



The Oakland Declaration:

The Sex Worker Organizations' Statement
to the High Income Countries Dialogue
of the Global Commission on HIV and the Law



Oakland, CA. Sept. 16-17, 2011

The Global Commission on HIV and the Law is a United Nations body created to interrogate the relationship between legal responses, human rights and HIV. The Commission has hosted 7 regional Dialogues to give members of civil society an opportunity to "share experiences of enabling and repressive legal environments on their lives in the context of HIV." SWP attended the Regional Dialogue for High Income Countries and participated in drafting the following statement, in collaboration with other sex worker organizations present at the Dialogue. This statement is in solidarity with similar statements released by sex worker coalitions in the other regional Dialogues. The below principles hinge on our categorical commitment to sex workers' lives and well-being as intrinsically valuable, not simply for the purpose of protecting the "general population" from infection by us or other affected populations, but in order to build solidarity with us.

In order to achieve a more effective and rights-based response to HIV in high-income countries, we call upon the Commission to adopt the following recommendations on which all sex work groups and projects in this dialogue have come to consensus:

- Implement decriminalization of sex work and associated practices including decriminalization of people who trade or sell sex; people who buy sex; and third parties such as brothel-owners, security personnel, managers, cleaning staff, intimate partners, roommates, and children of sex workers.
- Eliminate the use of other laws to target sex workers for arrest, incarceration, punishment and deportation on a large scale. These include mandatory testing linked to sentencing enhancements and criminalization based on HIV status, sex offender registration, drug-related offenses and immigration restrictions on sex workers. They also include laws or by-laws/ordinances used to remove sex workers from public space and impinging on their freedom of movement such as vagrancy laws, no-prostitution zones, and pre-trial and probation conditions that bar sex workers from certain areas.
- Stop misusing anti-trafficking laws to further criminalize sex workers, deport migrants, and incarcerate youth. Fund and support real and effective services for survivors of human trafficking that include survivors of labor trafficking, include survivors of all genders, and do not jail or coerce survivors to participate in the criminal justice system.
- Ensure that states provide access to sterile syringes, safer sex materials and other harm reduction materials; access to quality and confidential health care, including trans-specific health care to people detained in prison or immigration detention. Ensure that trans prisoners who are detained, are done so in conditions that are safe and in conditions that respect their gender identity.
- Enforce the international legal mandate to decriminalize youth involvement in the sex trades, a mandate that no U.N. member state has fully implemented. Provide immunity from prosecution

without conditions. End the law enforcement-focused approach to youth in the sex trades, which has resulted in mass policing, incarceration, and “rehabilitation” programs. These approaches cause exponentially higher HIV rates for state-involved youth and interfere with services by creating criminal disincentives for providers and conditioning services on arrest. Reorient state responses toward voluntary shelter and living wage alternatives.

- Ensure institutional accountability and redress for police violence against sex workers and ensure equal protection of the law for sex workers with regards to violence.
- End the discriminatory application of all of these laws to oppress specific racialized and migrant groups, such as people of African descent and Indigenous people in North America, and Roma people in Europe. This discrimination extends to gender expression or identity, especially women and including transgender women.
- End local, national, transnational (including UN) policies that purport to abolish sex work through initiatives to “end demand,” to raid and shut down brothels and to rehabilitate sex workers. Such measures institutionalize discrimination against sex workers with highly damaging impacts on sex worker health and rights.
- Prioritize and fully fund effective HIV prevention, harm reduction services, and health services for sex workers with the understanding that sex workers are partners in combating the HIV epidemic. Ensure support for rights-based services for male sex workers, trans sex workers and youth in the sex industry.
- Repeal the United States Anti-Prostitution Pledge, SIDA restrictions and any other national or transnational funding restrictions that defund or prohibit health and rights services for sex workers. Countries such as the United States and Sweden must cease using foreign policy tools to pressure other countries to increase repression and criminalization of sex work.