

# STRENGTHENING GLOBAL COMMITMENT TO SEX WORKER RIGHTS

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Background paper for a proposed donor collaboration

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## Introduction

### Background to the proposed donor collaboration on sex worker rights

Throughout the world, sex workers and their families face violations and curtailment of their human rights. Seen as undesirable by the state and by society, they are often vulnerable to violence and exploitation from different quarters, and consistently face barriers in obtaining redress for these violations, and in accessing justice, social welfare and other services. Public policies and legal provisions that relate to sex work are very often based on the assumption that sex workers are coerced or incapable of making their own choices and decisions. As a consequence, many initiatives that intersect with the lives of sex workers, such as anti-trafficking and health and HIV programmes, do not meaningfully involve them. Many programmes fail to prioritise the needs of sex workers or to espouse rights-based approaches; and at worst, programmes themselves lead to violations of human rights.

Recognising these problems, a group of donors and foundations involved in advancing human rights, women's rights, global health and social justice, have committed themselves to strengthening their work with sex workers. This core group of donors and foundations commissioned the present report as background for a wider meeting of sex worker rights activists, donor agencies and foundations, which aims to establish a formal collaboration between the donors and foundations to advance sex worker rights and health. This report was commissioned by the core group.

### About this report

#### Report outline

This report is structured in three chapters. The first chapter examines the context of sex work and human rights, describing ways in which the human rights of sex workers are violated or left unprotected. It also describes the range of types of organisations currently working to advance sex worker rights, providing a broad description of some of the activities they carry out, and the challenges they face. The second chapter describes the work of many of the donors and foundations which have shown an interest in participating in the collaboration, and outlines their different expectations of the proposed collaboration. The third chapter makes some tentative suggestions about ways forward for the collaboration.

#### Methodology

This report is based on a review of key relevant pieces of literature, and of telephone interviews with 14 representatives of sex work organisations, projects and allies operating at national, regional and global level in different regions, and 13 representatives of interested donor institutions and foundations. The literature review was aimed at identifying the main ways in which human rights of sex workers are violated or left unprotected and at identifying examples of good and bad practice in supporting sex worker rights. A complete list of documents reviewed and consulted is contained in the bibliography. Interviews with representatives of sex work organisations and projects were aimed at characterising how these organisations emerge and function, and the challenges they face in promoting and protecting the rights of sex workers. Interviews with representatives of donors and foundations were aimed at identifying the main aims of the interested institutions in relation to

sex worker rights, the challenges they face in funding and advocating for sex worker rights, and their expectations in relation to the proposed collaboration. A complete list of individuals interviewed is contained in the Annexe.

### Language

Throughout the report, the term sex worker is used to describe women, men and transgender people who sell sexual services whether they do so on regular basis or only occasionally. It is not restricted to people who identify as sex workers or who consider sex work to be their main occupation, nor is it restricted to people who are easily identifiable by outsiders as sex workers.

### Acknowledgements

We would like to thank all of the individuals who spent time participating in the telephone and written interviews that were an essential part of the research for this report – they are listed in the annexe. We also thank Sam Avrett for his comments on the first draft of the report, and Cheryl Overs and Bebe Loff for their views on the framework for discussing human rights and sex work.

## 1. Sex work and human rights: situation, responses and challenges

### The situation of sex worker rights

#### Differing perspectives on the human rights of sex workers

Almost everywhere in the world, sex workers are among those most vulnerable to human rights violations and discrimination. These come in many forms and from many sources. As well as facing human rights violations in their daily lives – for instance in the form of coercion, police brutality, community stigma, violence, discrimination in access to services – sex workers also face human rights violations in the context of public health and anti-trafficking programmes.

The different ways in which sex workers fail to see their basic human rights fulfilled are described in more detail below. To start with however, it is important to acknowledge that the language of human rights is used in the context of diametrically opposed views on sex work. Sex work is seen by some as a human rights violation in and of itself, judged to be inherently exploitative, a form of violence, and a manifestation of gender inequality<sup>1</sup>. At the same time, sex workers all over the world assert their right to engage in sex work, based on the rights to liberty and to free choice of employment<sup>2</sup>.

The language of human rights is used in the context of diametrically opposed views on sex work. Sex work is seen by some as a human rights violation in and of itself... at the same time, sex workers all over the world assert their right to engage in sex work, based on the rights to liberty and to free choice of employment.

These opposing views imply very different policy approaches to resolve the human rights violations that occur within the context of sex work: on the one hand the eradication of sex work; on the other, removing violations by protecting of the right to engage in sex work, for instance through decriminalisation or regulation of the profession. However, the “abolitionist” perspective fails to recognise that many of the violations suffered by sex workers are neither intrinsic nor exclusive to sex workers; it characterises as coercive an activity in which many engage freely; and it posits female sex work as a manifestation of gender inequality in a way that fails to account for large populations of male and transgender sex workers. Moreover, many different approaches to eradicating sex work such as criminalisation and rehabilitation have been tried but have failed to achieve their aim. On the other hand, decriminalisation or legalisation of sex work on their own may not fully eradicate human rights violations, since many of the violations faced by sex workers have as much or more to do with stigma, societal attitudes, and abuses of power as they do with laws that explicitly discriminate against sex workers. Also, because many forms of decriminalisation or regulation require sex workers to be open about their profession, they rarely protect all sex workers. Finally,

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<sup>1</sup> An example of this point of view can be found in O'Connor, M. and Healy, G. (2006), The Links Between Prostitution and Trafficking: A Briefing Handbook, Coalition Against Trafficking in Women.

<sup>2</sup> Universal Declaration of Human Rights, articles 3 and 22.

achieving positive legal reform is in most situations a long-term process, which should not preclude more immediate practical efforts to reduce human rights violations.

This report uses the term “sex worker rights” in the context of the human rights violations that occur within the context of sex work, including those that occur in the context of public health and anti-trafficking programmes, on effective approaches to respond to these violations, and on the barriers to supporting these responses. The report uses the terms “respect”, “protect” and “fulfil” to describe the different roles of states in relation to human rights. “Respecting” human rights refers to the obligation of the state and its agents not to directly violate human rights; “protecting” refers to the role of the state in ensuring that rights are not violated by other actors (such as employers or non state agents); “fulfilling” refers to rights that the state is obliged to progressively work towards such as the right to health.

### A framework on human rights and sex work

Although the ways in which the human rights of sex workers are violated or unfulfilled are numerous and varied, it is possible to place them in three broad categories: those that are directly related to legislation; those that are related to the environment in which sex work takes place; and those that are related to programmes or interventions that are highly relevant to sex workers (particularly public health and anti-trafficking programmes). Although these three categories are interrelated,

Human rights violations, and lack of human rights protection, are underpinned on the one hand by a denial of the agency of sex workers, and on the other by severe social and moral stigma against sex workers.

they can and do operate independently of each other. Two common threads in each case are that human rights violations, and lack of human rights protection for sex workers, are underpinned on the one hand by a denial of the agency of sex workers and a lack of meaningful involvement of sex workers in designing laws, policies and programmes that affect them, and on the other hand by severe social and moral stigma against sex workers.

### Legislation on sex work and human rights

There are many different legal approaches that directly address sex work<sup>3</sup>. While the act of taking money for sex is itself a crime in only a small number of countries, national or state laws in many countries criminalise activities related to sex work such as soliciting (whether by sex workers or clients) and living off immoral earnings, controlling others for prostitution, running a prostitution business or establishment, and paying for sex. While some of these approaches criminalise sex workers themselves, others focus on clients or associates of sex workers. A number of countries have legislation that regulates sex work, essentially meaning that sex work and related activities are not crimes providing they are carried out according to certain conditions or standards<sup>4</sup>. In these

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<sup>3</sup> A number of attempts have been made to describe legal frameworks that relate to sex work. One example was prepared by the Law & Policy Project, Mailman School of Public Health, Columbia University and can be accessed at [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/compendium\\_20070319/comparative/provisional\\_20070402.pdf](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/compendium_20070319/comparative/provisional_20070402.pdf).

<sup>4</sup> Examples of these conditions include being registered as a sex worker with the authorities, working in designated zones, or working independently of agents or other sex workers.

cases the conditions and regulatory frameworks are often set through municipal legislation. Sex work can also appear in legislation related to public health or human trafficking. Public health provisions such as those requiring sex workers to undergo mandatory periodic testing and treatment for sexually transmitted infections can lead to a de facto tolerance or “regulation” of sex work on the part of the authorities even if this is in contradiction with criminal law. Laws to combat human trafficking affect sex workers and their associates if they implicitly consider sex work as a manifestation or form of trafficking. Sex workers working in public areas are also often affected by general public order laws. However, these laws tend not to specifically target sex workers unless they are made more specific at local level through municipal legislation.

Most states also have legislative or constitutional commitments to human rights. Although these do not refer to or target sex workers specifically, they generally guarantee human rights to all citizens without discrimination<sup>5</sup>.

An analysis of the extent to which legislation protects human rights, facilitates human rights violations or directly violates human rights essentially needs to assess the extent to which national laws uphold human rights commitments. There are essentially three ways in which laws might negatively impact human rights of sex workers: by directly violating human rights; by shaping negative attitudes that result in weaker human rights protection for sex workers; and by putting sex workers in situations where they are more vulnerable.

Most states have legislative or constitutional commitments to human rights. There are three ways in which laws might negatively impact human rights of sex workers: by directly violating human rights; by shaping negative attitudes resulting in poor human rights protection; and by putting sex workers in situations of vulnerability.

As previously discussed, although no international human rights instruments explicitly guarantee the right to do sex work (or any other specific type of work), it is often argued that the right to do sex work derives from the rights to liberty and to free choice of employment. According to this argument, any law directly criminalising sex work (or any other specific type of work) violates these rights, as would the use of any non sex work specific legislation in ways that discriminate against sex workers or that make it impossible for them to work legally. It is less clear that this conclusion holds in the case of laws that directly interfere with sex work by criminalising clients or intermediaries of sex workers, but not sex workers themselves. However, experience in many countries has shown that laws that in any way criminalise either sex workers, their associates or clients can all force sex workers to work in more isolated, risky and hidden situations because sex workers, associates and clients are unwilling to take the risk of being caught in public places. This puts them at increased risk of violence, as well as increasing the risk of exploitation and coercion by forcing sex workers to depend on intermediaries to protect them. Consequently even if the argument that laws against sex

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<sup>5</sup> The Universal Declaration on Human Rights is considered to have the status of “customary international law”, meaning that human rights standards are considered to apply even in states that do not have human rights legislation. In the analysis, however, we focus on the interaction between national sex work legislation and established national human rights commitments.

work violate the right to work is not accepted, the negative effect of such laws on the human rights situation for sex workers is still clear.

Furthermore, the fact that sex work is criminalised or illegal can jeopardise the protection of other human rights of sex workers. Being involved, or perceived to be involved, in criminal activity means that sex workers are less likely to report crimes against them to the authorities, and if they do, experience from many countries shows that they are unlikely to receive sympathetic treatment, in particular from law enforcement officers or magistrates, because they are not seen as credible or deserving. In the same way, criminalisation can interfere with sex workers' ability to protect themselves: it is commonplace for law enforcement officers to use condoms as evidence of involvement in prostitution, thereby discouraging sex workers from carrying condoms in public. By the same token, providers of social services such as HIV prevention programmes may avoid allocating resources to or working with a criminalised population, for fear of being accused of abetting or aiding prostitution; and criminalisation can result in sex workers avoiding contact with health and other social services for fear of being identified and prosecuted. If sex workers are under the control of criminal gangs, these are highly unlikely to allow sex workers to seek support legal or social support.

#### The sex work environment and human rights

The environments within which sex workers operate often make sex workers vulnerable to violence, abuse and exploitation from different sources. Sex workers are also often exposed to stigmatisation which results in them being denied access to services, including social services. Although this is aggravated in contexts where sex work is illegal or criminalised in some way, it can also occur in decriminalised environments, because it is a manifestation of social stigma and because, as discussed above, decriminalisation does not always benefit all people involved in sex work.

In many countries law enforcement agents are responsible for summary violence, rape and extortion committed against sex workers, none of which are legitimate sanctions – they are human rights violations, whatever the legal context.

In many countries law enforcement agents are responsible for summary violence, rape and extortion committed against sex workers, none of which are legitimate sanctions: whatever the legal context, these are human rights violations. Indeed, studies in many countries have shown that while law enforcement officers may use their official position and the existence of laws against sex work to exert power over

sex workers, their behaviour toward sex workers is very often arbitrary and outside of the law. The lack of legal protection or recognition of sex workers, and prevailing attitudes toward them, mean that law enforcement officers can violate human rights with impunity. Similarly, violence, coercion and abuse from any source are common manifestations of stigma against sex workers, and are even more likely in places where sex workers have less social protection and less access to justice.

Prevailing negative attitudes to sex workers mean that in many countries they are marginalised, and that they experience barriers in accessing housing, healthcare, social services, legal support, and even education for themselves and their children. Lower educational attainment, instability of income, drug use, and isolation as a result of internal or international migration are all factors that

can compound this marginalisation, meaning greater vulnerability to direct violations of human rights, and a higher likelihood that their social and economic rights will remain unfulfilled.

#### Human rights and programmes targeting sex workers

The two main types of public welfare or humanitarian programme that attempt to address sex workers as a distinct group are HIV prevention and the fight against trafficking. Although both HIV prevention and anti-trafficking programmes can be implemented in ways that respect and advance the rights of sex workers (and many good examples exist), it is often the case that they ignore human rights issues, compound them or even that they include interventions that are in violation of human rights and ethical standards.

HIV prevention and anti-trafficking programmes targeting sex workers often ignore human rights issues, compound them, and some even include interventions that are in violation of human rights and ethical standards.

Since the emergence of the AIDS pandemic, sex workers have been classified among the groups “most at risk” of HIV infection, because they have been shown in many contexts to have higher HIV prevalence than the general population, and higher frequencies of behaviours that put them at risk for HIV infection. In most countries – even those with generalised HIV epidemics – there is a sound public health argument for ensuring sex workers are reached by HIV prevention and treatment efforts. However, coverage of sex workers by comprehensive HIV prevention and treatment programmes remains extremely low around the world<sup>6</sup>. There are signs that this situation is improving thanks to the recent efforts of UNAIDS and the Global Fund to fight AIDS, TB and Malaria to refocus HIV prevention and treatment toward the populations most at risk, even in countries with high HIV prevalence in the general population.

Moreover, many of the programmes that do reach sex workers fail to take either a comprehensive or a “rights-based” approach. HIV prevention programmes with sex workers often take a very narrow approach, focussing on HIV testing and condom distribution, neither addressing broader issues that make sex workers more vulnerable to HIV infection such as discrimination on the part of authorities and service providers, poor working conditions, and violence, nor addressing issues such as access to HIV treatment. In many countries, HIV prevention programmes with sex workers predominantly provide training and loans, their primary aim being to get people out of sex work; however these programmes reach very small numbers of sex workers and with unproven success both in terms of reducing sex work and in terms of preventing HIV. Another common issue is that HIV prevention programmes fail to meaningfully involve sex workers in their design and implementation, with involvement generally limited to using sex workers as peer educators.

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<sup>6</sup> Stover, J. and Fahrenstock, M. (2006) Coverage of Selected Services for HIV/AIDS Prevention, Care and Treatment in Low- and Middle-Income Countries in 2005, Constella Futures, POLICY Project (Washington DC). Additional analysis is provided in Dorf, J., SHARP/OSI (2006), Sex Worker Health and Rights: Where is the Funding?, and in Fried, S. and Kowalski-Morton, S. (2008), “Sex and the Global Fund: How Sex Workers, Lesbians, Gays, Bisexuals, Transgender People, and Men who have Sex with Men are Benefiting from the Global Fund, or Not”, Health and Human Rights: an International Journal 10:1.

Some HIV prevention efforts have also been implicated in direct violations of sex workers rights. When epidemiological analyses posit sex workers as reservoirs or vectors of HIV infection, public interest arguments, combined with underlying stigma against sex workers, have resulted in repressive measures such as mandatory HIV testing and periodic presumptive treatment for STIs, as well as the involvement of law enforcement officers in supervising the enforcement of HIV prevention measures such as condom use. Quite apart from the fact that these approaches are less likely to be effective because they are not based on sex workers' own needs and perspectives, they undermine the autonomy and privacy of sex workers; they also legitimise coercion from health and law enforcement officials. In some cases, sex workers' higher exposure to HIV has made them a desired subject population for biomedical research on STI and HIV prevention and treatment, and the general lack of human rights protection they face can also make them vulnerable to unethical research practices.

A particular challenge lies in protecting the rights of sex workers in the context of new prevention technologies that may become central parts of future HIV prevention efforts such as male circumcision, pre-exposure prophylaxis, microbicides, partially effective vaccines and early initiation

of HAART to suppress infectiousness. There is a risk that over-reliance on these technologies will mean a return to top down, "disease control" approaches, and will happen to the detriment of rights-based programming for sex workers, and in particular making it harder for sex workers to protect themselves from HIV (as well as other STIs and unwanted pregnancies) by insisting on condom use<sup>7</sup>.

"Trafficking" refers to a range of exploitative and coercive situations involving men and women. However, anti-trafficking programmes tend to focus on coercion of women into prostitution. This fails to address other types of exploitation and assumes that prostitution is inherently exploitative of women.

While the links between HIV and sex work are clearly established, links between trafficking and sex work are more generally based on assumptions, many of which have their roots in the stigma against sex work. The term trafficking refers to a range of exploitative and coercive situations involving both

men and women, including but not limited to coercion of women for the purposes of prostitution. However, anti-trafficking programmes throughout the world have focussed predominantly on this aspect, and indeed have come to conflate sex work and trafficking. This is problematic both because it fails to address exploitation in other areas of work, and because it rests on an assumption of sex work being inherently exploitative of women. Consequently anti-trafficking programmes are often transformed into anti-prostitution programmes. One strategy used by some anti-trafficking programmes is to raid brothels and indiscriminately "rescue" all women and children on the assumption that they are all engaged in sex work and all coerced. This amounts to arbitrary detention, and rescue programmes rarely provide sustainable alternatives even for those who are victims of trafficking.

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<sup>7</sup> The issues are explored in detail in Overs C./Asia Pacific Network of Sex Workers (2008), *Sex Work and the New Era of HIV Prevention and Care*.

The ways in which HIV and anti-trafficking programmes address sex workers are shaped not only by social attitudes and national laws and policies, but also by global policies. The United States government is the world's biggest funder of HIV and anti-trafficking programmes in the developing world, and has imposed conditions to ensure that funding does not go to any organisation that considers sex work to be a form of work, or that supports legalisation or decriminalisation of sex work<sup>8</sup>. The impact of the US policy has not been systematically evaluated; however, it is clear that many sex worker-led or pro-sex work organisations have lost funding as a result, that many public health organisations either avoided taking the risk of working with sex workers or reverted to narrow, simplistic programming approaches, and that some organisations receiving HIV and anti-trafficking funding have implemented repressive, inappropriate programmes. Although there are also examples of organisations, including sex worker led organisations, which have continued to receive US funding without compromising their programmes, it is clear that the US policy on sex work has a major influence on the ways HIV and anti-trafficking programmes are designed and implemented.

International specialist agencies also play a key role in defining global policies and best practice for programmes with sex workers. Both the World Health Organisation and UNAIDS have produced guidelines on HIV programming with sex workers. While both state the importance of rights-based approaches that go beyond a restrictive, "biomedical" perspective on HIV, sex worker organisations and human rights organisations have criticised the UNAIDS policy in particular for its emphasis on reducing sex work and for its acceptance of programme approaches that rely on law enforcement officers. Technical agencies such as WHO and UNAIDS have a major influence on how countries respond to HIV and in promoting rights-based approaches, particularly with marginalised populations.

## Support for sex worker rights

### Organisations working on sex worker rights

This subsection provides an overview of the different types of organisation active in promoting and defending sex worker rights. It is split into two broad categories: sex worker organisations, and service provision and other advocacy organisations.

#### Sex worker organisations

Sex workers have formed organisations or associations at grassroots, national, regional and global levels. Grassroots organisations include informal groups or collectives, unions, and

Sex workers have formed groups at grassroots, national, regional and global levels. A significant catalyst for the creation of these groups has been the response to HIV. The aims of groups that originate from HIV often evolve over time toward a broader focus on vulnerability, marginalisation, and human rights.

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<sup>8</sup> The intention of the US government was that this condition should apply to all recipients, although following a successful legal challenge the condition is not currently applicable to US organisations. However, the condition was being applied to US organisations for a number of years before the challenge.

community based organisations. Grassroots sex worker movements around the world have formed for a variety of reasons, including to fight stigma and violence and to advocate for decriminalisation. A significant catalyst for the creation of these groups has been the response to HIV. A typical example of this is when sex workers initially recruited as research subjects, trainers or peer educators within an HIV prevention programme have used this as a platform to create a group. The creation of drop in centres can also act as a focal point for sex worker groups to emerge. Sometimes groupings emerge with the support of the entities implementing the programme such as NGOs, researchers or health departments, sometimes as a response to how they are treated by implementing entities. Typically the character and aims of grassroots groups that originate through HIV programmes evolves over time, situating vulnerability to HIV within a broader analysis of vulnerability, marginalisation, labour rights and human rights, and advocating for a range of issues such as decriminalisation of sex work, access to social services or alternative work opportunities for those who require them.

The predominant model is for HIV funding to be focussed on traditional biomedical interventions. Even those donors that adopt a human rights based approach often draw the line at funding core costs for grassroots groups, legal support services, or any action that challenges laws criminalising sex work.

While the concerns of grassroots sex worker groups are typically not limited to HIV, HIV programmes remain the primary if not the sole source of funding that sex worker groups can access. Grassroots groups rarely receive funding for more than a year at a time. Although many grassroots sex worker organisations have been able to show donors the importance of funding programmes that situate HIV within a broader human rights framework, the predominant model is for HIV funding to be focussed on traditional biomedical HIV interventions, or social interventions that do not address all of the issues that put sex workers at risk of HIV. The experience of some sex worker organisations is of being restricted by funders from raising broader questions on rights or from

engaging in advocacy. It is also common for HIV programmes to neglect male and transgender sex workers, because they are a much less recognised phenomenon and because of high levels of denial about the existence of different sexual orientations or identities. Even those donors that adopt a human rights based approach to HIV prevention often draw the line at funding core costs for grassroots organisations, legal support services or any action aimed at challenging or revising laws that criminalise sex work.

Not all HIV programmes with sex workers provide an opportunity for the formation of groups, and in most countries sex worker groups remain few and far between. While the global response to HIV has created a real impetus for grassroots sex worker organising, many sex worker groups feel that it inherently restricts their ability to address all of their priorities. The Karnataka Sex Workers Union decided to opt for a union structure precisely to avoid the danger of being “co-opted” as an AIDS programme. On the other hand, in many countries sex workers are not considered a priority target for HIV programmes, meaning that even this source of support is not available to sex worker rights groups.

National sex worker associations or networks exist in some countries, although very little support exists to sustain them, and their effectiveness is dependent on the existence of grassroots member organisations. Nonetheless, there is increasing demand for national sex worker representation, particularly in relation to HIV programming. The Global Fund to fight AIDS, Tuberculosis and Malaria expects countries applying for HIV programme funding to fully involve sex workers and other affected groups in the development of proposals and the oversight of grants, and both the Global Fund and UNAIDS increasingly emphasise the importance of human rights and the negative impacts of punitive legislation on HIV prevention. Consequently, there is a space – albeit a limited one – for sex worker voices and for discussion of the human rights of sex workers at national level in many countries. In a small number of countries sex worker groups have successfully become engaged in non-HIV specific forums, such as women’s rights groups (e.g. Danaya So in Mali, and several Latin American groups) or trade union federations (e.g. the Karnataka Sex Workers Union in India), and these alliances have helped broaden the recognition of sex worker groups.

Regional and global sex worker organisations have similar origins to grassroots and national groups: an overall commitment to human rights, including labour rights, but with origins primarily from the global response to HIV. The Global Network of Sex Work Projects (the NSWP), for instance, which has as its mission to “connect regional networks advocating for the rights of female, male and transgender sex workers, including the right to work and the recognition of sex workers’ labour rights, and to uphold the voice of sex workers globally”, originated when AIDS projects with sex workers came together during global AIDS conferences. The NSWP and the regional networks such as RedTraSex (the Latin American network of female sex workers), ICRSE (International Committee on the Rights of Sex workers in Europe) and the APNSW (Asia Pacific Network of Sex Workers), are

Sex worker groups in many countries are often unable to obtain legal status as organisations – either because sex work is illegal or because authorities refuse to give registration to human rights groups or to sex workers.

all committed to raising sex worker rights issues on human rights and labour rights platforms, but are predominantly called upon to participate in HIV-related forums. Indeed, as is the case for national organisations, there are increasing demands for sex worker representation in regional and global HIV policy forums. Even so, regional and global networks struggle to obtain funding for their core costs, and are severely constrained in their ability to participate in these forums or to respond to emerging crises affecting sex workers. The representativity of

networks is often called into question, although the ability of networks to be representative is itself severely constrained by the lack of core, long-term funding.

As well as facing challenges in obtaining funding, sex worker groups in many countries are often unable to obtain legal status as organisations – and indeed these challenges are interlinked because many funders are restricted to supporting officially incorporated groups. In some cases this is because sex work is illegal, but often it is simply because authorities arbitrarily refuse to give registration to human rights groups or to sex workers.

A number of different strategies have been employed to get round this situation. Many sex worker groups in Latin America have kept an “informal” status, and have sought funding from sources that are prepared to support informal groups. In Madagascar, while there is no legal barrier to

incorporating a sex worker association, most groupings are registered as “women’s associations”. The Karnataka Sex Workers Union is currently appealing the authorities’ refusal to register its existence, but has been accepted as a member by a larger trade union federation. Because of legal restrictions, Empower Foundation in Thailand is set up as a women’s foundation, and while the board does not include sex workers, the organisation itself functions as a sex worker organisation. In China, sex worker organisations have registered as social enterprises due to the restrictions on non-governmental organisations.

In conclusion, because of the legal restrictions in many countries, and the high levels of stigma against sex workers, sex worker organisations take many different forms, and are not necessarily exclusively made up of sex workers. Advocating for the rights of sex workers remains an unpopular cause in most countries, and the lack of support for these groups means that they invariably have weak capacity. The short-term nature of funding, the fact that organisations are rarely funded to have “reactive capacity” to respond quickly to crises, and the frequent interruptions of funding between grants, make involvement in advocacy work risky. This is particularly the case if the recipients represent stigmatised groups such as sex workers, and in environments where political attitudes to sex work are volatile and unpredictable.

#### Service provision and other advocacy organisations

Many organisations that work with sex workers have a broader focus to their work. A large number of nongovernmental organisations (NGOs) and contracting organisations receive funding to implement HIV programmes with sex workers. The extent to which these programmes meaningfully involve sex workers and are “rights based” is largely dependent on the values and commitment of the implementing organisations, and on the values and policies of the donor organisations. Because a very large proportion of HIV programming in lower and middle income countries is now designed through national level entities, such as the Global Fund initiated Country Coordinating Mechanisms, the scale and content of HIV programming with sex workers are also largely influenced by national policies. Some countries have very strictly defined programme guidelines and norms, which leave little scope for rights-based approaches. Nonetheless, many implementers of HIV programmes and other social welfare programmes with sex workers lead the way in promoting sex worker rights and help autonomous sex worker groups to organise and emerge. These organisations are particularly important to promoting sex worker rights in countries where sex worker led organisations are yet to emerge.

Sex worker groups have found allies within human rights, women’s rights and sexual minority rights movements, although it can take time to develop their understanding of the sex worker rights perspective.

Sex workers can also find allies within the human rights or women’s rights communities, organisations providing services to vulnerable groups, and groups advocating for the rights of sexual minorities. These can be an important source of support and expertise for social and legal assistance programmes and advocacy. However it is not a given that this type of organisation will be supportive of a sex worker rights perspective – largely because of the very different interpretations that are given to the concept of human rights for sex workers. For this reason these organisations

are more likely to become allies of already established sex worker organisations, rather than helping to support the emergence of sex worker organisations.

### Action to promote sex worker rights: rights based programming and rights promotion

The analysis of actions or interventions to promote sex worker rights can be broadly divided into actions related to programming in the area of HIV and human trafficking, and actions addressing the sex worker rights situation in general. Although these two areas are closely interlinked, this categorisation is useful firstly because funding rarely approaches sex work outside of these specific programme areas, and because the ways in which these programmes are delivered have their own human rights implications.

#### Advancing sex worker rights within HIV and anti-trafficking programmes

The previous section discusses ways in which programmes targeting sex workers can compromise human rights. However, HIV programmes and anti-trafficking programmes can also be developed in

The overarching principle for rights-based programming is to ensure that needs and priorities are identified by sex workers, and that sex workers are at the forefront of developing, delivery and monitoring programmes.

Rights-based approaches also imply a long-term commitment from donors, and a readiness to react quickly to crises and emergencies.

ways that protect and advance rights. A number of organisations have documented and produced resources on rights-based HIV programmes with sex workers<sup>9</sup>. The overarching principle for rights-based programming is to ensure that needs and priorities are identified by sex workers, and that sex workers are at the forefront of developing, delivering and monitoring programmes. This does not necessarily mean that sex workers themselves should be conducting epidemiological research or providing clinical services. But it does mean that sex workers should define the questions to be asked by research, what sorts of services are needed and how they should be provided. It also means that programmes should address the different needs and vulnerability factors that sex workers identify, many of which

may not be dealt with by the traditional biomedical and behavioural interventions that are usually included in HIV programmes. Critical issues that are often neglected by HIV programmes with sex workers include prevention of violence and care for victims of violence; legal protection and support for access to justice; fighting discrimination in access to healthcare and other welfare services; tackling stigma against sex workers including addressing additional stigmas that affect sex workers related to HIV, sexual identity and orientation. Crucially, rights-based programmes are based on voluntary participation and avoid any mandatory testing or services. Involvement of police and

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<sup>9</sup> Examples include: Overs, C. and Longo, P. (Network of Sex Work Projects) (1997), Making Sex Work Safe: A handbook for programme managers, policy makers and field workers (as well as numerous foreign language and regional adaptations of the original publication); ICRSE and TAMPEP (2008), Resources for Sex Workers' Health and Rights – a collection of resources by and for sex workers and sex worker rights activists; International HIV/AIDS Alliance (2008), Sex work, violence and HIV: A guide for programmes with sex workers; Center for Advocacy on Stigma and Marginalization (2008), Rights-Based Sex Worker Empowerment Guidelines: an Alternative HIV/AIDS Intervention Approach to the 100% Condom Use Programme.

health care providers is important to ensure protection of sex workers and access to services, but not in an enforcement role.

Rights-based programmes must help to develop leadership among sex workers, and must work with sex workers to advocate with local services and authorities to remove barriers, to their rights being fulfilled. Removing barriers ultimately includes decriminalisation of sex work – a point made by the current Executive Director of UNAIDS on many occasions.

This means that programmes must also support sex workers to organise, and must ensure that sex workers can develop their skills in different areas such as programming, representation, advocacy, and building alliances with others. Consequently a rights-based approach implies a long term commitment from implementing organisations and donors, and a readiness to provide additional support in case of crises such as police crackdowns or legal reforms aimed at criminalising sex work. It also implies the establishment of sex work networks that link grassroots groups to the national level where policy debates take place, as well as to the international level where information and experience from different countries can be shared.

Identifying rights-based approaches to fighting human trafficking in sex work is more problematic, because as has already been noted, anti-trafficking programmes frequently conflate sex work with trafficking and more closely resemble anti-sex work or anti-immigration programmes. Criminalising sex workers or clients, as discussed above, tends to make sex workers more vulnerable and has not been shown to have an impact on trafficking. Raid and rescue approaches, even if they manage to successfully distinguish and target people who have been enslaved or coerced into sex work, often fail to provide appropriate services and amount to arbitrary detention. DMSC, a large sex worker collective in Kolkata, India, has developed a system of “self-regulatory boards” made up of sex workers, local authorities and health officials, to fight trafficking and other human rights abuses against sex workers. Sex workers involved in the boards are able to rapidly identify underage workers or trafficked persons operating within the sex industry, and the boards take action to shelter and support these people according to their needs. Once again, the key to this approach is that it is led by sex workers themselves, and that appropriate support is provided for these leaders to emerge.

#### Action to address the overall human rights situation for sex workers

There are many examples of HIV programmes being the catalyst for broader progress on sex worker rights. However, as discussed above, many HIV funders and national HIV policies fail to support comprehensive, rights-based programming, and many sex worker rights organisations feel that “HIV funds” limit the scope of their work on human rights – particularly in countries where there are strict norms and guidelines to which HIV programmes have to adhere. In addition, sex workers are not a priority for national HIV responses in every country. For many sex worker organisations a more appropriate approach is to address sex work from a labour rights perspective. It is important that support for sex worker rights work is also available outside of the context of HIV.

Because sex worker rights action outside of the context of HIV is rare, very few examples of proven effective interventions can be identified. The most commonly cited interventions at grassroots level are sex worker organising (through creation of collectives, unions, and associations), fighting discrimination (for instance in access to services), provision of information on civil rights and human rights, and the provision of legal assistance to enable sex workers to claim redress in cases of

violence or other violations. In some countries, sex worker organisations have worked to tackle stigmatising social perceptions on sex work, particularly through media work.

At national level, campaigning for the reform of punitive laws against sex work has also been a central strategy for the promotion of sex worker rights. Sex worker organisations in India, working with human rights campaigners, recently helped to stop a bill that would have criminalised clients of sex workers, and campaigners in South Africa have also brought the issue of decriminalisation of sex work to the fore in political debates. Although in these two examples sex workers are campaigning from labour rights and human rights perspectives, neither situation can be completely separated from debates on trafficking and HIV. In India, the legislation had been proposed as a measure to fight trafficking, and in South Africa, public health rationales are one of the main reasons the decriminalisation debate has gained political traction (indeed, some are calling for a form of regulation that would include mandatory HIV testing and that would ban HIV positive sex workers from working).

As described above, grassroots and national sex worker organisations in some countries have also made strategic links with the labour movement, women's movement, human rights organisations, NGOs and international organisations. This has helped to build capacity within the sex worker movement, increase support, and to contextualise it in relation to broader rights issues. However, making these linkages is a long process, as leaders of these movements often do not understand the case for allying with sex worker rights organisations. Moreover, other movements may be prepared to ally with sex worker groups on straightforward issues such as access to HIV treatment, but not on controversial or risky issues such as legal reform.

The examples of "direct" sex worker rights interventions that do exist adhere to the same principles as those described for rights-based HIV programming: ensuring sex worker leadership, and strengthening sex worker organisations at grassroots, national and international levels to be able to advocate for sex worker rights in a continuous and reactive way.

#### Supporting the emergence of sex worker organisations

The examples above show that sex worker organisations are critical to advancing human rights of sex workers.

However, as the section describing sex worker organisations shows, it is often difficult for sex worker groups to organise and develop formal structures – because of legal barriers, because of stigma against sex workers, and because resources are rarely available.

Rights-based HIV programmes have enabled the emergence of many groups – indeed in many countries this is the most politically acceptable form of sex worker organising. A feature of many grassroots and national sex worker organisations has been that they have emerged over a long period of time. One strategy for providing long-term support to sex worker organising is for an established health or human rights organisation to "incubate" emerging sex worker groups and gradually build their capacity and independence.

Priority grassroots human rights interventions include sex worker organising, fighting discrimination, information on civil and human rights, fighting social stigma on sex work, and legal assistance for sex workers.

## Priorities for strengthening support for sex worker rights

Many of the donors that have expressed an interest in the proposed collaboration are active not only in terms of grant-making, but also in building capacity and in conducting advocacy. This section therefore outlines priorities in each of these three areas. The priorities are based on recommendations from sex worker organisations and donors interviewed as background for this report.

### Priorities for funding

Sex worker rights is severely underfunded across the board, so there are gaps in nearly every area. The main strategic starting points for providing funding are as follows:

- At grassroots level
  - Core funding for emerging sex worker groups, including groups that are already funded for HIV projects. Core funding can enable sex worker groups to engage in advocacy and representation work that is often not included in HIV projects. Core funding should include funding for communications with other organisations, transport to meetings and convening of sex worker meetings.
  - Project funding, including funding for HIV projects in locations where sex workers are currently excluded from involvement in HIV programmes. Project funding can also cover services that are not included or underfunded in traditional HIV programme, such as anti-violence interventions, “safe spaces” or drop in centres, legal support services, human and civil rights awareness training. Priority should be given to funding sex worker organisations, but other nongovernmental organisations involved in health and human rights can also be considered for services for which sex worker organisations lack technical expertise. Funding of non-sex worker groups should only be provided to organisations that meaningfully involve sex workers in defining, planning and implementing their work.
  
- National and sub-national levels
  - Core funding for networks of sex work organisations at national and sub-national level. Sex workers’ human rights are affected by factors at local and national levels. The sex worker movement needs to develop at these different levels so that these factors can be more effectively addressed. National networks should be enabled to provide reactive support to grassroots groups when crises occur (such as increased police raids); they should also be able to draw on information and lessons from the grassroots level to inform policy and legislation discussions at national level. Core funding means having full time staff who are dedicated to communications in particular, as well as supporting costs for convening network meetings.
  - Funding to assist the formation of grassroots sex worker groups and sex work networks. Established sex worker groups are well-placed to take on the task of mobilising and incubating new groups in new locations. Other health and human rights NGOs working closely with sex workers, for instance through HIV programmes, may also play a role in assisting sex worker groups to emerge, once again with the proviso that they actively involve sex workers in their work.

- Funding for sharing of good rights-based practice on sex worker rights, and on programming with sex workers. Again, sex work networks are well placed to take on this role.
  - Funding for documentation, research and analysis in particular in relation on human rights violations and on barriers to sex worker human rights.
  - Funding of national networks to carry out proactive and reactive advocacy, according to needs. Common issues for proactive advocacy include advocacy on legislation related to sex work and advocacy aimed at promoting rights-based HIV and anti-trafficking programming for sex workers.
- Regional and global levels
- Core funding for regional and global sex work networks. Networks at these levels have an important role in monitoring, responding to and participating in the development of policy relating to sex work, in particular in the spheres of labour rights, human rights, HIV, and human trafficking. Networks at these levels should have reactive capacity to support national networks, and the capacity to feed the experiences of national networks to relevant regional and global policy forums. Core funding means having full time staff who are dedicated to communications in particular (with attention paid to high translation costs), as well as supporting costs for convening network meetings and the costs of network governance.
  - Funding for sharing of good rights-based practice on sex worker rights, and on programming with sex workers. Particular emphasis should be given to supporting regional and global sex work networks to undertake this.
  - Funding to assist formation of national networks. Many of the regional networks have experience working at national level to support this process; other organisations operating at national level (e.g. on HIV and AIDS), and who work closely with sex workers, may also undertake this task.
  - Funding of global and regional networks to carry out proactive and reactive advocacy, according to needs. Common issues for proactive advocacy include advocacy on global policy and funding mechanisms related to HIV and anti-trafficking programming.

### Priorities for capacity building

Linking funding with capacity building is critical, in particular given that a large proportion of funding is likely to be allocated to weak or nascent groups. While capacity building often focuses on areas such as management, systems, monitoring and evaluation, and strategic planning, sex worker organisations also require capacity building in a number of other key areas.

- Leadership development. Effective leaders are important for driving the sex worker movement, and for representing the views of sex workers to authorities and policy forums. Capacity building programmes should invest in leadership, for instance by providing skills training (including language training), mentoring, representation, conflict resolution, and work shadowing opportunities. This includes the particular skills needed to participate effectively in forums such as National AIDS Committees, and CCMs<sup>10</sup>.

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<sup>10</sup> Country Coordinating Mechanisms – the committees at national level which have the responsibility of developing and overseeing Global Fund grants.

- Supporting “incubation” arrangements whereby nascent organisations are enabled to develop within an established organisation. As well as providing an opportunity for learning about organisational systems and management, this can also provide a degree of political protection for stigmatised groups such as sex workers.
- Capacity building on up to date technical content, in particular related to HIV prevention and treatment, thereby enabling sex worker organisations to engage in programmatic policy forums.
- Networking and representation. Ensuring that networks are representative is time consuming and complex; networks should be provided with training and systems to enable them to communicate with and convene their members effectively, and to increase their credibility.
- Building partnerships and alliances. Action on sex worker rights is much more likely to be effective if sex worker groups are supported by other interest groups, in particular established human rights groups, labour groups and women’s rights groups, as well as the research community. Capacity building efforts should support sex worker organisations to make these connections.
- Technical support. Sex worker networks have a role to play in building the capacity of their peers (or their members in the case of networks), so there is a need to strengthen the capacity of networks to do this – for instance by strengthening training and communication skills and providing opportunities to share skills and experiences between sex worker organisations.

### Priorities for advocacy

Donors can play an important advocacy role, using their access to different constituencies and their consolidated learning. Key areas where donors can make a particular contribution include the following.

- Documentation of the human rights situation for sex workers, and of programming approaches that have helped to remedy this.
- Media work to change negative perceptions surrounding sex work in the general community or constituent communities.
- Advocacy with major funding institutions, in particular bilateral and multilateral donors, to support rights-based and evidence based programming with sex workers.
- Advocacy with major implementers of HIV and anti-trafficking programmes with sex workers, to implement rights-based and evidence-based programming.
- Challenging conflation of sex work and trafficking in the donor community and the media.
- Advocating with other “rights” communities such as the women’s rights movement, human rights organisations, labour rights organisations, to build support for sex worker rights efforts.

### Overall principles for supporting sex worker rights

Based on the priorities for funding, capacity building and advocacy, a number of crosscutting principles emerge that should be applied to all funding related to sex worker rights:

- All grantees should demonstrate active sex worker involvement in their work, and priority should be given to supporting sex worker led organisations.

- Sex worker organisations should receive funding commensurate to their capacity and mandate; in particular, it is important not to expect grassroots organisations to operate at national level, or national organisations to operate at regional or global level.
- Funding for sex worker organisations should support core costs, and enable organisations to advocate in a reactive way when necessary. Funding for networks should include the costs of communication, translation, and convening.
- Long term funding commitments are needed, not only to enable organisations to develop their capacity, but also in recognition of the fact that organisations speaking out for sex workers, challenging the behaviour of security and health officials, and advocating for legal reform are vulnerable and are taking risks. Capacity building should also be planned and delivered as a package or curriculum over time, in line with the considerable needs of emerging organisations, rather than being ad-hoc.
- As much as possible, funding decisions, capacity building and advocacy activities should be carried out jointly with sex worker organisations.
- Support to sex worker rights implies an acknowledgement of sex work as work and steers clear of assumptions about exploitation and conflation of sex work with trafficking.
- The human rights situation for sex workers is often volatile, and characterised by crises and emergencies. It is essential that organisations working on sex worker rights have the capacity to respond to emergencies. This requires flexibility from donors to allow reallocation of resources to emergencies where necessary.

## 2. Priorities of interested donors

### Background

This section summarises the main interests of the institutions that could be contacted before the November 2009 meeting, the main challenges faced in supporting sex worker rights, their priorities for the future and their views regarding the purpose of a collaboration on sex worker rights.

While some of the institutions are already actively committed to setting up a collaboration, others are waiting to see how the initiative takes shape. Others still are new to the issue of sex worker rights, or are currently engaged in internal strategic planning. These organisations are looking to the discussions on the donor collaboration to inform their future plans. For this reason, the same weight cannot be given to the views expressed by each of the institutions interviewed. This section therefore is focussed on identifying the main common and outlying themes, to form a basis for discussion at the November meeting.

Because not all respondents provided the same level of information, this section of the report has been written without making direct references to any of the respondents.

### Profiles of the donors interviewed

#### Positions and experiences in relation to sex work

##### Overview of sex worker rights portfolios

The donor organisations and foundations that are involved and interested in developing the proposed collaboration have a wide range of approaches to their work with sex workers, and for most, working with sex workers is already a strategic priority. Most, but not all, have already supported sex work related grants; however in many cases this involves funding organisations that do not include sex workers on their staff or in the design and implementation of projects and interventions.

Many have supported sex worker organisations, or projects with sex workers, within the framework of HIV or public health programming. In some cases this is because the organisation or funding programme in question is AIDS-focussed, in others it is because sex work fits best within the AIDS portfolio. All of the donors working on sex work by means of AIDS programming made it clear that they are committed to rights-based programming, to funding human rights interventions that are often neglected by AIDS programmes, and to supporting advocacy aimed at improving the human rights situation for sex work.

A smaller number of respondents approach sex work purely from a women's rights perspective, emphasising the autonomy and agency of sex workers. Many of the donors come into contact with sex workers through their involvement in fighting exploitation and human trafficking, albeit with varying perspectives on the links between sex work and exploitation.

An interesting point to note is that while some of the donors are already involved in providing grants for sex worker rights work, they are not always doing so with full institutional support for this controversial area of work. A number of respondents talked about the challenges they faced in explaining the sex worker rights perspective to other colleagues and board members. In other cases

the respondents said that they were limited in the extent of work they could do on sex work, because of restrictions imposed by their own funding sources<sup>11</sup> or because of a concern that aligning with an issue like sex worker rights may limit their ability to raise funds.

#### Principal challenges in supporting sex worker rights

Donors interviewed for this report underlined a number of significant challenges faced in their work on sex worker rights, both in terms of funding projects and conducting advocacy. The primary challenge in terms of funding sex worker rights is identifying sex worker led organisations to support at national and grassroots level. This is partly because relatively few sex worker led organisations exist, and because those that do often have difficulties obtaining official registration and obtaining information on the availability of funding. The fact that many of the donors interested in funding sex worker rights operate globally also increases their distance from grassroots groups. In addition, those groups that do exist may not have the technical experience or even the language skills required to complete applications. This also poses challenges in implementation as donors that do not have a hands-on approach to funding are not always able to identify the capacity building needs of their grantees.

Donors are developing some strategies to get round this challenge, such as convening meetings of sex worker organisations at regional level as a means to identify more potential grantees, and providing support to potential grantees in writing projects. Donors have also started to find ways of funding non-registered groups, by providing support through intermediary organisations (using an “incubation” approach), or by providing support through networks local funds that are not limited to funding legally established entities. At the same time, some donors are reluctant to work through intermediaries, in particular sex work networks, citing concerns that they may be “territorial” or not representative of all sex workers.

Donors also note that even when they do not require grantees to be delivering HIV-related services, and even when they are primarily interested in funding core costs or networking, many sex worker organisations have a tendency to request funding for HIV projects. This is not surprising given that many sex worker organisations emerge in the context of HIV programmes, and are not used to receiving other types of funding.

Donors also face internal constraints in working on sex worker rights. The issue remains a controversial one, and a number of staff working in donor organisations stated that colleagues and board members resist progressive approaches to working with sex workers. Furthermore, for some of the donors, visibly working on sex worker rights can be risky as it can compromise their ability to obtain funds.

#### **Other relevant issues**

Also of relevance to the development of a donor collaboration are the different funding priorities and mechanisms of each donor. These different mechanisms need to be understood as a basis for future strategic collaboration.

Many of the interested institutions are committed to allocating most or all of their funding to work in a specific geographic region – although between the different donors interviewed, no region

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<sup>11</sup> For instance, the Swedish International Development Agency restricts use of its funds for sex worker rights.

appears to be neglected. Similarly, some donors have specific target populations such as women or young people, but when the donors are looked at overall there do not appear to be any population groups that are wholly excluded.

The donors also have a range of different interests in terms of the content of grants. While the majority prefer to fund time-bound, defined projects, there is also an acceptance from most of the importance of funding core costs – and indeed two of the donors primarily fund running costs for their grantees rather than project costs. Donors that fundraise primarily from the general public have an interest in supporting a certain amount of direct service delivery, although they do also support advocacy components within the context of service projects. Similarly, there appears to be a balance between those donors who focus on funding grassroots organisations and those who are prepared to also fund national or regional organisations such as networks.

Each donor procures grants in different ways – for instance through expressions of interest, calls for proposals, proactive identification of grantees, or funding speculative applications. However, there is an increasing move toward more proactive funding or dedicated expressions of interest, especially on the issue of sex work given the difficulties donors experience in finding grantees.

The donors interviewed are also increasingly committed to working with grantees over a long period of time. Although grants may be issued for durations of 1 to 3 years, all of the donors are able to renew funding to existing grantees and therefore to ensure continuity of support. The nature of the relationship between donor and grantee varies, with some donors taking a very “hands-on” approach to supporting both the design and the implementation of projects, while others focus on distributing funds.

The extent to which each of the donors engages in advocacy varies. All are engaged to some extent in advocating with their ultimate funding sources, whether these are the general public, corporate sponsors, or governments. Sex worker rights remains a controversial issue, even among progressive groups, so the way the issue is presented to those who ultimately provide funding to the donors is crucial – for this reason some of the donor agencies prefer not to over-publicise their work with sex workers. A subset of the donors is committed to engaging with other peer organisations, human rights groups, as well as bilateral donors and international agencies such as UNAIDS, with a view to building commitment to tackling sex worker rights.

Finally, there is a strong commitment from all respondents towards building capacity of grantees. For the most part, the donors themselves are not direct providers of technical support, relying instead on third parties or intermediary organisations to provide support to grantees. This support is generally provided in response to specific requests or needs rather than as part of a defined capacity building package over time.

### Expectations and suggestions in relation to the proposed donor collaboration

Donors interviewed for this report were asked why they think a collaboration on sex worker rights is necessary, what the principle roles and mechanisms of a collaboration should look like, and what contributions they are prepared to make in each case. Overall, respondents view the purpose of a collaboration as being to develop stronger global leadership on sex worker rights. The expectation is that by playing a leadership role, donors within the collaboration will be able to build momentum on

sex worker rights more generally. The existence of a collaboration on this topic, with a stated position on sex worker rights, is likely to draw more attention to the issue. This in turn will increase the likelihood of the movement gaining committed support from other movements (such as human rights, and labour rights), and from bigger donor agencies and international policy bodies. Moreover it would lend greater credibility and political support to national and grassroots organisations working on the issue – the importance of this support should not be underestimated, considering the challenges and risks faced by organisations working on the ground.

A necessary aspect of this leadership role would be for members of the collaboration to agree a stated vision and set of values in relation to sex worker rights, so as to counter the ambiguities that exist in discourses related to sex work, trafficking and exploitation. Values should outline the collaboration's position on issues such as sex work as work, sex work and trafficking, and legalisation of sex work, as well as its commitments to promoting the voices of sex workers.

Respondents suggested that the collaboration can achieve this by way of four strategies: information sharing, capacity building, funding, and advocacy. These are expanded on below.

#### Information sharing

Information sharing was proposed for a number of reasons. Firstly, it is felt that there is often overlap between donors working on sex worker rights, and duplication in some areas in relation to funding and advocacy, and also in relation to capacity building. Enhanced communication and information sharing would allow donors to coordinate provision of funding and therefore to increase the range of organisations – particularly sex worker organisations – receiving funding. Another important but often neglected role could be to share information on national level emergencies such as crackdowns on sex work and severe human rights violations.

Enhanced information sharing would also enable donors to map progress in expanding support to sex worker rights, to consolidate learning on the most effective ways of supporting sex worker organisations, and to work together in the development of joint advocacy, particularly when targeting changes in policy at national or global levels.

#### Capacity building

Most of the respondents take seriously the need to strengthen their grantees as organisations and as implementers. This is particularly relevant for sex worker organisations, which have historically received very little support. Having said this, as donor organisations they do not necessarily have “in-house” capacity to work directly and in a structured way with their grantees. Capacity building therefore often comes in the form of one-off trainings or consultancies. While these are very useful, the collaboration might also provide an opportunity to develop a more structured, long-term approach to organisational development and leadership development in the sex worker movement.

#### Funding

All respondents expressed a commitment to increasing the resources they allocate to funding sex worker rights, and an expectation that other donors in the collaboration should do the same. However, many of the respondents are limited in the short term because their strategies are not structured to earmark funds for specific population groups, or because funds for the next year are already committed. The ability to increase funding for sex worker rights is also dependent on the ability of donors to convince their funding sources of the relevance of the issue and of the potential

difference increased funding can make. Indeed, some of the respondents are looking to the collaboration to provide rationales that they can use to support their internal advocacy for increased funding on sex worker rights.

Many of the donors would support the development of a mechanism that brings them into closer proximity with sex worker organisations and that would enable the provision of capacity building to these organisations. This mechanism could be to work together to support intermediary organisations such as sex work networks to build and fund grassroots organisations, or it could involve setting up a pooled fund dedicated to sex worker rights funding.

While a number of the respondents would be prepared to allocate funds to a “pooled” funding mechanism, and would be able to do this within the bounds of their internal systems, questions were asked as to whether a pooled mechanism would effectively resolve the challenges faced in identifying sex worker organisations to support in the first place. While some were of the view that a specialist mechanism for funding sex worker rights would be able to dedicate the necessary time and resources to identifying new organisations and to supporting the growth of sex worker groups, others felt that a global mechanism would imply additional resources and might end up being even more disconnected from the needs at grassroots level.

Other potential areas of collaboration on funding include agreements between donors to co-fund certain grantees, and the development of a mechanism for rapid emergency funding of responses to crises.

### Advocacy

All respondents envisage the proposed donor collaboration playing a role in advocacy on sex worker rights. However, the precise expectations in relation to the advocacy role are varied. As has been stated before, a number of donors are hopeful that the collaboration will provide rationales and arguments that they can use with colleagues, board members and their own funders to raise awareness of the issue and increase the available funding – the priority for these donors is therefore what can be called “internal advocacy”.

Many donors are committed to public education about their work, in particular within their own constituencies; advocacy could therefore also include media work aimed at changing perceptions on sex work in the general population.

In terms of external advocacy, the collaboration can potentially make a contribution in a number of areas. Advocating with other funding institutions, and international policy bodies, in order to promote rights-based programming and to challenge connotations of sex work and trafficking, was mentioned by many respondents. A significant proportion of programming with sex workers continues to be associated with HIV and anti-trafficking programmes which do not work from a rights-based perspective, and influencing the way these programmes operate is a major priority.

Because donors are linked into many different thematic areas, including women’s rights, human rights and labour movements, the collaboration could also play an important role in bringing sex worker rights issues to the fore, with a view to strengthening the ability of sex workers to build alliances in these movements. Finally, the advocacy role of the collaboration could also include

publicly reacting to emerging issues, such as criminalisation moves or severe human rights violations committed against sex workers.

It is important to note that not all donors are prepared to be visibly involved in advocating for sex worker rights to the same extent, as it is still a highly controversial issue. For these organisations, a formal collaboration could provide a degree of “cover”, enabling them to support advocacy without doing so visibly.

### 3. Conclusion: way forward for the collaboration

#### Introduction

Discussions conducted with sex worker organisations and donor institutions confirm that there is a strong interest in building a donor collaboration on sex worker rights. Such a collaboration will help draw attention to this very neglected area, and would help to change overwhelmingly negative perceptions related to sex work.

The four areas of collaboration most commonly mentioned by respondents – information sharing, capacity building, funding, and advocacy – can be considered as a working framework for a collaboration, and aims and activities can be suggested for each. Collaboration is unlikely to move at the same pace in each of these four areas, and in particular, collaboration on funding is likely to take time to develop as it is dependent on future budget commitments and on harmonising different administrative systems. However, the collaboration does not need to be delayed until all of the different aspects are established, as useful progress can be made in the other areas almost immediately.

An issue raised by a number of respondents both from the sex work community and the donor institutions was the extent to which sex worker organisations will be able to participate actively in the collaboration: in other words, whether the collaboration should be exclusively an alliance of donors, or whether it should be driven by both sex worker organisations and donors. Certainly, information sharing, capacity building, funding and advocacy functions do not necessarily need to be restricted to donors. It is important to involve sex worker organisations in the design and decision making processes around each of these areas.

The framework below suggests the principle areas where collaborative work is likely to have the greatest impact. The framework focuses primarily on aims that a collaboration can help to achieve, rather than on the specific strategies for achieving them. The framework is intended to form a basis for discussion at the November meeting.

#### Draft strategic framework for donor collaboration

##### Mission and aims of the collaboration

The mission of the collaboration is to provide strong global leadership for the defence of sex worker rights. The collaboration aims to build a strong sex worker rights movement at grassroots, national and global levels, and to ensure sex worker rights concerns are addressed in relevant policy and programme forums. By working together, the members of the collaboration will be able to play an effective leadership role in the donor community on issues of sex worker rights. The main areas of collaboration under consideration are information sharing, capacity building, funding, and advocacy. Specific objectives include:

- Expanding and strengthening sex worker organisations and networks
- Coordinating support so as to maximise coverage and impact
- Enabling rapid responses to human rights emergencies
- Facilitating universal access to rights-based services

### Information sharing

Information sharing essentially facilitates the other three areas (capacity building, funding and advocacy). Specifically, more formal and systematic information sharing between donors in the context of the collaboration can serve a number of purposes:

- Enabling members to better coordinate their financial support, so as to avoid situations where key organisations or networks are underfunded or over-funded, so as to ensure an adequate balance of core funding and project funding, and so as to ensure continuity of funding.
- Enabling members to consolidate learning about funding human rights based approaches, helping improve the quality of their own work and also helping inform advocacy toward other donors and policy making bodies.
- Enabling members to work together to support emergency responses, whether through advocacy or funding.
- Ensuring coordinated capacity building efforts, as well as avoidance of duplication and training overload – enabling a more structured, systematic approach to capacity building.
- Providing members with information on potential grantees.

Strategies for information sharing need to be carefully designed to contribute to these purposes: various information sharing approaches may be required. The purposes proposed above suggest a formal, structured approach that enables overall analysis of activities of the donors, as well as one-to-one communications around specific grantees or situations. Responsibility for collating and distributing information, and for generating decisions, may need to be formalised or centralised in order to ensure that information sharing is more than a passive activity.

### Capacity building

Collaboration in the area of capacity building for sex worker organisations and other grantees will help to achieve the following:

- Ensure that capacity building is comprehensive, by giving grantees access to different types of capacity building offered by the different donors.
- Moving toward a more systematic and structured capacity building approach, helping avoid overlaps and duplication in capacity building and training.
- Facilitating peer capacity building from one grantee to another – in particular in areas such as rights based programming and ensuring sex worker participation.
- Enabling rapid responses to emergency situations.

Again, various strategies can be employed to collaborate in capacity building. Pooling capacity building efforts, developing minimum standards and strengthening monitoring and evaluation of capacity building results may all be relevant approaches. There may also be merit in working to fund regional capacity building programmes specifically on sex work, so that there is continuity in this important area of work.

### Funding

Possible purposes of collaborative funding include:

- Increasing the volume of funding dedicated to sex worker rights, by jointly agreeing to earmark additional funds. Visibly increasing funding for sex worker rights within the collaboration may also serve to encourage other donors to do the same.
- Enabling rational distribution of funding, in particular toward underfunded regions or countries.
- Ensuring continuity of funding for grantees.
- More effectively identifying and reaching new sex worker organisations with funding.
- Proactively promoting attention to sex worker rights.
- Promoting the emergence of new sex worker organizations.
- Facilitating emergency funding to respond to crises.

Achieving these results will require, at the minimum, close communication around the identity of grantees, funding decisions and the content of grants. Pooled funding should be considered, and this would certainly give visibility to the initiative; however a centralised approach may not necessarily achieve all of the desired results.

### Advocacy

Most of the interested donors see advocacy as a key part of their mandate. Although the primary focus should be on supporting grantees, including sex worker organisations, to advocate, donors can complement this. In addition they have access to certain policy forums and opportunities that civil society organisations do not necessarily access. Collaborative advocacy could be geared at achieving the following:

- Positively influencing internal commitment within the organisation to supporting sex worker rights.
- Increased recognition of sex worker rights issues in global policy making and funding, particularly in relation to HIV and trafficking.
- Increasing the adoption of rights-based approaches in policies and programmes affecting sex workers.
- Increasing attention to sex worker rights in other movements such as human rights, labour, and women's rights.
- Garnering high-level support for responses to human rights emergencies affecting sex workers.
- Challenging negative perceptions on sex work in society and in governments.

Most of the collaborating donors are already members of different rights forums, and they can use these positions to advocate in favour of sex worker rights. Many are also experienced in working through media to raise awareness of the public and of policy makers. On the other hand, each of the collaborating donors has different constraints in terms of their ability to advocate publicly, particularly when it comes to issues such as legal reform or controversial questions such as sex work. Developing effective collaboration on advocacy will therefore require close attention to be paid to these prerogatives.

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## Annexe: people interviewed

Name	Organisation
Sam Avrett	Independent
Linda Campbell	MAC AIDS Fund
Ana Criquillon	Central American Women's Fund
Kieran Daly	International Council of AIDS Service Organisations
Meg Davis	Asia Catalyst
Daouda Diouf	Enda Santé, West Africa
Heather Doyle	Open Society Institute, Sexual Health and Rights Project (SHARP)
Ireen Dubel	HIVOS
Manohar Elavarthi	Karnataka Sex Workers Union, India
Adriana Ermoli	American Jewish World Service
Andrea Flynn	MAC AIDS Fund
Annie Hillar	Mama Cash
Andrew Hunter	Asia Pacific Network of Sex Workers (APNSW)
Irene Keizer	Aids Fonds
Daniel Lee	Levi-Strauss Foundation
Pisey Ly	Women's Network for Unity (WNU), Cambodia
Pontso Mafethe	Comic Relief
Sylvia Mollet	Danaya So (Mali)
Ruth Morgan-Thomas	Global Network of Sex Work Projects (NSWP); Scot-PEP
Cheryl Overs	Paulo Longo Research Initiative. Monash University, School of Public Health and Preventive Medicine
Shane Petzer	Sex Worker Education and Advocacy Taskforce (SWEAT), South Africa
Elena Reynaga	RedTraSex (Latin America network of sex workers); AMMAR (Argentinian Sex Workers' Union)
Meena Seshu	Center for Advocacy on Stigma and Marginalization (CASAM), India
Vicci Tallis	Open Society Institute for Southern Africa (OSISA)
Petra Timmermans	International Committee for the Rights of Sex workers in Europe (ICRSE)
Marija Tosheva	Health Options Project Skopje (HOPS), Macedonia
Debbie Walmesley	Comic Relief