steps did Amnesty take to ensure that the prostituted people who were consulted were fully versed in the various possible approaches to prostitution, including the Nordic Model?
54. Does Amnesty understand that the [Palermo Protocol](#) implicitly recognises trafficking as an issue of sex, race, caste, nationality and class and covers situations where the person has no real alternative but to submit to the abuse involved?

55. Does Amnesty recognise that when a person has no real alternative, the concept of consent is irrelevant?
56. Does Amnesty recognise that the vast majority of those in prostitution worldwide were vulnerable when they started in it – because they were children or young adults, and/or were poor or destitute, and/or were from marginalised and oppressed racial, ethnic or social groups and castes, and/or had little or no family support, and/or had few or no formal skills, and/or had a history of being abused as children, and/or were female or transgender, and/or were coerced by boyfriends, family members or pimps?
57. Does Amnesty understand that it is almost always much easier to enter prostitution than to leave it?
58. How does Amnesty reconcile this reality with its definition: “Sex work involves a contractual arrangement where sexual services are negotiated between consenting adults, with the terms of engagement agreed between the seller and the buyer of sexual services. By definition, sex work means that sex workers who are engaging in commercial sex have consented to do so, (that is, are choosing voluntarily to do so), making it distinct from trafficking. Sex work takes many forms, and varies between and within countries and communities. Sex work may vary in the degree to which it is more or less ‘formal’ or organised”?
59. How does Amnesty propose that the small minority of those in prostitution who fulfil this definition are to be practically separated from those who do not?
60. Is Amnesty aware of the [body of research](#) that shows that prostitution entrenches the disadvantages of those in it?
61. Is Amnesty aware of the [racist underpinnings](#) of prostitution and how it echoes plantation owners raping women slaves and colonialists raping indigenous women?
62. Is Amnesty aware of the [research](#) that shows that punters are undeterred by evidence that those in prostitution are under 18 or have been coerced or trafficked?
63. Is Amnesty aware of the degree and [frequency of verbal and physical violence](#) that punters mete out to the prostituted?
64. Is Amnesty aware that many survivors of prostitution describe “splitting off” their conscious self during the sex act in order to endure it and that this is similar to what child sexual abuse and rape survivors describe, and that this splitting off has long term emotional and psychological negative impacts?
65. Is Amnesty aware that many people in prostitution resort to pain killers and illegal drug use to survive the repeated sex acts?
66. Is Amnesty aware that the sex trade is a huge, ruthless, profit-generating system and that its easy and huge profits drive its expansion?

67. Is Amnesty aware that mainstream industries (such as banking, IT, telecoms, and construction) are becoming increasingly dependent on the sex trade for their bottom line?
68. If you answered yes to questions 66 or 67, please explain Amnesty's strategy for combating these enormous neoliberal forces that exploit our humanity, have no regard for the well being of individuals, communities, or the planet, and prey on the most vulnerable?
69. If you answered no to questions 66 or 67, do you accept that you need to do more research? We recommend in particular: *Not a Choice, Not a Job* by Janice G. Raymond, *Pornland* by Gail Dines, *The Natashas* and *The Johns* by Victor Malarek, *Being and Being Bought* by Kajsa Ekis Ekman, *Paid For* by Rachel Moran, and *Not for Sale*, edited by Christine Stark and Rebecca Whisnant.
70. Is Amnesty aware that the prostitution system requires a continuous stream of new blood because women get used up and men demand new faces, and women who have real choices for decent, well-paid work seldom choose prostitution?
71. Does Amnesty agree that it is the combination of this mismatch between the demand for prostitution and lack of women who actually have choices going into it and the huge profits that can be made that is the motivation behind sex trafficking and the grooming of (mostly) women and children into prostitution?
72. If yes, why did Amnesty not propose a mechanism for addressing the demand that ultimately leads to the profits and the sex trafficking and grooming? If no, please explain this enormous gap in the proposal.
73. How does Amnesty propose that states restrict the prostitution of children and trafficked persons **in practice** without putting restrictions on the buying of sex and pimps?
74. Did Amnesty make any commitment (whether implicit or explicit, written, verbal or non-verbal) to a particular stance on these issues when accepting money from any major donor, such as the Open Society Foundation?
75. In developing this proposal, did Amnesty consider that **all men** are beneficiaries of the patriarchal system and therefore **all men** have a vested interest in the continuation of its key plank, the system of prostitution?
76. What steps did Amnesty take to ensure that the vested interests of **the men** within Amnesty itself, and its membership, funders and supporter base, did not influence its decisions on prostitution?
77. Did Amnesty take any measures to prioritise the voices and opinions of independent women, women's organisations, survivor organisations and organisations led by independent women and informed by feminist analysis? If yes, what were these measures? If no, why not and how does this conform to Amnesty's stated commitment to gender equality and obligations under [CEDAW](#) given that the status quo is **marked inequality between men and women**?

78. Why did Amnesty conclude that full decriminalisation of the sex trade would be a solution to all of the problems that it documented in its research when it did not carry out any research in a country that has taken that approach?
79. The summary of the research states that Amnesty “did not find substantive evidence of police violence towards sex workers in Norway”. Why did Amnesty not conclude from this that the Nordic Model approach in place in Norway has brought benefits to the people in prostitution in that country?
80. Did Amnesty investigate the result of full decriminalisation in countries like [Germany](#), [The Netherlands](#) and [New Zealand](#)?
81. Does Amnesty realise that since 2002, when prostitution was fully decriminalised in Germany, [at least 55 prostitutes have been murdered](#) by punters or others in the milieu, and there have been at least 30 attempted murders and countless other acts of male violence against women in prostitution but there has been only ONE case of murder of a prostitute in Sweden since 1999 when the Nordic Model was introduced? In the light of this information, how does Amnesty justify recommending an approach similar to the one taken in Germany and campaigning against the Nordic Model approach taken in Sweden ([as stated in Amnesty’s Q&A on the resolution](#))?
82. Did Amnesty conduct any research into the experiences of women and girls living where prostitution is rife? For example, did they try to understand what it feels like to be a little girl growing up in a city where women are displayed in windows as if they are commodities? If not, why not and how does this conform to Amnesty’s stated commitment to gender equality? If yes, please explain the nature and outcome of that research?
83. Did Amnesty conduct any research into the prevalence of sexual violence against women and girls in the general population in areas where prostitution is rife and how this compares to areas where there is little prostitution? If not, why not and how does this conform to Amnesty’s stated commitment to gender equality? If yes, please explain the nature and outcome of that research?
84. How does Amnesty propose that states **practically** meet their legal obligations under the Palermo Protocol and CEDAW to reduce the demand that leads to sex trafficking and child sexual exploitation?
85. Why did [Amnesty claim](#) that it had consulted with [SPACE International](#) when it didn’t?
86. Why did Amnesty respond to the requests from [Resources Prostitution](#) to consult with them AFTER the resolution had been adopted?
87. Have the people responsible for the resolution read Rachel Moran’s groundbreaking book, *Paid for: My Journey Through Prostitution*? If not, why not?
88. Why did Amnesty, shortly after the adoption of the resolution on 11 August, refuse to debate the resolution head to head with Rachel Moran on the BBC World this Week?

89. What has Amnesty got to be afraid of in talking to a single survivor of prostitution?

Additional Questions in Response to Terry Rockefeller's Reply

These additional questions arise from [Terry Rockefeller reply](#) to the Amnesty International USA internal discussion forum in response to a request that Amnesty respond to the points I raised in my [What Amnesty Did Wrong](#) article. As Terry Rockefeller was writing on behalf of the Board and the Priorities Subcommittee, I request that Amnesty also answer these questions.

90. What is Amnesty's opinion on prostituted persons who are 18 or more years old but have been in prostitution since before they were 18? Does Amnesty consider that the earlier sexual exploitation they suffered to have an impact on their continuing presence in prostitution and therefore the validity of their consent?
91. If yes, how does Amnesty propose to separate these prostituted persons from those who began in prostitution when they were 18 or older?
92. If no, why not?
93. How does Amnesty propose that prostituted persons who have been coerced are to be separated in practice from those who have not? You mention passports. Are you suggesting that punters must check the prostituted person's passport before proceeding? If so, why did you not make this explicit in the resolution? Is this not an infringement of civil liberties? What about prostituted persons who are not migrants? What about other forms of coercion?
94. Prostitution causes practical harms. The solutions proposed must be practical. Does Amnesty understand that the practical difficulties of distinguishing the child from the adult, the coerced from the uncoerced, the adult who was prostituted prior to her 18th birthday from the one who was prostituted after it, etc is a key argument for the Nordic Model?
95. Languages have the handy concept of different words and terms for different things. This enables us all to communicate more effectively. In the light of this, did Amnesty decide to not use a specific term (such as pimp) for those who exploit the prostitution of others and such as punter for those who buy others for sex in order to obscure the implications of their proposal?
96. If no, can Amnesty explain why they chose to use this obfuscating approach, given that they use the term "sex worker", which, as we have seen, has shifting meanings?
97. Does Amnesty agree that by not using specific terms for pimps and punters, they have obscured the agents who (along with traffickers) cause the most harm to prostituted persons? For example, the research summary gives the impression that some of the worst harm to prostituted women in Norway comes from female passersby, when in fact the greatest risk is from pimps, traffickers and punters.

98. In the following sentence in your reply, there is an implicit suggestion that some people are arguing for the criminalisation of those in prostitution: “[Amnesty] *did decide that human rights violations could occur as a result of state policies that criminalize sex workers’ lives.*” Given that no one is arguing for this, do you agree that this is a straw man argument?
99. Under the heading “**2. How we understand agency and choice**”, you twice suggest that people are arguing for the state to step in and tell prostituted people what they should be doing or not doing. Given that no one is arguing for this, do you agree that this is a straw man argument?
100. Why does Amnesty believe that the material conditions of being a migrant and/or poor and/or marginalised are not sufficient to force or coerce people into prostitution?
101. Is Amnesty suggesting that the circumstances of a mother who cannot feed her children are not coercive?
102. Does Amnesty understand that the Palermo Protocol implies that material circumstances can force or coerce people into accepting the exploitation of their prostitution and that this does not count as consent?
103. Why does Amnesty believe that is it correct on this matter and the Palermo Protocol wrong?
104. Why does Amnesty believe that suggesting that material conditions can force or coerce people into prostitution “not only stigmatizes them further, but also opens them up to more human rights abuse (police violence and harassment, less safe working conditions, diminished ability to negotiate condom use, etc.)” Please explain this logic, because it is not obvious to us.
105. Why does Amnesty suggest that an analysis that many people are in prostitution because of a lack of viable options rather than a real choice is an attack on the “agency” of those people?
106. Does Amnesty use similar reasoning to justify any other human rights abuse?
107. For example, in its campaigns against capital punishment and state torture, does Amnesty consider that banning capital punishment is an attack on the “agency” of state executioners and torturers? If not, why not?
108. If the answer to 106 or 107 is no, why does Amnesty use this argument only for the human rights abuse of prostitution, which predominantly affects women and girls and gender equality?
109. All of the research cited in the draft policy was one-sided and biased against the Nordic Model approach and in favour of a fully decriminalised approach. Having regard to (a) The success of the Nordic Model in making life better for those in prostitution (as I have mentioned earlier and you found in your research in Norway) and (b) The problems encountered in countries that have implemented a fully decriminalised approach, such as Germany. How does Amnesty justify the decision to exclude from the final draft policy

reference to any research that was positive about the Nordic Model or negative about full decriminalisation?

110. Under the heading “**4. Opposition to the policy from outside Amnesty**”, you say that responses to the proposal were roughly split between critics and supporters with “slightly more” supporters. Given that as mentioned above, the arguments were misrepresented, the language used was obfuscating, and the voices of those with vested interests were overrepresented, does this not suggest that Amnesty did not in fact have a mandate to introduce this far reaching and damaging proposal?
111. You say that the practical reasons for entering the debate were that “*Researchers were finding in the course of existing work widespread abuses against sex workers. Their findings and analysis indicated that decriminalization should be part of our recommended solutions, which human rights organizations and other experts in the field also indicate would be beneficial, but which Amnesty could not call for without further policy development, including as pertains to decriminalization.*” What analysis indicated that decriminalisation should be part of the recommended solutions?
112. Why did Amnesty not consider alternative analyses, such as the analysis that led to the Nordic Model?
113. What qualifications did these researchers have to determine which was the most appropriate response to the problems they were encountering?
114. What training did those researchers have in gender issues, male-pattern violence, and trauma induced by sexual violence?
115. What training did those researchers have in race, class and caste inequality and the psychology and sociology of social, racial, ethnic, caste and economic exclusion?
116. Does Amnesty recognise that without deep training in these issues and the politics of racism, sexism, colonialism, neoliberalism, structural oppression and the movements for liberation, researchers who have had luckier lives will invariably be blind to the realities and will therefore come to incorrect conclusions?
117. Did Amnesty request assistance from the women working on Amnesty’s earlier Stop Violence Against Women campaign who had developed considerable expertise and analysis in this area; for example, the women who posted this article on an Amnesty blog: [New Report on Prostitution and Trafficking of Native Women in Minnesota](#)?
118. If not, why not? If yes, please explain their contribution.
119. You say that “*The philosophical reason for immediacy is that, if criminalization of sex work does foster abuses of sex workers’ human rights, Amnesty, as a leader in the global human rights community, has an obligation to say so even in the face of opposition and criticism.*” This again is using obfuscating language, because no relevant organisation is calling for the criminalisation of those in prostitution. In addition your own research in Norway found positive outcomes and the negative ones could not reasonably be blamed on the Nordic Model approach that is in

place. In the light of this, do you agree that Amnesty has been hasty in pushing this approach through against such significant opposition?

Finally

120. Is it ethical to proceed to implement the policy of full decriminalisation of the sex trade in the light of the points raised above? If the answer is no, it is wiser to admit mistakes, abandon the proposal and return to the drawing board.