

# Submission to the UN Special Rapporteur on adequate housing and the UN Special Rapporteur on Extreme Poverty and Human Rights

April 2024

The signing organisations (the International Drug Policy Consortium, Amnesty International, the Global Alliance against Traffic in Women, the Global Network of Sex Work Projects, the International Planned Parenthood Federation, and the Women and Harm Reduction International Network) welcome the initiative to prepare a report on the decriminalisation of poverty and homelessness, to be presented at the 56<sup>th</sup> session of the Human Rights Council in June-July 2024. We also welcome the background paper shared by consultation.

In order to ensure that the report creates effective and consistent standards for the decriminalisation of poverty and homelessness, we strongly encourage the Special Rapporteurs to include in the conclusions section explicit recommendations for the decriminalisation of drug use and possession of personal use, and of sex work, as the criminalisation of both activities is a major driver of contact between law enforcement and people living in poverty in public spaces, is discriminatory, and has harmful effects on the enjoyment of a broad range of human rights. This informal paper provides a number of key arguments supporting that inclusion.

## A. Arguments for including a recommendation on the decriminalisation of drug use and possession for personal use

### 1. The criminalisation of drug use and possession for personal use as a driver of contact between law enforcement and the general population, particularly people in public spaces

The criminalisation of drug use and possession for personal use is a major driver of contact between law enforcement and the general population. According to UNODC data from 2020, 3.1 million people worldwide were arrested for drug activities, 61% of whom for drug use only.<sup>1</sup> In the European Union, in 2020 an estimated 1.5 million drug offences were reported, but 64% of them or 1 million arrests related to use or possession for personal use.<sup>2</sup> These numbers are likely to be an underrepresentation as many people detained for possessing drugs for personal use are then charged for alleged supply activities.

Cannabis is the drug that brings most people into contact with the criminal justice system, accounting for more than half of all drug-related charges, based on reports from a total of 69 countries over 2014–2018.<sup>3</sup>

The number of stop-and-searches related to drug possession is a clear indicator of the use of drug laws as a tool to **criminalise people in the public space**. According to UK government data,<sup>4</sup> in England and Wales there were 526,024 stop-and-searches between April 2021 and March 2022, and 65% of which were for suspicion of carrying drugs.

### 2. The enforcement of criminalisation is deeply discriminatory, particularly on the basis of race, ethnicity, and socio-economic status

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<sup>1</sup> UNODC (2020), *World Drug Report 2020 Booklet 1*, p. 20., [https://wdr.unodc.org/wdr2020/field/WDR20\\_BOOKLET\\_1.pdf](https://wdr.unodc.org/wdr2020/field/WDR20_BOOKLET_1.pdf)

<sup>2</sup> EMCDDA (2022), *European Drugs Report 2022*, p. 24, [https://www.emcdda.europa.eu/publications/edr/trends-developments/2022\\_en](https://www.emcdda.europa.eu/publications/edr/trends-developments/2022_en)

<sup>3</sup> Ibid.

<sup>4</sup> See official data: UK Home Office (27 October 2022), *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022*, <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022>

Overwhelming evidence shows that people of African descent and racial minorities are disproportionately targeted in all phases of drug law enforcement.

- In the UK, those identifying as Black were searched at six times the rate of white people, whilst Asian people were searched at a rate 2.1 times higher than white people.<sup>5</sup> According to a study conducted in London between July and September 2020,<sup>6</sup> Black men aged 18-24 were 19 times more likely to be stopped and searched than the general population.<sup>7</sup>
- In the USA, although levels of drug use are similar across people of different ethnicities, Black people comprised '12% of the US adult population but more than twice that share of adult drug arrests in 2019'.<sup>8</sup>
- In the city of Vancouver, Indigenous people make up just 2.5% of the population, yet account for 15.6% of those arrested for cannabis possession. In Ottawa, Indigenous people are arrested at a rate of 20.8 per 10,000, Black people at a rate of 26.7 per 10,000, and white people at a rate of 5.4 per 10,000.
- In Buenos Aires in 2022, 66% of the criminal cases of drug law violations were originated by police arrests of people using drugs in public spaces. 75% of these arrests took place in the poorest neighbourhoods of the city.<sup>9</sup>

The higher rates of searches, arrests, or incarceration for possession of drugs are not justified by a higher prevalence of drug use amongst communities of colour; rather they reflect law enforcement's greater focus and greater use of violence and force in urban areas, lower-income communities, and communities of colour.<sup>10</sup> In the US, the 2021 National Survey on Drug Use and Health found similar rates of illegal drug use amongst Black (24.3%) and white (22.5%) people.<sup>11</sup> More generally, the UN Office on Drugs and Crime has noted that 'the wealthier sectors of society have a higher prevalence of drug use'.<sup>12</sup>

### **3. The criminalisation of drug use and possession for personal use is deeply harmful, including on access to housing and shelter**

The criminalisation of drug use and possession for personal use is also a driver of other harmful policies that can impact the health of racial and ethnic minorities, for instance by restricting access to housing.

- In the United Kingdom, social housing will often contain policies that restrict illegal activities leading to eviction if people use drugs in their homes. The Anti-social Behaviour, Crime and

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<sup>5</sup> UK Home Office (2 March 2023), *National statistics - Update to stop and search and arrests statistics using 2021 census estimates*, <https://www.gov.uk/government/statistics/update-to-stop-and-search-and-arrests-statistics-using-2021-census-estimates/update-to-stop-and-search-and-arrests-statistics-using-2021-census-estimates>

<sup>6</sup> See: <https://discovery.ucl.ac.uk/id/eprint/10115766/1/2020-Q3.pdf>

<sup>7</sup> Ibid.

<sup>8</sup> Public Safety Performance (15 February 2022), *Drug arrests stayed high even as imprisonment fell from 2009 to 2019*, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019>

<sup>9</sup> Source: Information obtained from a request for information to the Public Prosecutor's Office of the City of Buenos Aires.

<sup>10</sup> See: <https://drugpolicy.org/issues/race-and-drug-war>

<sup>11</sup> See: <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlightsRE123022.pdf>

<sup>12</sup> See: [https://wdr.unodc.org/wdr2020/field/WDR20\\_BOOKLET\\_1.pdf](https://wdr.unodc.org/wdr2020/field/WDR20_BOOKLET_1.pdf), p. 10.

Policing Act 2014<sup>13</sup> allows for the closure of premises, including residential housing, where there is “nuisance behaviour”. These orders can last from 3 to 6 months and require the tenant to leave the property and find somewhere else to live, returning to the property is a criminal offence, during this period their landlord will often seek possession orders with the aim of evicting the resident. “Nuisance behaviour” includes drug use and these powers originated from 2001 legislation (now repealed) which allowed for closure orders only in respect of Class A drug use, often referred to as the “crack house closure order”.<sup>14</sup>

- In the **United States**, public housing authorities (PHAs) that receive Federal assistance are required to include in lease agreements a clause<sup>15</sup> that allows them to terminate a tenancy if they suspect that any person living in the rented housing has engaged in a drug offence, including drug possession for personal use.<sup>16</sup> According to the Drug Policy Alliance, 4.8 million households are subject to this regime, the vast majority of which earn less than 20,000 USD per year.<sup>17</sup>
- **San Francisco** recently passed a measure called Proposition F ([link here](#)), which requires drug screening (and treatment for those ‘reasonably’ suspected of being dependent) for single adults as a condition to receive cash or in-kind assistance, which includes shelter.
- In other countries, bans on access to public housing in connection with drug policies are implemented at local level. For instance, in 2012 a man was evicted from social housing in **London** after failing to pass a drug test.<sup>18</sup>

In many countries, public or private shelter providers impose conditions for access to protective housing based on abstinence from drug use. (Of course, this is not directly caused by criminalisation, but both policies are mutually reinforcing).

- Research from **Canada**<sup>19</sup> shows that strict policies against substance use in shelters for street-based people exclude and marginalise people with drug dependence, pushing them back into the streets.
- According to the **United Kingdom** national network of NGOs working with street-based people, ‘in some parts of England, people are sleeping rough because no accommodation services will accept active drug use’.<sup>20</sup>

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<sup>13</sup> See: <https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

<sup>14</sup> See:

<https://www.legislation.gov.uk/ukpga/2014/12/notes/annex/2#:~:text=The%20%E2%80%9Ccrack%20house%20closure%20order%E2%80%9D&text=The%20test%20is%20that%20there,a%20maximum%20of%20six%20months>

<sup>15</sup> As of 2020, the Federal Public Housing Occupancy Guidebook still specifies that ‘The lease must state that the PHA may evict a family when the PHA determines that a household member is illegally using a drug’. See:

<https://www.hud.gov/sites/dfiles/PIH/documents/PHOGLeaseRequirements.pdf>, p. 20.

<sup>16</sup> See: [https://uprootingthedrugwar.org/wp-content/uploads/2021/02/uprooting\\_report\\_PDF\\_housing\\_02.04.21.pdf](https://uprootingthedrugwar.org/wp-content/uploads/2021/02/uprooting_report_PDF_housing_02.04.21.pdf)

<sup>17</sup> Ibid.

<sup>18</sup> See: <https://www.haringey.gov.uk/news/drug-addict-evicted-council-home>

<sup>19</sup> See: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1b.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf), p. 147.

<sup>20</sup> See: <https://www.homeless.org.uk/our-work/resources/supporting-drug-users>

- In **Brazil**, the social programme ‘Morada Monitorada’ run by the state of Sao Paulo provides housing and support to people for up to 6 months, but with the condition that they stop using drugs.<sup>21</sup>

#### **4. Decriminalisation of drug use and possession for personal use is a mainstream policy that has been adopted by 66 jurisdictions in 40 countries, and is strongly supported by the UN human rights system**

In recent decades, 66 jurisdictions in 40 countries<sup>22</sup> have adopted some form of decriminalisation for drug use and related activities. Crucially, when implemented under a harm reduction-oriented approach, decriminalisation can provide a supporting and enabling legal framework within which health interventions can be voluntarily accessed without fear of stigma, arrest and detention, leading to improved health and human rights outcomes.<sup>23</sup>

The decriminalisation of drug use and possession for personal use should also include the decriminalisation of ancillary activities by people who use drugs that are necessary for drug use, including purchase, cultivation, possession of drug use equipment.<sup>24</sup>

A growing number of UN entities and human rights experts are supporting and promoting decriminalisation as a core component of a rights and health approach towards people who use drugs:

- **UN Agencies.** The UN system Common Position on drugs, the UN overarching policy document on drug-related matters adopted by all 31 UN agencies, promotes decriminalisation amongst its directions for action.<sup>25</sup> Various UN agencies have also explicitly called for decriminalisation, including OHCHR,<sup>26</sup> UNAIDS,<sup>27</sup> WHO,<sup>28</sup> UNDP,<sup>29</sup> and UN Women.<sup>30</sup>
- In its September 2023 report on human rights challenges and the world drug situation, the **High Commissioner for Human Rights** described decriminalisation as ‘a powerful instrument to ensure that the rights of people who use drugs are protected’.<sup>31</sup>
- **International standards.** According to the 2019 International Guidelines on Human Rights and Drug Policy, which were developed by a coalition of human rights experts, Member States, WHO, UNAIDS, UNDP, and OHCHR, ‘States shall ensure that people are not detained solely on the basis of drug use or drug dependence’.<sup>32</sup>
- **Human rights bodies and experts.** Amongst many others, the Committee on Economic, Social and Cultural Rights has explicitly recommended decriminalisation,<sup>33</sup> as did the Committee on the

<sup>21</sup> See: <https://www.uniad.org.br/artigos/2-dependencia-quimica/moradia-monitorada-unidade-recomeco-helvetia/>

<sup>22</sup> For the full list, see: <https://www.talkingdrugs.org/drug-decriminalisation>

<sup>23</sup> See: <http://idpc.net/publications/2016/03/public-health-approach-to-drug-use-in-asia-decriminalisation>

<sup>24</sup> See: UN Working Group on Arbitrary Detention (2021), Study on arbitrary detention related to drug policies, <https://www.ohchr.org/en/calls-for-input/study-arbitrary-detention-relating-drug-policies>, para. 126(a)

<sup>25</sup> See: <https://unsceb.org/united-nations-system-common-position-supporting-implementation-international-drug-control-policy>

<sup>26</sup> See: <https://www.ohchr.org/EN/NewsEvents/Pages/Drug-policy.aspx>

<sup>27</sup> See: [https://www.unaids.org/sites/default/files/media\\_asset/global-AIDS-strategy-2021-2026\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/global-AIDS-strategy-2021-2026_en.pdf)

<sup>28</sup> See: <http://www.who.int/hiv/pub/guidelines/keypopulations/en/>

<sup>29</sup> See: <http://www.undp.org/content/dam/undp/library/HIV-AIDS/Discussion-Paper--Addressing-the-Development-Dimensions-of-Drug-Policy.pdf>

<sup>30</sup> See: [https://www.unodc.org/documents/ungass2016//Contributions/UN/Gender and Drugs - UN Women Policy Brief.pdf](https://www.unodc.org/documents/ungass2016//Contributions/UN/Gender%20and%20Drugs%20-%20UN%20Women%20Policy%20Brief.pdf)

<sup>31</sup> See: <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-ohchrs-report-human-rights-challenges-addressing-and-countering>, para. 57.

<sup>32</sup> See: <https://www.undp.org/publications/international-guidelines-human-rights-and-drug-policy>, p. 13.

<sup>33</sup> See: [E/C.12/NOR/CO/6](https://www.ohchr.org/en/calls-for-input/2023/call-inputs-ohchrs-report-human-rights-challenges-addressing-and-countering), p. 43.

Elimination of Discrimination against Women<sup>34</sup> and the Working Group on Arbitrary Detention.<sup>35</sup> The High Commissioner for Human Rights,<sup>36</sup> and the Special Rapporteur on Health<sup>37</sup> have also recommended that states consider decriminalisation as a mechanism to remove obstacles to the right to health.

## **B. Arguments for including a recommendation on the decriminalisation of sex work**

### **1. The criminalisation of all aspects of sex work violates the rights of sex workers and increases the risk of trafficking, forced labour and other human rights violations in the sector**

The criminalisation of sex work (including clients, third parties or sex workers themselves) has led in many countries to a practice of violent raids of sex workers' work places by the police, who carry out physical and sexual assaults, impose arbitrary and prolonged detention and subject sex workers to extortion. Such raids often fail to distinguish between sex workers and victims of trafficking, subjecting all people found there to the same violent and discriminatory treatment.

In Thailand, sex workers commonly encounter workplace raids by the police<sup>38</sup> and anti-trafficking "raid and rescue" operations have been linked to frequent human rights violations, including physical violence and forced detention in government facilities.<sup>39</sup> In Canada, migrant sex workers have reported multiple instances of violence at the hands of law enforcement in the context of "anti-trafficking" operations, including being strip-searched and physically and sexually assaulted.<sup>40</sup> In India, many violent raids have been conducted by foreign NGOs and the police under the guise of anti-trafficking efforts, which have subjected both sex workers and victims of trafficking to physical and sexual violence.<sup>41</sup> There are also reports of police and NGOs committing sexual violence in the course of "sting" operations, including violence against victims of trafficking.<sup>42</sup>

State actors also carry out raids in a sensationalist manner that is abusive and traumatic, including for victims of sexual exploitation who are identified in such raids. In Thailand, the publication of photographs of raids of sex work establishments in national news outlets is commonplace.<sup>43</sup>

### **2. The criminalisation of sex workers subjects them to a heightened risk of punitive policing and violence perpetrated by law enforcement**

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<sup>34</sup> CEDAW/C/KGZ/CO/5, para. 46.a

<sup>35</sup> See: A/HRC/42/39/ADD.1

<sup>36</sup> See: A/HRC/30/65.

<sup>37</sup> See: A/65/255.

<sup>38</sup> GAATW, "Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions," 2018, p. 61 ('GAATW Sex Workers Organising')

<sup>39</sup> GAATW Sex Workers Organising p. 43

<sup>40</sup> GAATW Sex Workers Organising p. 174

<sup>41</sup> For example, in Maharashtra in May 2005, the International Justice Mission (IJM) and Restore International induced the police to make a violent raid on brothels in order to look for victims of trafficking. Women were beaten and threatened with guns by more than 70 police officers. Around 35 women and girls were arrested and forced to undergo medical examinations, GAATW Sex Workers Organising p. 134

<sup>42</sup> In India, in May 2007, a team from two NGOs carried out a 'sting' operation in which one of the team posed as a client and, as alleged by some members of the community, raped a 13-year-old girl who was a victim of trafficking, See GAATW Sex Workers Organising p. 135

<sup>43</sup> GAATW Sex Workers Organising p. 43

When sex work is criminalised, workers are also subjected to diverse forms of police-perpetrated violence, including sexual, physical, and economic violence. The criminalisation of sex work fosters a culture of impunity and abuse, including within law enforcement, who habitually harass, extort, and demand free-of-charge sexual services from sex workers in order to evade legal penalties.<sup>44</sup> Across regions, sex workers have reported that law enforcement are often the primary perpetrators of violence against their communities.<sup>45</sup> Conversely, it has been clearly demonstrated how the repeal of such laws and policies can drastically reduce the prevalence of police violence and extortion. For example, in Mexico City, since a new law that recognises sex workers as non-salaried workers came into effect, harassment and extortion of sex workers by the police has decreased sharply.<sup>46</sup>

### **3. The criminalisation of sex work denies workers access to safe housing and places of work**

Sex workers are also subjected to other forms of economic violence due to criminalisation. In the United States, for example, engaging in sex work can constitute the basis for forced eviction or exclusion from public housing.<sup>47</sup> In Morocco, sex workers have also reported that landlords can deny access to housing to anyone who they perceive to be a “threat to public order,” which can be interpreted to include sex workers.<sup>48</sup> Overall, criminalisation exacerbates sex workers’ housing instability, as individuals who have been involved in the criminal justice system are more likely to experience homelessness, especially if they are women and/or people of colour.<sup>49</sup>

Even in countries where sex workers themselves are not criminalised, laws and practices which criminalise clients and third parties create a situation where sex workers are unable to work together safely in brothels, pushing their activities further underground and increasing isolation, which in turn can exacerbate vulnerability to trafficking and exploitation.<sup>50</sup> In a report published by the London School of Economics in December 2022, it was found that the criminalisation of clients and third parties in Sweden, Norway and Finland, pushes sex workers into dangerous situations as they try to protect their clients from prosecution, and the criminalisation of “brothel-keeping” has led to a dire lack of housing and safe spaces for sex workers in these countries.<sup>51</sup>

In addition, third-party laws can also significantly hinder sex workers’ access to secure housing by criminalising landlords who rent housing to sex workers. Across regions, sex workers have reported that such laws can lead to landlords denying sex workers tenancy or charging them inflated rates for substandard conditions.<sup>52</sup>

### **4. The criminalisation of sex work harms anti-trafficking efforts**

Laws which criminalise sex work and/or third parties mean that sex workers are less able to assist women and girls who may be in a situation of exploitation for fear of being criminalised themselves. For example, in South Africa sex workers report occasionally coming across young women who they believe to be underage victims

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<sup>44</sup> For example, in the Philippines, sex workers report that police officers used anti-trafficking as a cover to extort money from them, their clients, and owners of commercial sex establishments, S Parmanand, ‘The Philippine Sex Workers Collective: Struggling to be heard, not saved’, *Anti-Trafficking Review*, issue 12, 2019, pp. 57-73

<sup>45</sup> Global Network of Sex Work Projects, 2017, “The Impact of Criminalisation on Sex Workers’ Vulnerability to HIV and Violence.”

<sup>46</sup> GAATW Sex Workers Organising p. 294

<sup>47</sup> C S Shdaimah, N D Franke, T D Becker, C S Leon, ‘Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work,’ *Anti-Trafficking Review*, issue 20, 2023

<sup>48</sup> Global Network of Sex Work Projects, 2024, “The Right to Housing and the Unmet Needs of Sex Workers.”

<sup>49</sup> Lucius Couloute, “Nowhere to Go: Homelessness among formerly incarcerated people,” *Prison Policy Initiative*, August 2018.

<sup>50</sup> For example in Canada, three years after the laws criminalising clients and third parties were enacted, research found that this has intensified the isolation of sex workers, and increased targeted violence and stigma towards them, Canadian Alliance for Sex Work Law Reform, *Safety, Dignity*

<sup>51</sup> Niina Vuilajarvi, “Criminalising the Sex Buyer: Experiences from the Nordic Region,” June 2022, London School of Economics, Centre for Women, Peace and Security

<sup>52</sup>

of exploitation, but feeling helpless due to the risk of being criminalised themselves should they go to the police.<sup>53</sup>

By contrast, in New Zealand, decriminalisation has shifted the relationship between the sex worker community and the police from one of harassment and mistrust to one of collaboration.<sup>54</sup> Following the full decriminalisation of sex work, it has been reported that sex workers in New Zealand are more willing to report crimes.<sup>55</sup> In addition, the decriminalisation of sex work has not led to any increase in the sex industry or instances of trafficking in New Zealand.<sup>56</sup>

## 5. The criminalisation of sex work violates the labour rights of workers

The criminalisation of sex work also erodes the protection of the labour rights of sex workers. Sex workers around the world report a range of labour rights violations including excessive working hours, wage theft, and unsafe working environments.<sup>57</sup> When their work is criminalised and stigmatised sex workers are denied access to labour tribunals and justice mechanisms meaning employers are free to impose exploitative policies with impunity.<sup>58</sup> Moreover, when sex workers are criminalised and not viewed as legitimate workers, they are denied access to the same social protection benefits afforded to other workers, exacerbating existing economic, social, and health vulnerabilities.<sup>59</sup>

## 6. The decriminalisation of sex work is strongly supported by many UN and regional human rights mechanisms

A large number of UN agencies and entities, as well as regional human rights mechanisms, have supported the full decriminalisation of sex work in order to address systemic discrimination and violence against sex workers, and to enhance sex workers' rights to health and other socioeconomic rights, as well as freedom from torture, inhuman or degrading treatment, the right to private life and freedom from discrimination.

- **UN Agencies:** UNAIDS,<sup>60</sup> the United Nations Population Fund (UNFPA),<sup>61</sup> WHO,<sup>62</sup> UNDP,<sup>63</sup> as well as the World Bank,<sup>64</sup> have all called for the decriminalisation of sex work. In addition, in a statement made in 2017, 12 United Nations entities recommended that states review and repeal laws that criminalised or otherwise prohibited adult consensual sex work.<sup>65</sup>

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<sup>53</sup> GAATW Sex Workers Organising p. 222

<sup>54</sup> GAATW Sex Workers Organising p. 32

<sup>55</sup> New Zealand Government, 2008, "Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003."

<sup>56</sup> GAATW, 2018 "Sex Workers Organising for Change: Selfrepresentation, community mobilisation, and working condition."

<sup>57</sup> GAATW Sex Workers Organising, p. 27

<sup>58</sup> See for example the situation in Thailand, GAATW Sex Workers Organising p. 66

<sup>59</sup> Global Network of Sex Work Projects, 2022, "Social Protection and Sex Work."

<sup>60</sup> UNAIDS Guidance note on HIV and sex work, April 2012, at pg. 6, available at:

[https://www.unaids.org/en/resources/documents/2012/20120402\\_UNAIDS-guidance-note-HIV-sex-work](https://www.unaids.org/en/resources/documents/2012/20120402_UNAIDS-guidance-note-HIV-sex-work)

<sup>61</sup> WHO, UNFPA, UNAIDS, The World Bank, UNDP, "Implementing Comprehensive HIV/STI Programmes with Sex Workers," 2013, at pg. 89, available at: [https://iris.who.int/bitstream/handle/10665/90000/9789241506182\\_eng.pdf?sequence=1](https://iris.who.int/bitstream/handle/10665/90000/9789241506182_eng.pdf?sequence=1)

<sup>62</sup> WHO, Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations, (2016), pp. 86 and 87.

Available at <https://www.who.int/publications/i/item/978924151112>

<sup>63</sup> UNDP, "Sex Work and the Law in Asia and the Pacific," 2015, available at: <https://www.undp.org/publications/sex-work-and-law-asia-and-pacific>

<sup>64</sup> WHO, UNFPA, UNAIDS, The World Bank, UNDP, "Implementing Comprehensive HIV/STI Programmes with Sex Workers," 2013, at pg. 89 available at: [https://iris.who.int/bitstream/handle/10665/90000/9789241506182\\_eng.pdf?sequence=1](https://iris.who.int/bitstream/handle/10665/90000/9789241506182_eng.pdf?sequence=1)

<sup>65</sup> UNAIDS, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, World Food Programme, UNDP, UNFPA, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), International Labour Organization, United Nations Educational, Scientific and Cultural Organization, WHO, OHCHR and IOM, "Joint United Nations statement on ending discrimination in health-care settings" (2017), p. 3. Available at <https://www.unaids.org/en/resources/documents/2017/ending-discrimination-in-health-care-settings>

- **UN Special Procedures and Treaty Bodies:** In 2024, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI), and the UN Working Group on discrimination against women and girls (WGDAGW), recommended the decriminalisation of sex work.<sup>66</sup> In 2000, the former Special Rapporteur on violence against women described “decriminalization combined with a human rights approach” as the legal framework addressing sex work that calls for the realisation of both the human rights and labour rights of sex workers.<sup>67</sup> In 2013, the former Special Rapporteur on extreme poverty called for the full decriminalisation of sex work after documenting how criminalization leads to discrimination, stigma, and violence.<sup>68</sup>
- **UN Secretary General:** In 2016, the UN Secretary General indicated that the “decriminalization of sex work can reduce violence, harassment and HIV risk” and called on states to remove laws, policies and practices that violate human rights, including the criminalisation of sex work.<sup>69</sup>
- **Regional human rights mechanisms and other human rights experts:** In February 2024, the Council of Europe’s Commissioner for Human Rights called for the decriminalisation of consensual sexual relations between adults for remuneration.<sup>70</sup> In 2023, the International Commission of Jurists called for the decriminalisation of sex work in a new set of legal principles to address the harmful human rights impact of unjustified criminalisation of individuals and communities.<sup>71</sup> In addition, the decriminalisation of sex work has been supported by [Amnesty International](#), [Médecins Du Monde](#), [Human Rights Watch](#), the [Global Commission on HIV and the Law](#), [Open Society Foundations](#), the [Global Network of People Living with HIV](#), the [Global Action for Gay Men’s Health & Rights \(MPact\)](#), the International Women’s Health Coalition, the [Association for Women’s Rights in Development](#), the [American Jewish World Service](#), the [Global Alliance Against Traffic in Women \(GAATW\)](#), [The Lancet](#), The Global Fund for Women, the Elton John AIDS Foundation, [Frontline AIDS](#), the [International Community of Women Living with HIV](#), [Global Health Justice Partnership of the Yale Law School and Yale School of Public Health](#), [European AIDS Treatment Group](#), [ILGA-Europe](#), the [Platform for International Cooperation on Undocumented Migrants \(PIKUM\)](#), [Freedom Network USA](#), [STOPAIDS](#), [La Strada International](#), [International Planned Parenthood Foundation](#), and [ILGA World](#).

## Signatories:

1. International Drug Policy Consortium
2. Amnesty International
3. Global Alliance against Traffic in Women
4. Global Network of Sex Work Projects
5. International Planned Parenthood Federation
6. Women and Harm Reduction International Network

<sup>66</sup> OHCHR, A guide on the human rights of sex workers, 14 March 2024, available at: <https://www.ohchr.org/en/documents/tools-and-resources/guide-human-rights-sex-workers>

<sup>67</sup> Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, para. 80, U.N. Doc. E/CN.4/2000/68, para 21.

<sup>68</sup> Report of the Special Rapporteur on Extreme Poverty and Human Rights, at 22, U.N. Doc A/HRC/23/36/Add.1 (May 17, 2013)

<sup>69</sup> Implementation of the Declaration of Commitment on HIV/AIDS and the Political Declarations on HIV and AIDS, A/70/811, paras 53 and 75 (f).

<sup>70</sup> Council of Europe Commissioner for Human Rights, “Protecting the Human Rights of Sex Workers,” February 2024, available at: <https://www.coe.int/en/web/commissioner/-/protecting-the-human-rights-of-sex-workers#:~:text=Council%20of%20Europe%20member%20states,in%20public%20and%20political%20life>.

<sup>71</sup> International Commission of Jurists, The 8 March Principles, 2023, available at: <https://www.icj.org/icj-publishes-a-new-set-of-legal-principles-to-address-the-harmful-human-rights-impact-of-unjustified-criminalization-of-individuals-and-entire-communities/>