

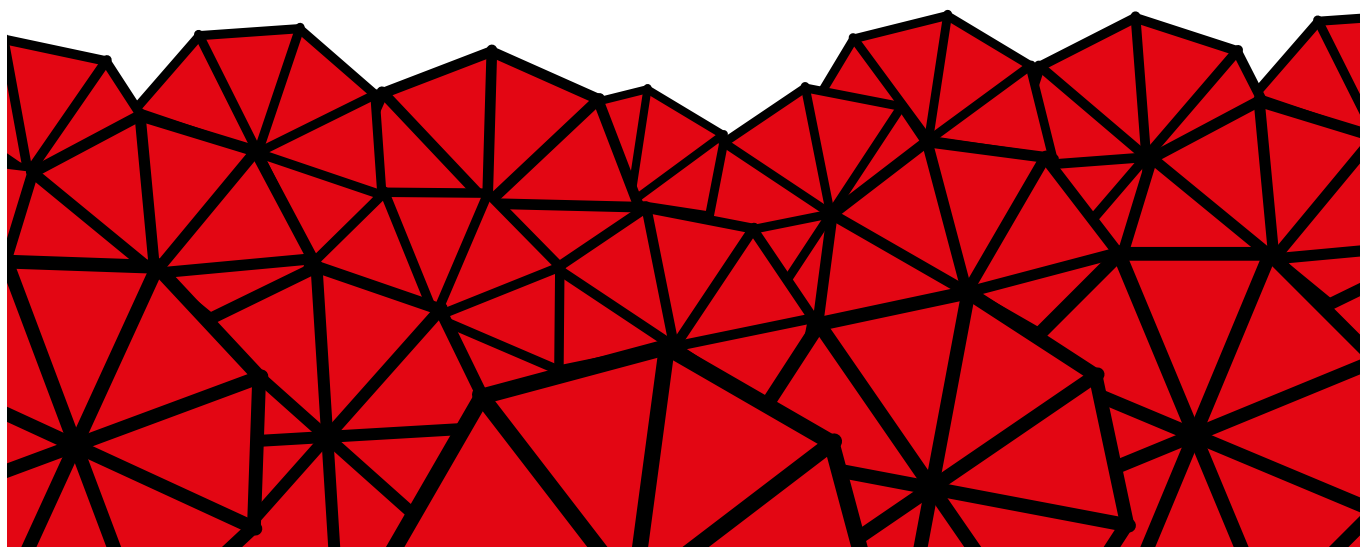


nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

**BRIEFING
PAPER**

Shrinking Spaces and Silencing Voices



Shrinking Spaces and Silencing Voices

Introduction

Space for the voices of sex workers and sex worker-led organisations is shrinking. Sex workers increasingly have less influence over programmes, policies and other decisions that affect their lives. Civil society organisations and other stakeholders increasingly behave as though they have the right to funding and advocacy platforms, either because they work with sex workers and are therefore ‘experts’ who can speak for sex workers, or they actively exclude sex workers’ voices entirely because they refuse to recognise the agency of sex workers or respect their human rights. Various national and international fora are also seen as hostile environments for sex workers and sex workers are actively excluded by organisers.

Sex workers are uniquely positioned to identify their own legal, health and safety needs and to lead the way toward appropriate structural reforms. Yet globally, sex workers’ voices are ignored, spoken over or absent in local, regional, national and international conversations on policy development and programming. Politicians, ‘anti-trafficking’ activists, fundamental feminist and abolitionist organisations, religious and faith-based communities and others promote ‘end demand’ models. Doctors, healthcare workers and non-governmental organisations (NGOs) often determine sex workers’ access to HIV prevention and sexual health services without input from the community. International mechanisms protecting women’s human rights consistently fail to include

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sex workers. Where sex workers are included, it is often superficial or tokenistic, or they are exploited as channels for external stakeholders to access funding. Meanwhile, sex workers’ rights organisations are chronically underfunded.

Consequences for sex workers include: increased risk of experiencing violence; restricted access to health care; limited mobility; decreased ability to protect one another; and a lack of legal protections. Sex workers of colour, transgender sex workers, migrant sex workers, sex workers living with HIV, and street-based sex workers suffer these repercussions most acutely and consistently. Without sex workers’ meaningful involvement, programming and policy is frequently misguided, harmful and ineffective. Sex workers must be prioritised in all decision-making mechanisms and fora if their fundamental human rights are to be respected and protected.

Despite this climate of exclusion, sex workers continue to demand a seat at the table. Sex worker-led organisations around the world find ways to join conversations by organising demonstrations, building partnerships and alliances, and by fostering relationships with those in positions of power and influence.

This briefing paper examines the ways in which sex workers' voices are excluded from key spaces at all levels. Highlighting the importance of human rights, community empowerment and self-determination for sex workers, it also provides specific recommendations to remedy these problems moving forward.

Methodology

This paper represents the results of in-depth research with sex workers and other key informants. Sex worker respondents participated in focus groups and interviews using a standardised questionnaire. Nine National Consultants worked in Belgium, the Democratic Republic of the Congo (DRC), Canada, Fiji, Guyana, Ukraine, Zambia, Mexico, and El Salvador. The in-country research represents 477 female, male and transgender sex workers, including some who identified as non-binary. The majority were between 20 and 40 years old, with an age range of 18 to 50+. The research included LGBT and migrant sex workers, those living with HIV, sex workers who use drugs, urban and rural sex workers, and those working across a range of sex work settings. A global e-consultation was also carried out with NSWP member organisations. Key informants from allied key-population networks (including people living with HIV) and international experts in women's rights were also interviewed, providing an overview from those working in alliance with sex workers, primarily in international spaces.

Meaningful Involvement and Barriers to Inclusion

Meaningful Involvement

The concept of "meaningful participation" of sex workers in developing policy and programming is integral to the Sex Worker Implementation Tool (SWIT), which provides specific guidelines for effective HIV and

STI programming for and with sex workers.

The SWIT argues that meaningful participation is "essential to building trust and establishing relationships and partnerships that have integrity and are sustainable". It requires that sex workers "choose how they are represented, and by whom, choose how they are engaged in the process, choose whether to participate, [and] have an equal voice in how partnerships are managed."¹

In 2017, sex workers from all five NSWP regions

convened a Global Experts Meeting to further review and define criteria for meaningful involvement of sex workers "in the design, development, implementation, management, and monitoring and evaluating in programming, policy and legislation."² The meeting produced an assessment tool for the meaningful involvement of sex workers. These resources represent a global standard for all sex work-related policy development and programming.

The concept of "meaningful participation" of sex workers in developing policy and programming is integral to the Sex Worker Implementation Tool (SWIT)...

1 WHO, UNFPA, UNAIDS, NSWP, World Bank, UNDP, 2013, "Implementing Comprehensive HIV/STI Programmes with Sex Workers," 7.

2 NSWP, 2018, "Meaningful Involvement of Sex Workers."

Stigma, Discrimination and Criminalisation

The stigma attached to sex work and sex workers is persistent, pervasive and damaging. Stigma lays the groundwork for discrimination against sex workers and provides a rationale for the exclusion of sex workers from conversations and decision-making processes.

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“Stigma has a function. It is there to silence us and disqualify what we can reveal. We are not supposed to exist as normal beings and political subjects, so we are never invited nor listened to on matters that concern us. And when we could be, we cannot be taken seriously... [Stigma is used as a] political tool to exclude and discriminate”

STRASS, FRANCE

“Stigma is heavy and keeps people silent. You don't know what will happen if you come out as a sex worker or ex-sex worker; there can be consequences.”

PRO-TUKIPISTE, FINLAND

Sex workers are stereotyped as both victims and criminals. In Canada, the USA and Ukraine, sex workers attributed this to the rise of ‘anti-trafficking’ movements. In many countries, sex workers as victims is a concept written into law. For example, in France in 2016, a law was reworded to define sex workers as “victims of prostitution.” The conflation of consensual sex work with trafficking has led to laws and policies designed to ‘rescue’ sex workers as victims while punishing them as criminals.³ If sex workers insist they are not victims, they are either ignored, or risk being painted as co-conspirators with traffickers.

“We are considered [either] victims of trafficking or [part of] the pimp lobby”

LEGALIFE-UKRAINE

Sex workers are frequently stereotyped as poorly educated and without agency. Sex workers in Singapore explained that by “being portrayed as weak, clueless and [in need of] rescue,” they are not “taken seriously” (Project X, Singapore). This stereotype is often weaponised in tandem with claims that sex workers cannot be considered experts without academic degrees. Sex workers in Kyrgyzstan, Ukraine, Belgium, El Salvador and Zambia all reported difficulties with perceived legitimacy.

“In the social aid organisation I often frequent, I have often suggested to hire me as an expert. I've been an escort for twenty years and I have heaps of experience on the matter. But it's impossible: I have no degree. This way I as a sex worker am being prevented from participation.”

SEX WORKER, BELGIUM

Treating sex workers as incapable of speaking for themselves enables others to claim to represent their needs. Sex workers in Canada, the DRC, and Zambia reported cultural and social views of sex workers as shameful and degrading (DRC) or “drug-addicted” (Canada) and diseased (Canada, Zambia).

Sex workers in several countries noted the prevalence of internalised stigma. In Ukraine, one sex worker explained that living with stigma and discrimination “increases our self-doubt,” thus “reducing our relevance... we begin to doubt our knowledge” (Legalife-Ukraine).

³ NSWP, 2014, “Overcoming Practices that Limit Sex Worker Agency in the Asia Pacific Region”

One sex worker noted “it’s a shame we only seem to be consulted with after tragedy.”

Some sex workers, such as those in Ukraine, advocated for sensitivity training for law enforcement to prevent mistreatment and abuse. Local police in Vancouver, Canada have received sensitivity training. Sex workers said this only became possible after serial killer Robert

Pickton and the ongoing ‘Case of the Missing and Murdered Women’⁴ revealed systemic problems – including the stigmatisation and criminalisation of sex workers. One sex worker noted “it’s a shame we only seem to be consulted with after tragedy.” Sex workers in Guyana similarly reported only being consulted following murders or other tragedies.

Sex workers in Fiji report having their photos taken by police which routinely end up on social media sites, leading to increased social stigma and discrimination. They cite religious beliefs as a common source of stigma.

Funding

Globally, most sex worker-led organisations operate on limited budgets or a total lack of funding.⁵ Where funding is accessible, it is rarely provided by the state. The Global Fund provides limited funding in some countries, while sex workers elsewhere reported receiving funds largely through international organisations for narrowly defined programming. Funding may also come with anti-sex work strings attached: The US President’s Emergency Plan for AIDS Relief (PEPFAR) requires that recipients sign contracts with an anti-prostitution clause.⁶

This lack of funding leaves sex workers without the resources to prepare for, travel to, and participate in meetings:

“There is a lack of sustainability. In a city like San Francisco, so many of us are struggling just to make ends meet and pay rent. There is a lack of resources to foster the leadership and activism of sex workers.”

ST JAMES INFIRMARY, USA

Many sex workers dedicate themselves to attending as many meetings as possible, often at personal cost:

“Whether there is money or not, most of these meetings are important to us because we get to input what we want to see and the kind of programming that we want to see for sex workers.”

ZASWA, ZAMBIA

Conversely, representatives from non-sex work organisations who speak ‘on behalf of’ sex workers often participate in a paid capacity:

“When we attend a meeting, most people are there because they work. It is taken in their working hours. For us, never. We are not paid; it is hours of work that we lose.”

SEX WORKER, BELGIUM

4 Brenda Belak with members of Sex Workers United Against Violence, “Why we must include sex workers in the national inquiry into missing and murdered Indigenous women,” Pivot Legal Blog, 17 February 2016.

5 Mama Cash, Red Umbrella, and Open Society Foundations, 2014, “Report: Funding for sex worker rights.”

6 NSWP, 2011, “PEPFAR and Sex Work.”

Tokenistic Inclusion

As a result of stigma and the stereotyping of sex workers as uneducated or incapable, many sex workers experience only superficial engagement at local, national and international levels:

“When sex workers are... invited to some meetings for show, it emphasizes: we do not notice you or we put up with your presence, but nobody is going to seriously consider your opinion.”

SEX WORKER, KYRGYZSTAN

George Ayala, Executive Director of Global Action for Gay Men’s Health & Rights (MPact), said this tokenism occurs regularly within UN spaces:

“When [sex workers and other members of key populations’ communities] are invited they’re not necessarily included or engaged. Most often they sit there, they say what they need to say and it’s very important but the UN people try to reframe the issue.”

Sex workers in many countries also reported tokenistic inclusion by non-sex work organisations as a common strategy to access funding.

“We are rarely involved in a way [that] what we say [is] taken serious. Because you see when the funds come through and they don’t come back to us the way they use us for writing their proposals... this shows that they get what they need from us and the rest its theirs.”

SEX WORKER, ZAMBIA

...[sex workers are consulted] just to show the donor that sex workers were consulted.”

The government engages sex workers in Guyana more often when a donor agency is visiting and the government “wants to say that sex workers were present at the meeting... [sex workers are consulted] just to show the donor that sex workers were consulted.”

Funded Adversaries and False Allies

Those paid to attend meetings in decision-making spaces often do not represent sex workers’ concerns or interests. Sex workers in Ukraine reported that paid attendees included publicly-funded advocates for criminalisation and HIV NGOs that do not provide services aimed at sex workers. In the USA, funding is funnelled primarily into law enforcement through so called ‘anti-trafficking’ initiatives. In Canada and Mexico, funding goes to abolitionists, anti-trafficking groups, police and faith-based groups who consider all sex work to be exploitation.

Opaque Bureaucratic Processes

Complex bureaucratic rules and procedures and a lack of transparency in decision-making processes – such as those within the UN system – are a barrier to sex worker engagement. Ayala noted that key population community representatives do not always recognise the ways in which their voices are drowned out or their language is watered down because they lack familiarity with complex UN processes. An ally from the Sexual Rights Initiative (SRI) reported that processes are often “only accessible to the people who are there...all intergovernmental spaces or international spaces [and] the system itself [are] hostile space[s] for sex workers and sex worker groups.”

Silencing Sex Workers' Voices

Respondents named a range of actors who take up the spaces for sex worker voices: fundamental feminist and abolitionist organisations; those working in the field of 'rescue and rehabilitation'; mainstream service providers including lawyers, doctors and healthcare workers; faith-based organisations; law enforcement; social workers; and NGOs working in the fields of migration, human trafficking, women's rights, HIV and human rights.

This section examines the ways in which sex workers are 'spoken for' or excluded from spaces.

Politicians, Lawmakers, and Governments

In 2014, former Canadian sex worker and board chair at Pivot Legal Society Kerry Porth made a presentation to the Justice Committee

hearings on Bill C-36, *The Protection of Communities and Exploited Persons Act*.⁷ The hearing struck down Canada's previous laws – three laws that violated sex workers' constitutional right to security of the person.⁸ Bill C-36 replaced these laws in a historic victory, but it sadly replicated many of the same harms as the old laws. Porth's presentation at the hearing was treated without respect or interest and all the sex workers who spoke up during the process were ignored.

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"From the very first day, current and former sex workers and others who spoke out against Bill C-36 have been dismissed, ridiculed, subjected to hostile questioning, and heckled... In my statement, I explained that I am a former sex worker who worked in circumstances of profound addiction, poverty, and occasional homelessness, and that I have worked with hundreds of women in similar circumstances. My voice, and those of other current and former sex workers who appeared, should have been prioritized as we have direct experience and expertise to share with the committee about how Bill C-36 will affect sex workers. Yet not a single question was asked of me. When my colleague Elin tried to defer a question that was more appropriate for someone with experience in sex work to answer, Conservative MP Stella Ambler looked me in the eyes and said, 'We don't have time for that.'"⁹

Indeed, sex workers are rarely consulted when 'end demand' strategies are proposed. In France, STRASS explained that despite being active for over ten years and well-known by the general public, they were completely ignored during the debate surrounding France's 2016 law reform that resulted in the adoption of the Nordic Model:

"It is like we don't exist. We are never asked about our opinion. Only by journalists and most of the time it is to provide anecdotal testimonies to satisfy stereotypical representations."

STRASS, FRANCE

7 NSWP, 2014, "Canada: Anti Sex Worker Bill Passes Senate."

8 Darcie Bennett, "Canada v. Bedford – The decision in 705 words," Pivot Legal Blog, 20 December 2013.

9 Kerry Porth, "Justice Committee on Bill C-36 ignored sex workers," Pivot Legal Blog, 14 July 2014.

Sex workers in several countries also reported being excluded from local politics. In Guyana, sex workers said there had never been serious discussion from the state regarding sex work policy. In Mexico, sex workers were not consulted when the state created ‘tolerance zones’ for sex work. In El Salvador, sex workers are excluded from decision-making spaces, but occasionally superficially engaged by politicians for their own gain:

“They visit us to take pictures...and upload them on Facebook and they don’t do anything for the sex workers.”

SEX WORKER, EL SALVADOR

In Kyrgyzstan, sex workers cited recent discussions surrounding the national gender equality plan as an example of their exclusion – the plan does not mention sex workers and was developed without their involvement.

In the USA, sex workers noted their political exclusion:

“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.”

ST JAMES INFIRMARY, USA

In Belgium, one sex worker described their experience of being shamed and silenced during a parliamentary debate:

“Once in the European Parliament during a debate on the Honeyball [client criminalisation] position where I wanted to express myself, [I was told] ‘Madam, since you have been a prostitute, you have no soul.’”

SEX WORKER, BELGIUM

Fundamental Feminists and Abolitionist Organisations

Respondents named anti-sex work campaigners as most responsible for the exclusion of sex workers in decision-making spaces. This was most acutely the case in the European region. ‘End demand’ advocates and

those promoting faith-based abolitionist positions further entrench of the perception of sex workers as victims without agency or self-determination. This portrayal of sex workers provides the insidious rationale for excluding their lived experiences and expertise.

In Ukraine, sex workers report that ‘end demand’ models are gaining popularity with abolitionists “trying to save us from our work by fighting with our customers.” Legalife-Ukraine reported that this has caused sex workers to “[drop] out

of important and significant processes regarding legislation.” Sex workers in Belgium echoed this experience – the previous government, which fell in December 2018, decriminalised third parties, but sex workers in Belgium expect their place in upcoming debates about sex work law reform to be usurped by abolitionists from the European Women’s Lobby.

‘End demand’ advocates and those promoting faith-based abolitionist positions further entrench of the perception of sex workers as victims without agency or self-determination.

This persistent exclusion is especially frustrating for sex workers who recognise that fundamental feminists speaking on their behalf have neither experience in sex work nor meaningful relationships with sex workers:

“[They] have standpoints on prostitution. But none of them have even set one foot in a brothel. They have strong opinions. They shouldn’t be speaking in our place without ever having been a sex worker.”

SEX WORKER, BELGIUM

...politicians are pressured by abolitionist organisations not to speak to sex workers – politicians worry that abolitionists will campaign against them if they communicate with sex workers.

In France, STRASS reports that politicians are pressured by abolitionist organisations not to speak to sex workers – politicians worry that abolitionists will campaign against them if they communicate with

sex workers. Abolitionist organisations in France are well-funded by both government and the church and can organise large conferences with prominent politicians. They have also integrated into “administrations, trade unions, and political parties” ensuring their continued influence.

Anti-sex work campaigning also pervades feminist spaces, which become hostile environments for sex workers. A sex worker who attended the Commission on the Status of Women (CSW) in New York reported that a French

minister in attendance “physically turned her back... and said she refused to talk to [the sex worker].” Similarly, sex workers attending a CSW side event sponsored by the French and Swedish governments in 2019 reported experiencing exclusion¹⁰ and silencing after anti-sex work comments were made by the Swedish Women’s Lobby.¹¹

In Finland, Pro-Tukipiste reported that they, and newly formed sex worker-led organisation FTS Finland, were excluded from a meeting comprised of women’s groups with connections to the European Women’s Lobby. They were denied access to the meeting – a discussion on the submission of a report regarding the General Recommendation on Trafficking of Women and Girls in the Context of Global Migration (GR) to the Committee on the Elimination of Discrimination Against Women (CEDAW). Similarly, SRI reported that during CEDAW’s half-day meeting on the GR, abolitionists acted as though “they knew what they were going to do, they didn’t want to listen... they’ll do whatever they can to make sure [sex workers’] voices don’t get heard so they can write what they want.”

Numerous European sex workers and key informants identified a common abolitionist strategy as including stories from one or two individuals who identify as victims of trafficking and framing these as a representation of all sex work. Any suggestion that consensual sex work exists or is the more common experience of sex workers is silenced. This strategy is particularly challenging to rebut as sex worker activists do not wish to dismiss individuals’ experiences, but object to this misrepresentation of sex workers’ experiences as a whole.

10 NSWP, 2019, “NSWP at CSW63.”

11 NSWP, 2019, “Sex workers excluded from CSW side event on SRHR”;

Faith-based Organisations

Often working in close partnership with fundamental feminists are religious or faith-based organisations who share an anti-sex work perspective.

Sex workers from SWOP Behind Bars in the USA consider these communities, particularly evangelical Christians, to be “probably the worst offender” and note that “they carry a great deal of influence.” Sex workers in Zambia, which created an official Ministry of National Guidance and Religious Affairs in 2016, explain that the 2019 National Policy “espouses a Christian lifestyle and will further curtail sex workers’ organizing and worsen stigma and discrimination and hence participation in-country and outside the country.” A newspaper article in 2017 boasted that “over 70 percent of sex workers who enrolled [in a religious ‘rehabilitation’ programme] have been transformed... while some have become Christians.”¹² In France, faith-based organisations are also intimately connected with the rescue industry, which profits from sex workers’ work by silencing them:

“The worst [for speaking for sex workers] are rescue projects like with the Mary Magdalen House where sex workers are ‘invited’ to pray and work without being paid, fabricating candles that are later sold by the churches.”

STRASS, FRANCE

Sex Workers and the HIV Response

Respondents from most countries identified the HIV response as a primary target where sex workers’ input is essential. For sex workers around the world, the HIV sector is a space in which their voices are most often represented or at least requested. Sex workers are involved in HIV work in every country represented in this paper, though their level of inclusion varies greatly from tokenism to meaningful involvement.

In Zambia, sex workers said the Global Fund’s ring-fenced funding opened the door for their involvement. Ring-fenced funding requires the government to finance key population-focused programming. In 2016, the Global Fund adopted the SWIT as the normative international guidance for their programming.¹³ Zambia reported that their recent

revised National Strategic Framework was the first to explicitly name sex workers as a key population. However, sex workers’ involvement is limited to low-level engagement in order to avoid backlash from politicians and the Church.

Sex workers in Cameroon are excluded from the mechanisms guiding local sex worker healthcare projects, resulting in services that do not meet

their needs. However, they reported being included in HIV prevention work. Respondents described the HIV sector as an opportunity to expand the health sector’s focus to areas such as mental health and human rights, in addition to sexual and reproductive health (SRH). Avenir Jeune de l’Ouest (AJO) in Cameroon also described their participation in the 2018 International AIDS Conference (IAC) as a positive experience that “allowed us to share experiences and practices with other activists, and also to meet [donors in person].”

...sex workers’ involvement is limited to low-level engagement in order to avoid backlash from politicians and the Church.

¹² Zambia Daily Mail, 16 July 2017.

¹³ NSWP, 2019, “Enhancing Sex Workers’ Capacity to Engage with Global Fund Processes.”

Mexican sex workers reported some indirect participation at the federal level via the National Centre for the Prevention and Control of HIV and AIDS (Censida) and other civil society organisations. However, in 2019, the government severely cut funding to such groups. After being excluded from the health care system for years, sex workers in Mexico must now maintain a Health Control Card. This is a mandatory credential for sex workers – they must pay for coerced ‘health checks’ to work in some parts of the country.

Sex workers in the DRC reported limited inclusion in HIV programming. At national and local levels, sex workers are included in the implementation of training, education, and sensitisation activities as well as an annual review of those activities – but not in planning activities. According to the country’s national HIV strategic plan, sex workers and other key populations must be involved, but sex worker involvement is “more about assisting than real participation.”

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El Salvador reported that a select few sex workers have accessed HIV/SRH planning spaces as well as participating in the Country

Coordinating Mechanism (CCM) for the Global Fund. They described this measure of involvement as lacking considering the estimated 44,000 sex workers active in the country.

In Kyrgyzstan, sex workers’ experience of involvement is mixed. The current state programme on HIV partially included proposals from Tais Plus and a representative of the community is always involved in writing country applications to the Global Fund. Sex workers in Ukraine reported limited inclusion at local and national levels on HIV/AIDS councils, despite holding a seat on the CCM. However, sex workers in both countries felt that their presence is primarily tokenistic.

Sex workers in France acknowledged that the HIV movement includes sex workers, however they described their role as “writ[ing] papers that are never implemented.” Further, sex workers in France feel discriminated against within the HIV movement:

“We are [seen as] trouble-makers, and as angry and rude people who criticise them for organising conference in places where we cannot attend (like the Paris city hall with an abolitionist mayor or in the USA with travel restrictions).”

STRASS, FRANCE

AIDS 2020 – Direct Exclusion

Sex workers and key informants reported concern, disappointment, and outrage at the IAS decision to host AIDS 2020 in San Francisco/Oakland in the USA.¹⁴ Sex worker-led organisations alongside networks representing other key populations oppose this decision for numerous reasons. Travel restrictions on sex workers, people who use drugs, people who have convictions, and people from a range of countries (particularly Muslim countries and left-wing countries in Central America) are routinely unable to enter the USA or obtain visas. Furthermore, human rights conditions in the USA are deteriorating, and the country is experiencing increased violence targeting LGBT communities and people of colour. Local sex worker-led organisations opposed the bid to host AIDS 2020, but as SWOP Behind Bars notes, IAS is “only working with sex workers behind closed doors and efforts to break into these planning calls and conferences are met with a wall of silence.” George Ayala (MPact) noted that despite having listened in the past, IAS accepted the bid “against our wish and against the wishes of national networks of people living with HIV here in the US.” He believes this signals IAS’s “willingness to turn the other way when they know that specific parts of the international community will not be permitted or will have great difficulty entering the US.” Meanwhile, “tiny community-based organisations are doing the lion’s share of the work around the world,” while the conference excludes them. Like sex worker-led organisations, other key population networks also experience tokenism:

“We never have an equal seat there. We have a tokenised position and we are treated as backdrop; we don’t get treated with seriousness in terms of deliberation around new science or policy initiatives... there’s a feeling that sex workers, gay and bisexual men and other men who have sex with men, people who use drugs, and trans people are dispensable.”

GEORGE AYALA, MPACT

HIV2020: A Welcome Alternative

In response, HIV2020 is being planned for Mexico City, an alternative conference that will overlap with the dates of AIDS 2020. The three-day conference represents a partnership between NSWP, MPact, the

International Network of People Who Use Drugs (INPUD), the Global Network of People Living With HIV (GNP+), the International Treatment Preparedness Coalition (ITPC), and International Civil Society Support (ICSS).¹⁵ With the goal of creating what Ayala describes as “a safe space for people who are unable or unwilling to enter the US to participate in the conference,” HIV 2020 also aims to provide a platform for community organisations and key populations to be treated

equally and experience meaningful participation. Ayala notes that the convergence will both “model alternative ways of organising large, international convenings” and represent “what a truly intersectional response to HIV might look like.”

...HIV 2020 also aims to provide a platform for community organisations and key populations to be treated equally and experience meaningful participation.

¹⁴ NSWP, 2018 “Global Constituency-led Networks Raise Concerns Over IAS Decision to Host the 2020 International AIDS Conference in the U.S.A.”

¹⁵ NSWP, 2019, “Advocates Unite to Plan an Alternative to the International AIDS Conference in 2020.”

Centring Sex Workers' Voices – Strategies for Inclusion

When asked to identify key spaces where sex workers would benefit from inclusion and involvement, respondents identified a range of national and international policy fora and mechanisms including: meaningful involvement and decision-making power at IACs; Global Fund's CCMs, WHO, UNAIDS and other UN bodies; law-making at all levels of government; research institutions; public health policy development; all relevant government ministries; conferences on harm reduction, internet rights and free speech; LGBT health bodies; programming on gender equality and gender-based violence; and within human rights processes.

Grassroots organisation

Sex workers have responded to their exclusion with determined grassroots organising. Sex workers in Vancouver have demanded inclusion through police board meetings and community-based projects that highlight sex workers' issues. Sex workers said that the Bedford Decision as well as the Vancouver Police Department's non-enforcement policy on sex work laws have resulted from this work.¹⁶

Sex workers in France, El Salvador and Mexico similarly credited gains made in their countries to their grassroots efforts. In El Salvador, sex workers rallied against fines persecution and arbitrary detention. In France, sex workers demonstrated against laws and policies affecting

them, resulting in media access and interactions with politicians during legal debates in 2016.

In Mexico, sex workers demonstrated to amend the Civic Culture Law; as a result, sex workers and their clients were recently decriminalised in Mexico City.¹⁷

Sex workers in the USA reported using grassroots strategies to influence laws and policies. St James Infirmary in San Francisco said they influenced local State Legislature to pass a bill that ended the use of 'condoms as evidence' in 'prostitution' charges and provides amnesty to sex workers and people who use drugs when reporting violent crimes. This bill takes effect in January 2020.¹⁸

SWOP Behind Bars described the law reform work being done in Alaska to prevent law enforcement from having sexual contact with those they intend to arrest. Both organisations mentioned the work being done in the campaign for decriminalisation in New York.¹⁹

In Belgium, UTSOPI hosts monthly events that provide a safe space for sex workers to voice their needs and raise issues. Representatives use this information to inform public debates and decision-making processes. Additionally, UTSOPI's work has led to the local media adopting the term 'sex worker' in preference to 'prostitute'.

St James Infirmary in San Francisco said they influenced local State Legislature to pass a bill that ended the use of 'condoms as evidence' in 'prostitution' charges and provides amnesty to sex workers and people who use drugs when reporting violent crimes.

¹⁶ Vancouver Police Department, "Sex Work Enforcement Guidelines," YouTube Video, 15 December 2015.

¹⁷ NSWP, 2019, "Mexico City Congress votes to decriminalise sex workers and clients."

¹⁸ U.S. Government, 2019–20, Senate Bill 233.

¹⁹ Melissa Gira Grant, "A Historic Breakthrough for Sex Workers' Rights," The New Republic, 9 June 2019.

Building Alliances and Partnerships

Sex workers emphasised the importance of building alliances and partnerships with other stakeholders and allied grassroots movements. Sex workers in Belgium and the USA noted that fostering connections with those in positions of influence was a useful strategy.

In the DRC, respondents said that capacity-building training organised through NSWP and the African Sex Workers Alliance supported them in participating in Global Fund CCM processes. Local activists continue to work on a mapping project launched as part of the national strategy to understand sex workers' specific needs, hopefully leading to more equitable representation within the CCM.

Sex workers reported meaningful involvement with CEDAW processes with support from allies. A partnership between NSWP and International Women's Rights Action Watch-Asia Pacific produced shadow reporting guidelines for CEDAW.²⁰ Another partnership with Sex Workers' Rights Advocacy Network (SWAN) led to a programme that provided training for sex workers in Central and Eastern Europe who wanted to engage in CEDAW country reviews. Tais Plus in Kyrgyzstan is one of many sex worker organisations to have submitted a shadow report²¹ for the CEDAW review of their country. In the years following the review, Kyrgyzstan prepared a plan to implement CEDAW's recommendations, which included some of Tais Plus' proposals, including appointing a supervisor to monitor police violence

against sex workers. Subsequently, with support from UN Women brokered through their CEDAW attendance, Tais Plus was invited to discuss this year's Beijing+25 National Survey, and sex workers were mentioned in the survey²².

Allies working in the international women's rights arena enthusiastically expressed their wish to act in partnership with the sex workers' rights movement. SRI described their intent to act as "a conduit... in the way the movement

wants us to be. The sex worker movement tells us this is what we want you to do, and we do that. We take our cue from the movement." As an advocate and ally for sex workers wishing to access or understand UN spaces, SRI have collaborated with NSWP around the CEDAW's GR on Trafficking as well as a joint submission to the Working Group on Discrimination against Women and Girls in Law and Practice – a group of independent experts mandated by the UN Human Rights Council.

Through partnerships such as the Sex Worker Inclusive Feminist Alliance (SWIFA), other women's rights organisations have worked to ensure that sex workers' voices are represented in spaces such as CEDAW processes.²³ This is especially important given CEDAW's prior support for 'end demand' approaches.²⁴ Significant logistical challenges remain to sex workers' inclusion in international spaces. For example, delegate sex workers, particularly those from the global south, have previously been denied visas to Switzerland (which hosts CEDAW reviews) including a Bangladeshi sex worker in 2016 and both sex workers from the DRC in 2019.²⁵

Allies working in the international women's rights arena enthusiastically expressed their wish to act in partnership with the sex workers' rights movement.

20 NSWP, IWRAP-AP, 2018, "Shadow Report Guidelines on CEDAW and Rights of Sex Workers."

21 NSWP, 2013, "Tais Plus CEDAW Shadow Report 2008."

22 UNECE, 2019, "Kyrgyzstan National Report."

23 SWIFA, 2018, "Written Submission on Trafficking in Women & Girls in the context of Global Migration."

24 CEDAW, "General Recommendation on trafficking of women and girls in the context of global migration."

25 NSWP, 2019, "Policy Brief: Sex Workers and Travel Restrictions."

Universal Health Coverage – an emerging challenge

Universal Health Coverage (UHC) is an initiative being spearheaded by WHO that has been identified by key population networks as an important space for sex workers to demand inclusion – it poses a number of challenges as well as opportunities.²⁶ Superficially, UHC seems a commendable goal, however as NSWP Global Coordinator Ruth Morgan Thomas notes, “since it first got on the agenda, we’ve been

calling people out saying, ‘how will this work for criminalised communities?’” Deeply involved in this work is Rico Gustav, Executive Director for the GNP+. Gustav’s message is to “put the last mile first”²⁷, meaning key populations must be prioritised if UHC is to succeed. “If we imagine a health system that can actually work for sex workers, there’s a big chance that it will work for everyone. If we set that standard, it’s a very good standard for inclusivity.”

In September 2019, a UN high-level meeting on UHC was held in New York, where the Political Declaration was approved by UN Member States.²⁸ For Gustav and other key population

networks, the Declaration’s failure to name criminalised key populations means they are vulnerable to exclusion. The Declaration instead states the intention of “leaving no one behind [and] reaching the furthest behind first.”²⁹

Continuing Challenges – Shrinking Spaces

Gustav reports that key populations’ exclusion from these processes is part of a larger trend within the UN system toward replacing community organisations with “more acceptable civil society organisations or representatives” such as service providers and faith-based NGOs. Where civil society organisations used to be entitled to five representatives, now often only one is permitted. Communities are further displaced via the creation of the Civil Society Engagement Mechanism (CSEM) within WHO. This body is theoretically designed to consult all stakeholders in civil society. However, it has what Gustav considers a “homogenising effect”, losing the specificity of each group’s needs and positions. It also helps WHO avoid accountability since any protest at the exclusion of civil society organisations can simply be referred to the CSEM.

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workers, there’s a big chance
that it will work for everyone.**

**If we set that standard, it’s a very
good standard for inclusivity.”**

26 NSWP, 2019, “Briefing Note: Universal Health Coverage.”

27 Global Network of People Living with HIV, 2019, “Putting the Last Mile First: Position Statement on Universal Health Coverage.”

28 United Nations General Assembly, 2019, “Political declaration of the high-level meeting on universal health coverage.”

29 United Nations General Assembly, 2019, “Political declaration of the high-level meeting on universal health coverage.”

Recommendations

Governments, Civil Society, NGOs and INGOs

- Decriminalise sex work so that sex workers can claim their labour rights and be actively and meaningfully involved in developing related legislation and policy.
- Actively engage with local sex worker-led organisations and develop mechanisms to amplify their voices while building partnerships
- Law enforcement, local and national governments, NGOs and UN agencies should commit to sensitivity training.
- Donor organisations should expand funding for capacity-building programmes to enable sex workers to engage in key spaces – nationally and internationally.
- In policy and programming as well as national plans and goals, name sex workers as a key population, so their specific needs are included and understood.
- At an international level, key populations' networks should continue to build partnerships and act as allies.
- Value life experience on par with formal education when hiring for positions that affect sex workers' lives.

Women's Movement and HIV Movement

- Create and protect space for sex workers in the women's and HIV movements at local, national and international levels.
- Make a political commitment to amplifying sex workers' voices and make space for sex workers to lead; allow power to shift.

Media

- Take notice when sex workers demonstrate and protest; give sex workers access to your platforms and accommodate sex workers' need for anonymity.
- Create positive and accurate representations of sex workers, their needs and rights.

Conclusion

If we are to effectively work toward improving the lives of sex workers around the world, sex workers' voices and expertise be centred and respected in all decision-making spaces that affect their lives. The

consequences of stigmatisation, criminalisation, tokenism and exclusion on sex workers' lives are significant. This paper has only provided a glimpse of sex workers' struggle to ensure their voices are heard.

The consequences of stigmatisation, criminalisation, tokenism and exclusion on sex workers' lives are significant.

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Briefing Papers document issues faced by sex workers at local, national, and regional levels while identifying global trends.

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.



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NSWP is an alliance partner 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 rights violations and accessing much-needed HIV and health services. Go to: www.hivgaps.org for more information.