

Co-Chairs: Jenny Butler (Senior Technical Advisor, UNFPA) and Ruth Morgan Thomas (Interim Global Coordinator, NSWSP).

The agenda is attached at Appendix 1.

Present:

Adrienne Cruz (UNAIDS - ILO)
Antonio Gerbase (UNAIDS - WHO)
Chris Castle (UNAIDS - UNESCO)
Jana Villayzan Aguilar (Independent – NSWSP nominated
Global Transgender Representative, REDLACTRANS)
Jenny Butler (UNAIDS - UNFPA)
Joanne Csete (Independent – Columbia University)
Kieran Daly (Independent – ICASO)
Macklean Kyomya (NSWP - WONETHA, Uganda)
Mandeep Dhaliwal (UNAIDS - UNDP)
Marie Denou (NSWP - DANAYA SO, Mali)
Meena Seshu (Independent - SANGRAM)
Nandinee Bandyopadhyay (Independent - PLRI)
Naomi Akers (NSWP - St James Infirmary, USA)
Ruth Morgan Thomas (NSWP – ICRSE, UK)
Selvi Abdullah (NSWP – APNSW, Malaysia)
Steve Kraus (UNAIDS Secretariat)

Apologies:

Andrew Hunter (NSWP – APNSW, Thailand)
David Wilson (UNAIDS - World Bank)
Elena Reynaga (NSWP – RedTraSex, Argentina)
Gabriela Leite (NSWP – DAVIDA, Brazil)
Riku Lehtovuori (UNAIDS - UNODC)

Observers/Invited Experts:

Andy Seale (Global Fund – permanent observer)
Anna Torriente (ILO)
Els Klinkert (UNAIDS Secretariat)
Fabian Chapot (ASPASIE, Switzerland)
George Tembo (UNAIDS Secretariat / UNFPA)
Kate Thomson (UNAIDS Secretariat)
Matthew Warner-Smith (UNAIDS Secretariat)
Michael Bartos (UNAIDS Secretariat)
Sally Smith (UNAIDS Secretariat)
Susan Timberlake (UNAIDS Secretariat)

In attendance:

Annika Wendland (Intern – UNAIDS WHO)
Neil McCulloch (Advisory Group Secretariat) – notes
Nina Sun (Intern – UNAIDS Secretariat)
Rocío Moreno (UNAIDS - UNFPA) – notes

DAY 1

International Labour Standard on HIV and AIDS

The International Labour Organisation (ILO) gave a presentation about the new provisional standard about HIV in the workplace including sex work. All ILO countries are expected to abide by the standard, which covers the need to protect all workers in all occupations, their families and dependants, from HIV and AIDS in both formal and informal economies.

Action & Recommendations:

- The group encourages ILO to continue to raise the issue of sex work as work.
- ILO to produce a short version of the standard and its relevance for sex workers and sex work settings.

Agreeing the process for finalising & getting approval of the annexes and launching the Guidance Note

After some discussion the following points were **agreed**:

- The documents are annexes to the Guidance Note, not separate papers, and will be combined in one document, both in electronic form and paper copy.
- The text of the Guidance Note will not be revised, but it will only go out with the annexes to help to make them clearer

The Global Fund – Round 10 Process & Survey on Eligibility Criteria

Submissions must be made by **1200hrs (CET) on 20th August 2010**. When the technical review panel (TRP) meet w/c 25th October, they will decide which applications they wish to take forward. The Board will then make the final decision at the Board Meeting on 15-17th December 2010.

Key discussion points / actions:

- How would Global Fund consider particular activity for vulnerable groups of people (e.g. transgender). The TRP will be told about this.
- GF Round 10 specific funds for key groups could significantly increase funding for sex work projects and networks.
- It was also noted that there are no sex workers (male, female and transgender), and very few sex work experts employed by the Global Fund, UNAIDS or other international organisations. The AG, through the Guidance Note and annexes, should be able to assist the GF to influence Phase 2 contract negotiations and therefore make sure there is a human rights focus within sex work programmes which the Global Fund funds.
- The Country Co-ordinating Mechanism (CCM) guidelines review aims to make sure that a wider variety of organisations' views are included.
- Eligibility for GF funding is based on how rich a country is. A questionnaire about this has been developed and sent out, which people were encouraged to complete.
- It was agreed a small group of the AG will gather advice for the GF about working together with UNAIDS (Appendix 2). Michel Sidibé will be asked to encourage the Regional Support Teams to review the GF funding which is going into sex work in the different regions and to examine if the money has been well spent.

Conflation of Sex Work and Trafficking – whole AG discussion

There was a full group discussion of the UN Office on Drugs & Crime (UNODC) comments on this document.

Key discussion points:

- UNODC wished to change 'debt' to 'debt bondage'. The AG agreed this would confuse the two and could stop sex workers getting real loans. It was agreed the paper should clearly state that trafficking is a gross violation of human rights but also include the fact that anti-trafficking procedures have violated the human rights of sex workers.

Global Commission on HIV and the Law - presentation

The Commission has been set up to develop human rights recommendations for effective AIDS initiatives and to protect the rights of people living with HIV.

Key discussion points / actions:

- The Commission wish to have as broad a dialogue as possible. New technologies e.g. blogs, Twitter, oral submissions and videos would also be accepted.
- It was confirmed the Commission would not only focus on criminal law.
- The first meeting of the TAG discussed the idea of Human Rights institutions having regional hearings, e.g. having a joint hearing – seen as a very positive move forward.

Travel Restrictions on Sex Workers entering the USA

The Commission on HIV and The Law TAG has written a letter of concerns and noted its decision not to hold its meetings in the US until the situation is clarified.

Actions:

- The AG agreed to draft a similar response, to challenge travel restrictions for sex workers.
- The letter should call on Michel Sidibé to defend sex workers and their supporters' right to travel.
- There were also concerns about the International AIDS Conference planned for Washington DC in 2012. The AG resolved not to hold future meetings in the USA until travel restrictions were resolved.

DAY 2

Economic Empowerment draft paper

This paper is still in note form. The following points were made to assist in the development of the paper:

- Decriminalisation is good economic practice. Laws on recruitment of sex workers and discouragement of sex work make it difficult for sex workers to teach one another how to build better businesses.
- The paper should not be just about leaving sex work, but should give examples of good and bad practice. Both those who remain in sex work as well as those who move on should be considered for getting new skills
- Economic equality should be emphasised, e.g. access to banking, credit, finances, health insurance, pensions, etc.
- Recognising the positive social contribution that sex workers make in supporting their families and communities. A family centred approach which includes economic resources and children.
- Give examples of economic disempowerment (e.g. bonds, migrant workers) as very undesirable practices.
- Include good practice examples and highlight the difference it can make to health and HIV outcomes. Sex workers who feel more accepted in society report higher levels of consistent condom use with clients and have lower STI rates.
- It was agreed that UNDP and UNODC should be approached about lobbying regarding banking access and financial regulatory authorities and the unintended consequences of laws.

Reduction of Demand for Unprotected Paid Sex draft paper

Discussion raised the following key points for the re-draft:

- The paper should highlight that 'end demand for paid sex' approaches have shown little evidence as to their effect on HIV transmission.
- The issue of violence within sex work is a constant, and the paper needs to state where there is less violence, and sex workers rights are protected, sex workers will be able to better take care of their health.
- Although 100% condom use is not specifically mentioned in the Guidance Note, clarification is required. The AG accepts that 100% condom use programming is not compatible with a rights-based approach because law enforcement agencies are involved with its implementation.

Removal of Punitive Laws, Policies and Practices draft paper

Discussion raised the following points:

- The paper will include discussion of UN commitments about laws and will encourage countries to review existing law and enforcement ensuring it does not stand in the way of access to HIV prevention, treatment, care and support for all sex workers.
- The paper should include discussion of laws, law enforcement and access to justice. The paper will make initial recommendations but point to further reading.
- Communication laws (i.e. prevention of association and publicity) often used against sex workers, make working together and advertising services impossible. No other business is penalised for allowing a third party to make a profit. This is not necessarily exploitation, but places sex workers in a safer work setting rather than working in isolation.
- Forced treatment and rehabilitation should also be addressed in the paper.

Conflation of Sex Work and Trafficking draft paper

The paper should start with definitions of 'sex work' and 'trafficking', then go on to say why confusing the issues is damaging. Key discussion points:

- Highlight that to confuse sex work with trafficking supports the view that sex work is inherently victimising and assumes that sex work is degrading or morally wrong.

- Empowering sex workers is critical for good prevention and care in HIV.

Closing Comments

Taking into account discussion over the first two days of meetings about the status and structure of the four papers, it was agreed that an introduction be drafted (Appendix 3). This would highlight the history of the development of papers and identify the key issues to be addressed from the Guidance Note.

DAY 3

Finalising the draft Annexes to the Guidance Note

Action and Agreements:

- In the short-term it was **agreed** that the UNAIDS Secretariat would fund the copy-editing of the final versions of the annexes to the Guidance Note.
- All four copyedited annexes would then be circulated to the AG with a short deadline for approval.
- It was agreed it was critical to have the Guidance Note and Annexes published and ready for the Global Fund Round 10 Technical Review Panel which meets w/c 25th October to help them to come to a decision about funding rights-based sex work programmes

Criteria for Monitoring Country Roll-out of Guidance Note

Discussion took place as to how to choose the countries which the AG will monitor the roll-out of the Guidance Note.

The following criteria were agreed:

- Countries who feel they need help from the outside
- How great the epidemic is – both concentrated and generalised
- Close working relationships between government and ordinary people
- Capability to share with other areas of the world
- Include any country that may specifically ask for our involvement
- Countries where we can show there has been some action
- Countries where there has been little action to date
- Countries that have a need and want to use this process – therefore beneficial in both ways
- Countries where there are already existing or emerging organisations and networks of sex workers
- Regional balance is required
- Countries with experience we can document (e.g. NZ/India – decriminalisation)
- Countries that have / are developing strategies (UNDAF)
- Regarding implementation - link to Global Fund / Outcome Framework, clarify for countries how all these documents and initiatives fit together

Joint Action for Results: UNAIDS Outcome Framework 2009-11 – draft Business Case for MSM, SW and Transgender People Outcome

The Business Case on men who have sex with men, sex workers, and transgender people was drafted in June 2010 and is being reviewed from June – August. The Business Case contains bold results. The Operational Plan to implement this during 2011 will be developed in August, using the goal and the four bold results.

Members of AG were asked to comment on this paper by Friday 6th of August.

Action and Agreements:

- Concern was expressed about the lack of both consultation and inclusion of the specific needs of transgender people. Transgender consultation has not yet taken place. There was a strong concern that the proposed limit to municipalities with populations of over 3 million ought to be changed, as this would exclude large parts of the world and it would limit coverage to large cities which are to some extent already covered.
- It was felt that developing capabilities for representatives of the various key populations needed to be specifically included in the Business Case.
- Some global south countries already have a strategy in place at local level including the umbrella structure. Such examples should be highlighted and used as potential models.
- NSWP will organise a small consultation on the Business Case.

Additional Item of AOB

It was noted that sex workers are being forgotten in some policy documents and promotional materials relating to key populations, the AG calls upon GF, the UNAIDS Secretariat and Cosponsors to ensure the inclusion of all the key populations – drug users, men who have sex with men, sex workers (male, female and transgender) and transgender people, in all publications and statements.

Letter to Michel Sidibé re Travel Restrictions on Sex Workers (Appendix 4)

The AG considered the draft letter to Michel Sidibé about the recent refusal of entry into the USA of a sex worker rights advocate. **Action and Agreements:**

- It was agreed, after some discussion with UNAIDS colleagues, that the letter would be signed by the co-chairs on behalf of the AG.

Associated Clarification in relation to AG making public statements on issues of concern:

There was extended discussion regarding clarifying the ToR and the process for the AG to make public statements about issues of concern. The following points were **agreed:**

- Clarification of how the AG can issue public statements was urgently needed to make the group's Terms of Reference clear.
- Some UN colleagues felt there was a conflict with their writing to their own Executive Director calling upon them to take action. However, the AG had been tasked to report on urgent issues of concern, directly to Michel Sidibe, about violations of sex worker rights.
- UNAIDS Secretariat staff, along with incoming Chief of the HIV/AIDS Branch (UNFPA), would ask for a briefing with Michel Sidibé to clarify the precise Terms of Reference and the issue of public statements.

UNGASS Indicators – presentation

The UNAIDS Secretariat gave a brief presentation on the UN General Assembly Special Session on HIV/AIDS (UNGASS) Review objectives and process. The main objectives are to identify strengths and weaknesses of the international HIV system, obtain broad agreement on key elements to maintain over the next reporting period, review indicator performance and identify gaps, and to obtain agreement on revisions of the set of core indicators.

WHO Proposed Guidelines on the Prevention & Treatment of HIV and other STI's for Sex Workers – presentation

The World Health Organisation (WHO) gave a brief presentation on the proposed guidelines. Interventions to reduce HIV transmissions among sex workers and their clients are recognised as an essential part of programming, however evidence on what effective HIV programming is for sex workers is scarce. The process for agreeing the measurements was outlined and the meaning of PICOT questions explained (Population, Intervention, Comparison and Outcomes & Time). The following points were made during the discussion which followed:

- WHO country reports often describe 100% condom use initiatives as very positive. However this does not reflect the concerns over human rights.
- Concerns were raised about safety when information about where sex workers can be found is shared, e.g. with law enforcement agencies. Strong recommendations can be made based on evidence from the population, experts etc.
- Key points were made regarding treatment e.g. Hep A, Hep B and HPV vaccination, as well as other kinds of transmission we are seeing more and more of (transgender and MSM amoeba and anilingus), including new treatments for resistant parasitic infections (e.g. trichomoniasis).
- Issues regarding hormones and silicone would be discussed in more detail outside of the meeting in order to have time to do them justice.
- WHO requested that the AG be the body to consult with sex workers to input into the process, this was agreed.

Any Other Business

The AG was informed of the Vienna Declaration which sought signatories to a statement about improving illicit drug policy. Solidarity on the issue is sought from sex worker organisations. The Declaration can be found on various websites, including: www.viennadeclaration.com

It was noted that UNAIDS staff will not sign the declaration, but will raise the issue through their internal channels.

The co-chairs thanked all the representatives and the interpreters for working so hard over the past three days.