

# Recognising Sex Workers as Experts



The Smart Person's Guide



**nswp** Global Network of Sex Work Projects  
Promoting Health and Human Rights



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Promoting Health and Human Rights

## **SEX WORK IS WORK:**

# **Only Rights Can Stop the Wrongs**

**The Global Network of Sex Work Projects (NSWP) exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination and self-determination for sex workers.**

The Global Network of Sex Work Projects uses a methodology that highlights and shares the knowledge, strategies, and experiences of sex workers and sex worker-led organisations. Smart Guides are the result of desk research and a global e-consultation with NSWP member organisations, including case studies from some members.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.

NSWP is part of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human right violations and accessing much needed HIV and health services. Go to [www.hivgaps.org](http://www.hivgaps.org) for more information.

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# Introduction

Sex workers are stigmatised in many aspects of their daily lives; they are often ignored or treated as victims and not listened to. Sex workers' voices are still frequently side-lined in policy discussions that affect their lives and the safety and wellbeing of sex workers across the globe.

Sex workers have the expertise, experience and in-depth knowledge of the impact of stigma. They are best positioned to identify the services and support they need to decrease their vulnerability and enhance their quality of life. Sex workers are uniquely aware of the structural, legal, institutional, socio-economic and cultural barriers which impede their human and labour rights.

This Smart Person's Guide aims to bring together international good-practice examples that illustrate the impact of sex workers being recognised as experts in their own lives at national and international levels. To develop this guide NSWPC consulted with its global membership of sex worker-led organisations. It includes feedback from sex worker experts on their experiences and the challenges faced by their communities. This guide aims to provide a tool that sex workers and their allies can use to advocate for the recognition of sex workers' expertise, and to raise awareness and advocate for a rights-affirming approach to sex work.

# Literature Review

*Implementing Comprehensive HIV/STI Programmes with Sex Workers*,<sup>1</sup> known as the Sex Worker Implementation Tool (SWIT) provides extensive detail on recognising sex workers' expertise and fostering their meaningful participation and empowerment. The SWIT outlines community empowerment as an essential component of health and rights interventions, instructing that giving sex workers individual and collective ownership of programmes is crucial for their success. It states that projects should be sex worker-led, or working towards sex work leadership, as sex workers have a unique and in-depth understanding of their needs and how to address them. Sex workers should be included in all aspects of policy and programming from design to delivery, and they should have an equal voice in how any partnerships are managed and evaluated.

NSWP's briefing paper from 2017 discussed the extent to which sex workers were meaningfully involved in the development of healthcare services that are aimed at them, finding that without full inclusion, sex workers' involvement is tokenistic rather than meaningful.<sup>2</sup> NSWP then organised a global expert meeting to develop a community-led evaluation framework for the roll-out of the SWIT and for 'Defining Sex Worker-led Meaningful Involvement and Community Empowerment'<sup>3</sup>. Criteria were identified by sex worker-led organisations and networks, and a community-led evaluation framework was developed to enable communities to determine the level of meaningful involvement of sex worker-led organisations and sex workers in the design, implementation, management and evaluation of programmes, policies and legislation across the full range of stakeholders.

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- 1 WHO, UNFPA, UNAIDS, NSWP, The World Bank and UNDP, 2013, "Implementing Comprehensive HIV/STI Programmes with Sex Workers."
  - 2 NSWP, 2017, "Briefing Paper: The Meaningful Involvement of Sex Workers in the Development of Health Services Aimed at Them."
  - 3 NSWP, 2018, "Meaningful Involvement of Sex Workers."

Médecins Sans Frontières researched HIV outreach services for sex workers in Malawi and Mozambique, finding that the engagement of peers in providing care is essential, as is ongoing capacity building and education with accreditation. They suggest that outreach workers should be involved at all levels including service delivery guidance and health service budgets, and that they should be selected from the local sex worker community based on their “motivation, ability and knowledge of the vulnerabilities faced by the target group.”<sup>4</sup>

Open Society Foundations’ *No Turning Back*<sup>5</sup> documents several projects in Kenya, Kyrgyzstan, Ukraine, South Africa and Zimbabwe which utilise sex worker expertise and leadership. All are shown to reduce levels of police abuse and decrease health risks. The Sex Worker Education and Advocacy Taskforce’s *Good Practice Guide to integrated sex worker programming* proposes that sex workers in South Africa should be offered higher level educational and organisational opportunities in programmes. Due to their expertise:

**“Sex workers should be recruited and trained to be peer educators... and positions of coordination and management...these individuals have unique insights and ideas.”<sup>6</sup>**

However, sex workers’ expertise is rarely acknowledged beyond their involvement with HIV/STI and health programmes. This Guide testifies to sex workers’ ingenuity in campaigning, protesting, networking, lobbying and advocacy, and highlights some of their many remarkable achievements.

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4 MSF, 2018, “Towards Peer-Led HIV and SRH Services for Sex Workers and Men Having Sex with Men”, 4.

5 Open Society Foundations, 2016, “No Turning Back”.

6 SWEAT, 2015, “Good Practice Guide to Integrated Sex Worker Programming”, 37.

# Consultation with Member Organisations

NSWP conducted a global e-consultation with sex worker-led organisations within its membership to gather information on the ways that sex workers' expertise is acknowledged, as well as the many barriers to such recognition. Sex workers rarely reported that they were recognised as experts, but were far more likely to be dehumanised, silenced or victimised – especially in countries that criminalise their work.

STRASS, France reported that:

***“There are already self-appointed ‘experts’ who explain regularly to the political class and the media that the vast majority of ‘prostitutes’ are victims of trafficking...when sex workers say openly something different from the official narrative (like their life experience reality) or don’t appear enough as victims even when they talk about negative experiences, they are accused of being negationists who lie to protect vested interests.”***

Sex workers in Cameroon are vilified and ignored regardless of their vocational or educational level, and Avenir Jeune de l’Ouest (AJO) reported they regularly face “corrective rape, violence, arbitrary arrests and even criminal convictions... and are not taken into account in local or national policies.” Furthermore, projects aimed at sex workers are implemented by non-sex work organisations leading to inappropriate service provision:

***“No health facility in our locality included sex workers in their structures and that is why we can see that the quality of services offered by these clinics do not meet the specific needs of sex workers in terms of sexual health and reproduction.”***

AJO, CAMEROON

Stigma and discrimination against sex workers – and their portrayal as victims lacking agency – has a major impact on sex workers being treated as experts, as noted by a number of respondents.

***“Stigma and discrimination makes it impossible to express an opinion, to influence decisions for sex workers’ laws, such as decriminalisation.”***

LEGALIFE-UKRAINE

Project X in Singapore also reported that sex workers are “portrayed as weak, clueless, and need[ing] rescue, their voice won’t be taken seriously.”

**“It limits sex workers’ inputs / participation, access to services, and add towards lower self-esteem of individuals, it gives people an opportunity to speak on behalf of sex workers and decide what is good for self-identified sex workers.”**

SISONKE, SOUTH AFRICA

A number of sex worker-led organisations reported that specific groups of sex workers are more likely to be dismissed, ignored and subject to multiple levels of stigmatisation, including LGBT sex workers, migrant sex workers, sex workers of colour, those who use drugs, those with a criminal record and street-based sex workers. This is further exacerbated in country contexts where homophobia is prevalent, or where religious organisations hold positions of power and authority in law-making (e.g. Senegal). KIRAAY in Senegal stated that sex workers are either victimised or dismissed, with the regular threat of police raids and arrests, even without a warrant.

**“There are structural reasons that explain why migrant women are never invited to talk publicly about their own lives as experts...Migrant women are never consulted because they are supposed to work, not to think and nobody cares about what they may think or feel. There are already people who know on their behalf.”**

STRASS, FRANCE

This lack of recognition of sex workers as experts in their own lives leads to their exclusion from important debates and discussions around the law and policies that impact them.

**“We fall out of the most important and significant processes concerning the law, if we speak about the recognition of our right to work...the lack of recognition leads to the fact that important decisions in the country are made without taking into account the views of sex workers, and as a result, without regard to their interests and needs. Many processes occur without our participation. Groups advocating for the Swedish model, have more resources and support for their activities.”**

LEGALIFE-UKRAINE

Legalife-Ukraine also stated that the higher the level of poverty, the more likely a person is to be ignored: “[street-based] sex workers are the most powerless, most often the victims of violence, and the least likely to seek and achieve any form of justice.”



Barriers to the meaningful involvement of sex workers are sometimes based on level of formal education. Tais Plus in Kyrgyzstan reported that:

***“If a person is not graduated, they therefore cannot be an expert. For example, even in the programmes of the Global Fund, UNDP Kyrgyzstan has among the requirements for positions that should be occupied by people from the community, that there is a requirement of higher education.”***

Where sex workers are invited into decision-making fora, it is often tokenistic, demonstrating a lack of commitment to meaningful involvement:

***“They narrowly understand the meaning of “building partnerships” and “meaningful participation”. The partnership requires a lot of effort – to establish communication, negotiate and build consensus, when there are different opinions. It is much easier to invite sex workers to a meeting and then say: “We invited them” or “they attended,” and that’s it.”***

TAIS PLUS, KYRGYZSTAN

This lack of recognition of the expertise of sex workers in debate and discussions leads – not only to poor and inappropriate service provision and ‘interventions’ – but also to the expansion of regressive and repressive laws, policies and practices impacting sex workers:

***“Florida recently passed a law to create a prostitution registry for people who are arrested for prostitution related offences. Sex workers fought against it by testifying at legislative hearings but the discrimination and stigma was far greater than the legislators understanding of the industry and the law passed with only 1 State Representative in opposition.”***

SWOP BEHIND BARS, USA

***“Sex worker stigma in the US is thriving. With the passage of FOSTA/SESTA [legislation], sex workers have been further criminalized in the name of “anti-trafficking”...sex workers and sex worker advocates are often silenced by police, politicians [and] religious authorities in the name of “helping” those who are exploited. And in actuality sex workers are the ones providing outreach and services to those of us in the community who need it the most. Ironically, sex workers in the US are more likely able to reach and help sex-trafficked people, but are not given a seat at the table when it comes to addressing the issue in legislation, budgeting for social services, etc.”***

ST JAMES INFIRMARY, USA

***“The worst I would say are rescue projects like with the Mary Magdalene house where sex workers are ‘invited’ to pray and work without being paid, fabricating candles that are later sold by the churches.”***

STRASS, FRANCE

Despite the many barriers to their recognition as experts, sex workers have fought to establish their expertise and have achieved remarkable improvements in laws, policies, services and initiatives. Examples reported included the recent passing of bill SB 233 in California.<sup>7</sup> Sex workers now have amnesty to report violent crimes to the police, and condoms may no longer be considered ‘evidence of prostitution’. Sex workers can now carry condoms and report violence without fear of arrest. Further examples include the law reform work being done in Alaska to prevent law enforcement from having sexual contact with those they intend to arrest<sup>8</sup>, and the coalition of organisations campaigning for the decriminalisation of sex work in New York<sup>9</sup>.

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7 US Government, 2019, “Immunity from arrest”, Senate Bill No. 233.

8 “Alaska May Expand the Definition of Sexual Assault to Include Police Officers who Engage in Sexual Activity with Sex Workers Before Arresting Them”. NSWP.

9 “New coalition calls for decriminalization of sex work in New York”, NSWP.

# Good practice in recognising sex workers as experts in their own lives

**This section of the Smart Guide takes a more in-depth look at examples of good practice in recognising sex workers as experts in their own lives at national, regional and international levels.**

## **9th Universal Periodic Review (UPR) session: United States of America**

In 2010 Best Practices Policy Project (BPPP), Desiree Alliance, and the Sexual Rights Initiative (SRI) submitted a report to the UN High Commissioner of Human Rights on the state of sex workers' rights in the USA.

The UPR is a mechanism of the Human Rights Council (HRC) set up to improve human rights by holding UN Member States responsible for their human rights records. All UN Member States are reviewed every five years, and this includes reviews of the State report, independent reports from other UN experts and reports produced by non-governmental organisations. In addition, the UPR process examines whether the State under review has implemented its recommendations from previous reviews.

The shadow report submitted by BPPP and their allies represented ground-breaking work. Its detail of the treatment of sex workers in the USA led to the US Government's first agreement to address the violation of sex workers' rights at the UN. The report outlined the unjust and discriminatory treatment of sex workers, including police profiling tactics, abusive and violent police practices, and the limited or non-existent access to legal protection or health care available to sex workers. It also outlined the policies that serve to increase risk and harm to sex workers, especially workers who are transgender, migrants, or people of colour.

The report was developed through extensive research and consultation with sex workers and allies and made it clear that the potent combination of legislation, the legal system and law enforcement working together directly leads to the criminalisation of sex workers and their stigmatisation. As a result, sex workers face a much higher risk of harassment, extortion, and physical and sexual assault. Police officers were operating with impunity – most of the violence directed at sex workers “is at the hands of the very people who should be protecting them.”<sup>10</sup>

With little or no legal support, sex workers were also unlikely to get very far if they did try to seek justice. Criminalisation means it is almost impossible for sex workers to be recognised as victims of crime themselves. Countless cases of violence and institutionalised discrimination had been largely ignored by local governments and the state.

Following the submission of the report, members of BPPP travelled to the UN to attend the first review meeting. They spoke at the HRC alongside various state delegates, including those from Uruguay who subsequently proposed Recommendation 86 to the USA.

The next three months provided a small window of opportunity for sex workers’ rights activists to make the case for the US Government to reconsider its policy whilst under UN scrutiny. Advocates, activists, sex workers and allies across the USA rapidly formed the Human Rights for All working group, and created:

- A policy brief written specifically for the US Government, including a set of policy recommendations.
- An educational campaign to inform Congress leaders of the most critical issues facing sex workers, along with suggestions for viable solutions.
- A “Call to Action” addressed to the US Government, signed by over 150 people including public health leaders, academics and national and international human rights groups.
- Statements of support and endorsement from leading activists, scholars and officials in the fields of criminology, health and women’s rights.

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<sup>10</sup> “Our lives do matter’ Pressuring the State Dept. to end rights abuses faced by US sex workers”, Best Practices Policy Project.

Advocates had to work hard to shift the views of federal officials, who perceive sex work as a crime and human trafficking, rather than as a domestic human rights issue. Highlighting the failures of anti-trafficking measures was also a challenge, since the restrictions on federal funding resulted in a lack of systematic evidence-based research to draw from.<sup>11</sup>

Nevertheless, campaigners were able to demonstrate clear human rights violations to House and Senate representatives and the US State Department by showing that law enforcement abuse of sex workers had increased in line with the increase of anti-trafficking measures, and with the increase of funding for those measures.<sup>12</sup>

As a result, in 2011, the USA adopted Recommendation 86 to increase human rights protections for sex workers in the following ways:

***“Undertake awareness-raising campaigns for combating stereotypes and violence against gays, lesbians, bisexuals and transsexuals, and ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses.”***<sup>13</sup>

***“No one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution.”***<sup>14</sup>

This momentous statement means that in accepting Recommendation 86, the USA is obligated to increase human rights protections for sex workers, and under future Reviews will be held accountable for any failures to do so. The acceptance of Recommendation 86 also recognises the great influence of organised sex workers and their allies, and their capacity to press for change and gain significant political ground.

Since the adoption of Recommendation 86, sex workers continue to suffer many human rights violations. In the lead-up to the next Review in 2020, BPPP and Desiree Alliance have joined with Sex Workers Outreach Project-New York (SWOP-NY) to submit a report to the HRC highlighting the ongoing violent and unjust treatment of sex workers. The Black Sex Worker Collective, the Outlaw Project and the New Jersey Red Umbrella Alliance have joined BPPP, Desiree Alliance and SWOP-NY in collecting reports of human rights abuses against sex workers, in order to hold the USA accountable for failing to fulfil its obligations. When the report is completed in late 2019, sex workers will travel to the UN to promote the ongoing dangers of criminalising sex work.

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11 R Weitzer, “The Social Construction of Sex Trafficking: Ideology and institutionalization of a moral crusade”, *Politics & Society*, vol. 35, no. 3, 2007, 447.

12 Sex Workers Project, 2009, “Sex Workers Project, Use of Raids to Fight Trafficking in Persons”, 19.

13 “UPR Recommendations Supported by the U.S. Government”, US Department of State.

14 “Rights concerns acknowledged at the UN”, Best Practices Policy Project.

Reflecting on the decade since the acceptance of Recommendation 86 may be disheartening since there has been little improvement in the lives of sex workers on the ground. But it is important to recognise the substantial political progress that has been achieved by sex workers and their allies. For the first time in over a decade, the US State Department is prepared to engage in dialogue about sex worker rights, Hilary Clinton has referenced sex workers during a speech about human rights and marginalised groups,<sup>15</sup> and in the lead-up to the 2020 Review, the sex workers' rights movement is continuing to grow in both size and influence.

## **UNAIDS Guidance Note on HIV and Sex Work**

The Joint UN Programme on HIV/AIDS (UNAIDS) is the main advocate for global action on the HIV epidemic, and in 2007 they published a Guidance Note to address HIV and sex work. The Guidance Note was compiled to address the urgent need to provide access to HIV prevention, treatment and support for sex workers, and improve these services in order to reduce the risk of HIV infection.

However, the original Guidance Note proposed a number of problematic solutions, including ways to address male cultural habits to “reduce the demand for sex work” and methods of encouraging workers to leave sex work by providing “life choices and occupational alternatives to sex work.” The unrealistic implication that shrinking sex work would reduce the spread of HIV effectively frames sex workers as a cause, while ignoring real risk factors such as access to education or precarious living conditions.

Unsubstantiated claims that “a significant number of women and girls are trafficked into sex work” additionally conflate sex work with trafficking, and erase the agency of sex workers.

This first version of the Guidance Note was challenged by NSWP (led by APNSW and ICRSE). The Guidance Note was subsequently rejected by the UNAIDS Programme Coordinating Board due to inadequate community consultation.

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<sup>15</sup> “Clinton: Meeting With ‘Sex Workers’ Is ‘People-to-People Diplomacy at Its Best’”, CNS News.

UNAIDS did make some improvements in the subsequent 2009 edition of the Guidance Note, such as the removal of “expanding choices”<sup>16</sup> and alternative options for sex workers – previously one of their three essential pillars of addressing HIV and sex work. Despite the significantly longer new Guidance Note, the UNAIDS recommendations still contained several ambiguities requiring further clarification.

In response, NSWP representatives met with the UNAIDS Secretariat and lobbied for a working group to be set up so they could integrate the much-needed amendments. UNAIDS agreed to establish the UNAIDS Advisory Group on HIV and Sex Work (now Steering Committee) which was co-chaired by NSWP and United Nations Population Fund (UNFPA). This group included regional representatives from NSWP member organisations, independent experts including academics, and representatives of the UNAIDS Co-Sponsors and Secretariat. NSWP had also negotiated to administer the meetings acting as the Secretariat.

To maintain a balanced, safe and constructive space for the meaningful involvement of sex workers, NSWP negotiated that there was always an equal partnership in the working group throughout the process – for every sex work representative, there could be no more than one UN representative in attendance. NSWP insisted on a strictly controlled space so that NSWP representatives could speak freely.

Following Advisory Group meetings and work between 2009 and 2011, the crucial problematic areas were categorised under four key themes: the economic empowerment of sex workers; the legal and policy environment for sex work; shifting strategic focus away from ‘End Demand’ approaches; and addressing the problematic conflation of sex work and trafficking.

Four annexes developed these agreed themes, dividing up the work to ensure a balanced variety of content and lead writers, including both sex workers and academics. After many drafts and negotiations in 2010 and 2011, these Annexes were ready for publication. NSWP representatives insisted that the Guidance Note should only ever be read in conjunction with the Annexes, so the two documents were combined and published together in 2012.<sup>17</sup> They also ensured earlier versions of the Guidance Note were removed from circulation, so that it would only ever be read with the integrated Annexes.

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16 UNAIDS, 2012, “UNAIDS Guidance Note on HIV and Sex Work”, 3.

17 UNAIDS, 2012, “UNAIDS Guidance Note on HIV and Sex Work”.

Through their work with UNAIDS, sex workers proved their specialist knowledge in HIV and the most effective HIV strategies and services to protect and support their community. With their enhancements to the Guidance Note, it became clear that sex workers were the best placed experts in this area – as explicitly acknowledged in the Guidance Note. Throughout this process, sex workers built-up trusted relationships with UN agencies, which proved useful for encouraging the UN to consult with sex worker-led networks more extensively in future.

Nominated sex workers were brought in from across NSWP’s regional networks to contribute to Advisory Group meetings. Sex workers from diverse backgrounds were accessing UN buildings and sharing their stories, which helped demystify UN members’ concepts of a marginalised group. They were encouraged to think beyond the notion of tokenistic inclusivity, to see sex working people of colour as equals and experts in their own right. UN agencies are now accustomed to having sex work representatives at the UN, and the Advisory Group process has set a precedent for how the UN can meaningfully include sex workers in their processes.

One major advance in the 2012 Guidance Note and its Annexes was the inclusion of a clear statement to support the full decriminalisation of sex work; a ground-breaking achievement as this was the first time that the UN had done so as explicitly.

***“States should move away from criminalising sex work or activities associated with it. Decriminalisation of sex work should include removing criminal laws and penalties for purchase and sale of sex, management of sex workers and brothels, and other activities related to sex work.”<sup>18</sup>***

This statement becomes all the more powerful having emerged from a transparent, diplomatic process that was developed with UNAIDS based on equal partnerships with UN representatives, donors, established academics and expert members of the sex work community. This Annex, and this specific statement, have been repeatedly utilised by sex work campaigns and publications ever since.

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<sup>18</sup> UNAIDS, 2012, “UNAIDS Guidance Note on HIV and Sex Work”, Annex 1, 6.



## **The Association for Women's Rights in Development (AWID) partnership**

AWID is a feminist membership organisation that is dedicated to achieving gender equality, sustainable development and women's human rights around the world. They have over 5,000 individual and institutional members across 164 countries.

In 2008, the Human Trafficking and Transportation (Control) Act criminalised sex work in Cambodia and Nepal. As evidence of the horrific consequences of this policy mounted, sex worker advocates began reaching out to feminist organisations asking for support. Organisers from the Asia Pacific Network of Sex Workers (APNSW) began building links with AWID, understanding that advancing the rights of sex workers was key to their shared goal of advancing the rights of women.

AWID had already taken steps to engage with sex worker activists in previous Forums, but for the 12th AWID International Forum in Istanbul in 2012, APNSW requested they purposefully make space for sex worker participation for the first time. AWID worked with APNSW and NSWP to prepare and host the event, co-creating a strategy for the likely attendance of anti-sex work lobbyists. The organisations worked together to create a safe space for sex workers and feminists to engage, using the following strategies:

- Pre-arrangements with hotels to ensure respect for all attendees.
- Guidelines for facilitators outlining appropriate conduct, including the removal of any participants who fail to show respect to marginalised women.
- Briefing notes to help guide sex worker engagement, prepared by the Center for Advocacy on Stigma and Marginalisation.
- A dedicated pre-meeting for sex workers and allies to help orient them at the Forum, organised by APNSW and NSWP.
- A dedicated Sex Worker Area to ensure the visibility of sex worker organising.
- An overall theme for the Forum that was inclusive of sex work: Women's labour rights, gender equality and economic justice.
- A group promoting a vision of sex work, migration and feminism.
- Support for 23 sex workers from 15 countries to attend the event including the funding of transport costs via AWID's Access Fund.
- Talks from sex work researchers and screenings of relevant sex work films and documentaries.
- Four breakout sessions with presentations from sex workers, as well as sex worker-led discussions.

- The introduction of AWID’s Innovation Seed Grants, to provide funding and support for Forum participants to pursue ideas, solutions and connections made at the event.
- Plenary speech by sex worker activist, and then chairperson of APNSW, KayThi Win.

KayThi delivered her plenary speech and called for recognition of sex work as work, receiving overwhelming support in the plenary. It was a ground-breaking moment for the global sex workers’ rights movement – a sex worker speaking to one of the world’s largest gatherings of women’s rights activists and demanding to be heard, not treated as a victim.

KayThi explained how feminist ‘rescue’ organisations work with the authorities enabling police to “break into our workplaces and beat us, rape us and kidnap our children in order to ‘save’ us.” She called on the women’s movement to “speak up and speak out against the extremists who have turned the important movement against real trafficking into a violent war against sex workers.”<sup>19</sup> She called out those who are silent on sex workers’ rights as facilitating the rights violations that sex workers experience on a daily basis. At the end of her speech she asked the audience of nearly 2,000 people to stand with her – almost all stood and joined KayThi in chanting: “Sex work is work!” KayThi was subsequently elected by AWID’s membership to their International Board of Directors in 2012.



**KayThi Win (centre) giving her plenary speech, AWID International Forum, 2012**

AWID’s Innovation Seed Initiative had been set up to fund projects that were either sex worker-led or closely developed with sex workers, with a focus on advancing sex workers’ rights. In 2013, the grants facilitated projects in Hungary, the USA, India and Myanmar and AWID recognised that the strength and success of each project was due to the full flexibility to their funding beneficiaries received. Their Seed Grant Review stated that sex workers have the expertise to determine how to reach their community, advance their work, and make any ongoing adaptations or adjustments as needed.<sup>20</sup>

19 “Why the Women’s Rights Movement Must Listen to Sex Workers”, Rewire News.

20 AWID, 2014, “Planting seeds for innovation: initiatives that emerged from the 2012 Forum”, 5.

## Development and Publication of the SWIT

In 2011, The World Health Organisation (WHO) formed a Guidelines Development Group to review the evidence and draft recommendations specifically addressing HIV and STI prevention and treatment among sex workers. NSWP was invited to join the Guidelines Development Group and was contracted by WHO to conduct a global community values and preferences consultation among sex workers of all genders to ensure the meaningful involvement of sex workers from the outset. Sex workers from 33 countries across the five NSWP regions were consulted and sex workers of all genders and from all five regions joined other experts at the validation meeting in Switzerland in 2012, at which the recommendations were finalised.<sup>21</sup>

The WHO Guidelines<sup>22</sup> were published in 2012, providing recommendations for preventing and treating HIV and STIs among sex workers. Included were recommendations that Member States should: work towards decriminalising sex work; protect sex workers from discrimination and uphold their human rights; ensure sex workers' access to quality, non-stigmatising or discriminatory health services; and prevent and respond to violence against sex workers.

After publication, many organisations requested practical guidance on implementing the recommendations. In 2013 the SWIT Development Group (including WHO, UNFPA, UNAIDS and NSWP) was established and working groups were formed to draft each chapter of the SWIT. Sex workers co-led each of the multi-stakeholder working groups. Each group included other sex workers with experience and expertise in that area, centring sex worker voices in guidance for rights-based programming. A series of case studies were developed to provide examples of good practice. Draft chapters were reviewed and approved by sex workers and other stakeholders. Diverse sex workers, nominated from each of five NSWP regions, attended the validation meeting in Ghana in 2013.

The SWIT was published in late 2013<sup>23</sup> via strategic launches in partnership with NSWP and the regional sex worker-led networks at ICAAP, ICASA and UNAIDS Programme Coordinating Board. With sex workers recognised as best-placed to advocate for and implement the SWIT in their communities, NSWP and the regional networks prioritised the development of capacity-building on the SWIT and its implementation as a programme development and advocacy tool.

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21 NSWP, 2012, "NSWP – WHO Community Consultation Report".

22 WHO, UNFPA, UNAIDS & NSWP, 2012, "Prevention and Treatment of HIV and other Sexually Transmitted Infections for Sex Workers in Low- and Middle-Income Countries: Recommendations for a public health approach".

23 WHO, UNFPA, UNAIDS, NSWP, The World Bank, and UNDP, 2013, "Implementing Comprehensive HIV/STI Programmes with Sex Workers."



### Launch of the SWIT at ICAAP 2013

The SWIT therefore draws on extensive contributions from sex worker-led organisations. A key aim of the SWIT was to ensure it remained accessible, since it was developed primarily for sex workers and sex worker-led organisations. As well as keeping the language and format as clear as possible, NSWP planned for a rigorous review process as well as the publication of an additional *Smart Sex Worker's Guide to the SWIT*<sup>24</sup> for the community.

The practical, accessible structure of the SWIT was used as a template for the other key population implementation tools. In the creation of these resources, organisations and stakeholders have sought to replicate the SWIT's inclusive and collaborative development process.

In 2017 NSWP organised a Global Expert Meeting in Ukraine to develop a community-led monitoring and evaluation framework for the roll-out of the SWIT. The meeting included sex workers, UNAIDS and co-sponsors as well as programme implementers. The framework<sup>25</sup> was published following pilots in five countries – one in each of the five NSWP regions.

24 NSWP, 2015, "The Smart Sex Workers' Guide to the SWIT".

25 NSWP, 2018, "Monitoring the roll-out of the SWIT".



## Amnesty International's policy on sex work

Amnesty International is the world's largest grassroots human rights organisation, comprising over seven million members, supporters and activists around the world. Amnesty has been conducting research into violence against women for many years, including torture, assault and rape by the police. Sex workers have emerged as a key group in these human rights violations.

In 2010, Amnesty reported that sex workers in Uganda were being told that because they were selling sex they were “asking for it,” and that “a prostitute can't be raped”.<sup>26</sup> In Nigeria, sex workers were being routinely targeted by the police for extortion and rape.<sup>27</sup> Amnesty carried out Urgent Actions in 2014 to address targeted murders of sex workers in Honduras,<sup>28</sup> and the eviction and abuse of sex workers by the police in Brazil.<sup>29</sup>

The organisation took over two years to develop a sex work policy, ensuring it met international standards and human rights law, and that they had conducted sufficient research internationally. The policy needed to be as comprehensive as possible to withstand likely aggressive interrogation. Amnesty gathered evidence from hundreds of individuals and organisations, including leading academics, UN agencies, women's and LGBT rights groups, indigenous women's groups, anti-trafficking groups, abolitionist groups and sex worker-led organisations – including NSWP, its global membership and regional sex worker-led organisations.

Amnesty produced their draft documents in 2013. They consulted with their members, external agencies and rights-holders for feedback and to check if, based on the content, they believed that Amnesty should adopt such a policy. The documentation was reviewed and amended to reflect that feedback, evolving in line with evidence from stakeholders, including sex workers. The strongest criticisms came from fundamental feminist and abolitionist groups, including previous, consistent supporters of Amnesty's other research and policy work. Additionally, the organisation lost partnerships with several politicians, but nevertheless continued to develop their policy. They also published four reports resulting from research into sex work in Buenos Aires (Argentina), Hong Kong, Norway and Papua New Guinea.<sup>30</sup>

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26 Amnesty International, 2010, “Uganda: “I can't afford justice”: Violence against women in Uganda continues unchecked and unpunished”.

27 Amnesty International, 2014, “Nigeria: “Welcome to hell fire”: Torture and other ill treatment in Nigeria”.

28 Amnesty International, 2014, “Honduras: Sex workers targeted and killed in Honduras”.

29 Amnesty International, 2014, “Brazil: Sex workers evicted and abused by police”.

30 “Amnesty International publishes policy and research on protection of sex workers' rights”, Amnesty International.

In 2016, Amnesty launched their policy to advocate for the full decriminalisation of sex work, which outlines the many damaging ramifications of sex work criminalisation, while acknowledging the direct responsibility of the state:

***“Amnesty International calls for the decriminalization of all aspects of adult consensual sex work... it is necessary not only to repeal laws which criminalize the sale of sex, but also to repeal those which make the buying of sex from consenting adults or the organization of sex work a criminal offence. Such laws force sex workers to.... compromise their safety... and deny sex workers support or protection from government officials. They therefore undermine a range of sex workers’ human rights.”***<sup>31</sup>

Amnesty predicted their policy was likely to cause controversy, but the high profile backlash it received was unprecedented; Hollywood actresses joined religious leaders and activist groups to sign a letter protesting Amnesty’s policy.<sup>32</sup> The Coalition Against Trafficking in Women (CATW), who advocate for The Nordic Model, wrote that they were “deeply troubled” by the proposal to decriminalise “pimps, brothel owners and buyers of sex”. CATW likened decriminalisation to “a system of gender apartheid”. Anti-sex work campaigners mobilised quickly, gaining thousands of signatures and extensive media coverage, particularly in Europe and the USA. The CATW petition shone a bright media spotlight on both Amnesty and sex workers’ rights. NSWSP mobilised in support of Amnesty in the lead-up to their International Council meeting, launching a counter-petition and statement of support signed by thousands of sex workers and their allies.<sup>33</sup>

Amnesty fielded an unprecedented amount of media enquiries, directing as many as possible to sex worker-led organisations and networks, knowing that members of the community could respond more effectively. Sex worker-led organisations had proven their expertise and articulation regarding media, and Amnesty insisted that each journalist should first speak with their local and national sex worker organisations.

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31 Amnesty International, 2016, “Amnesty International Policy on State obligations to respect, protect and fulfil the human rights of sex workers”, 2.

32 “Hollywood celebrities versus Amnesty International”, The Sydney Morning Herald.

33 “NSWP Issues Statement of Support for Amnesty International and Launches Online Petition”, NSWSP.

The global sex worker movement quickly put forward an abundance of brave, brilliant spokespeople. As the debate unfolded, sex worker activists took centre stage with smart commentary, compelling evidence and their personal stories on social media, in contrast with the privilege and disdain of the actors and fundamental feminists who spoke in support of CATW.

Over the four-month period that Amnesty's policy was in the news, coverage transformed from largely negative portrayals of sex workers to more neutral coverage, and finally, to a mostly positive representation in full support of decriminalisation. Sex workers' efforts effectively turned the narrative around and the CATW campaign backfired spectacularly.

## **ILGA-Europe and ILGA-World statements on the decriminalisation of sex work**

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-World) is a global federation of local and national organisations that are dedicated to achieving equal rights for lesbian, gay, bisexual, transgender and intersex (LGBTI) people around the world. LGBTI people are disproportionately represented within sex work, since they face higher barriers to other forms of labour. They are subsequently far more likely to face homelessness, poverty, poor mental health, suicide and alcohol or substance misuse, when compared to their cisgender, heterosexual counterparts.<sup>34</sup>

10.8% of transgender people say they have participated in sex work in the USA, and an additional 2.3% say they have traded sexual services for rent or accommodation.<sup>35</sup> This sits in stark contrast to the national estimate of approximately one percent of the general population engaging in sex work. Transgender sex workers sit at the intersection of oppression, criminalisation and gender-based violence. In fact, 88% of murdered transgender people in Europe are sex workers.<sup>36</sup> In France, an estimated 10% of sex workers are male, including gay men and other men who have sex with men.<sup>37</sup>

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34 Government Equalities Office, 2016, "Inequality among LGB&T groups in the UK: a review of evidence", 123.

35 National Center for Transgender Equality, 2015, "Meaningful Work: Transgender Experiences in the Sex Trade", 4.

36 Transgender Europe, 2017, "The vicious circle of violence: Trans and gender-diverse people, migration, and sex work", 6.

37 TAMPEP, 2009, "Sex Work Migration Health: A report on the intersections of legislations and policies regarding sex work, migration and health in Europe", 85.

With the criminalisation of sex workers' clients in Norway in 2009 and the looming threat of sex work criminalisation spreading across the continent, the International Committee on the Rights of Sex Workers in Europe (ICRSE) called for a meeting about sex work with ILGA-Europe in 2012. This meeting triggered a five-year process of workshops, discussions and negotiations with ILGA-Europe member organisations – in particular the feminist allies in the movement.

Queer and transgender sex workers started organising workshops at ILGA-Europe, and in 2013 the first workshop on LGBTI sex workers took place at ILGA-Europe's Annual Conference in Zagreb. Attendees wanted to learn more about sex workers' lived experiences and how they could help amplify their voices and needs. Queer sex work-specific workshops are now a permanent fixture and are held annually at the ILGA-Europe conference. At the 2016 ILGA-Europe conference, ICRSE and NSWAP were included to help create a safe and inclusive space for LGBTI sex workers. ILGA-Europe funded several scholarships for sex workers to attend from around the world, including the Philippines, Uganda, and the USA. They also offered sex workers the opportunity to speak on a panel about sex work at the conference.

After engaging with many LGBTI sex work activists and sex worker-led organisations, ILGA-Europe was ready to build a policy that truly reflected the needs of sex workers, and in 2018 published a statement in support of the decriminalisation of sex work:

***“Calling for decriminalisation of all aspects of sex work as a cornerstone for protecting the human rights of sex workers... Working towards the full inclusion of the voices of sex workers in the LGBTI community.”***<sup>38</sup>

In their statement, ILGA-Europe called on all LGBTI organisations, policy-makers and other stakeholders to adopt an intersectional and sex worker-inclusive approach that listens to LGBTI sex workers and meaningfully involves them in all policies that affect them. They also pledged to support the full decriminalisation of sex work and advocate for the protection of LGBTI sex workers by governments and institutions. They call on all LGBTI organisations, policy-makers and advocates to do the same.

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<sup>38</sup> ILGA-Europe, 2018, “Empowering LGBTI sex workers – new position paper”.



By their own admission, ILGA-Europe were initially cautious about collaborating with LGBTI sex workers as it risked complicating their relationships with other groups.<sup>39</sup> LGBTI sex worker activists repeatedly pushed for change throughout the five-year process – sharing their stories, providing evidence and research, and reaching out directly to many LGBTI groups and communities.

By highlighting the human rights violations experienced by some of the most marginalised members of the LGBTI community, sex worker experts helped ILGA-Europe to improve their general ethos and organisational policy. ILGA-Europe now recognise their responsibility to listen to the diverse voices within the movement, make space for those who are most likely to be excluded, and fight for the rights of the most marginalised, stigmatised and criminalised members of their community.

ILGA-Europe's 2018 statement had a direct impact on the policy of some of their member organisations, triggering conversations in some of the smaller groups about queer and transgender sex workers for the first time. As soon as ILGA-Europe released their statement, ICRSE asked ILGA-World for a resolution addressing the stigmatisation, criminalisation and legal oppression of LGBTI sex workers across the globe. Sex worker activists strategically chose to raise the needs of LGBTI sex workers with ILGA-Europe ahead of broaching the topic with ILGA-World. It made sense to lobby the smaller organisation first. ILGA-Europe and ICRSE had an existing relationship that provided the foundation for a relatively fast and simple process – necessary given the pending threat of the Nordic model spreading across Europe.

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39 [“Why we have a new policy on LGBTI sex work”](#), ILGA-Europe.

In 2019, ILGA-World held their annual conference in New Zealand, where sex work has been decriminalised since 2003, and where there has been a substantial reduction in sex workers experiencing violence.<sup>40</sup> At the conference, ILGA-World tabled a motion for the organisation to publicly support decriminalisation. The ‘yes’ vote was unanimous.

ICRSE and New Zealand Prostitutes’ Collective (NZPC) called the motion “an historic first for ILGA-World” saying they “join a growing number of human rights, health and anti-trafficking organisations demanding governments recognise sex work as work, and protect sex workers’ labour and human rights.” The joint statement from ILGA-World, ICRSE and NZPC recognises decriminalisation as “being among the best practices for sex work policy and law by the UN and other international organisations, as well as women’s organisations in New Zealand, including the Maori Women’s Welfare League, the largest indigenous women’s organisation in the country.”<sup>41</sup>



**Sex Work Decriminalisation Plenary panel discussion, ILGA-World Conference, 2019**

Queer and transgender sex workers are now pushing ILGA-World to take action that goes beyond their position statement, such as setting up an LGBTI sex work committee and programmes that specifically cater for queer and transgender sex workers. Sex workers are also using ILGA-World’s intersectional, inclusive policy to push for support of minorities within the movement, such as sex workers of colour, transwomen, migrants, and people living with HIV.

40 British Medical Journal, 2018, “[Commentary: New Zealand’s full decriminalisation means police and sex workers collaborate to try to reduce violence](#)”, 5.

41 “[LGBTI organisations from across the world call for decriminalisation of sex work](#)”, ILGA-World.

# Recommendations for sex worker-led organisations and their allies

- 1** Demand to be heard. Amplify sex workers' voices and demonstrate that sex workers are the experts on issues that affect them. Demand to be heard in as many places as possible, including within government.
- 2** Prioritise giving sex workers platforms and support them to present their diverse experiences when writing policy or speaking with the media. Support diversity within the movement so that more marginalised members are given a platform, and so the movement can more effectively convey the diverse needs of sex workers.
- 3** Collect detailed evidence and testimony of sex workers' lived experiences, including human rights violations. Use this evidence wherever possible.
- 4** Strengthen networking: reach out to other national and international sex worker-led organisations and networks; share lessons learned and strategies.
- 5** Foster ongoing relationships with other marginalised communities and trusted allies, facilitating their support and collaboration.
- 6** Foster ongoing relationships with UN, national and local government agencies to maximise sex workers' inclusion in the development of laws, policies, practices, programmes and interventions. Be ready to challenge initiatives that do not promote sex workers' rights.
- 7** Challenge intersecting community rights groups to better include and support sex worker members
- 8** Foster equal partnerships with other groups or organisations – sex workers must be equal collaborators, not simply advisors.
- 9** Set up an organised, fast-response procedure for media engagement. Conduct media training to achieve positive, rights-affirming media representation.
- 10** Demand inclusion: request financial assistance for sex workers to attend meetings, conferences and other fora. Formulate strategies, including fundraising, to maximise sex worker participation.

# Conclusion

Sex workers must be considered experts in their own lives, as failing to do so increases the likelihood of their marginalisation and stigmatisation. Criminalisation puts sex workers' incomes and lives in jeopardy, and makes advocating for their own rights a precarious and dangerous activity. Furthering the rights of sex workers should be no more controversial than working for the human rights protections of other marginalised groups.

Evidence shows that meaningful involvement of sex workers is critical to success in tackling inequality and inequity in our society. It improves the processes and policies of the groups and agencies who engage with them, and leads to rights-affirming, authentic media representation. Sex workers are best placed to improve their own work practices and to define what they need from sex worker outreach services.

The good practice examples highlighted in this Guide have led to some outstanding achievements, and they are indicative of the many future possibilities. Sex workers are the experts on the issues that affect them, and only when this is fully recognised will we be able to see more sex workers in the positions that can truly inform change.





**nswp**

**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

## **SOLIDARITY IN ACTION**

**Even before the HIV epidemic, sex workers were organising themselves. NSWP, as a global network of sex worker-led organisations, has strong regional and national networks across five regions: Africa; Asia-Pacific; Europe (including Eastern Europe and Central Asia); Latin America; and North America and the Caribbean.**

NSWP has a global Secretariat in Scotland, UK, with staff to carry out a programme of advocacy, capacity building and communications. Its members are local, national or regional sex worker-led organisations and networks committed to amplifying the voices of sex workers.



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