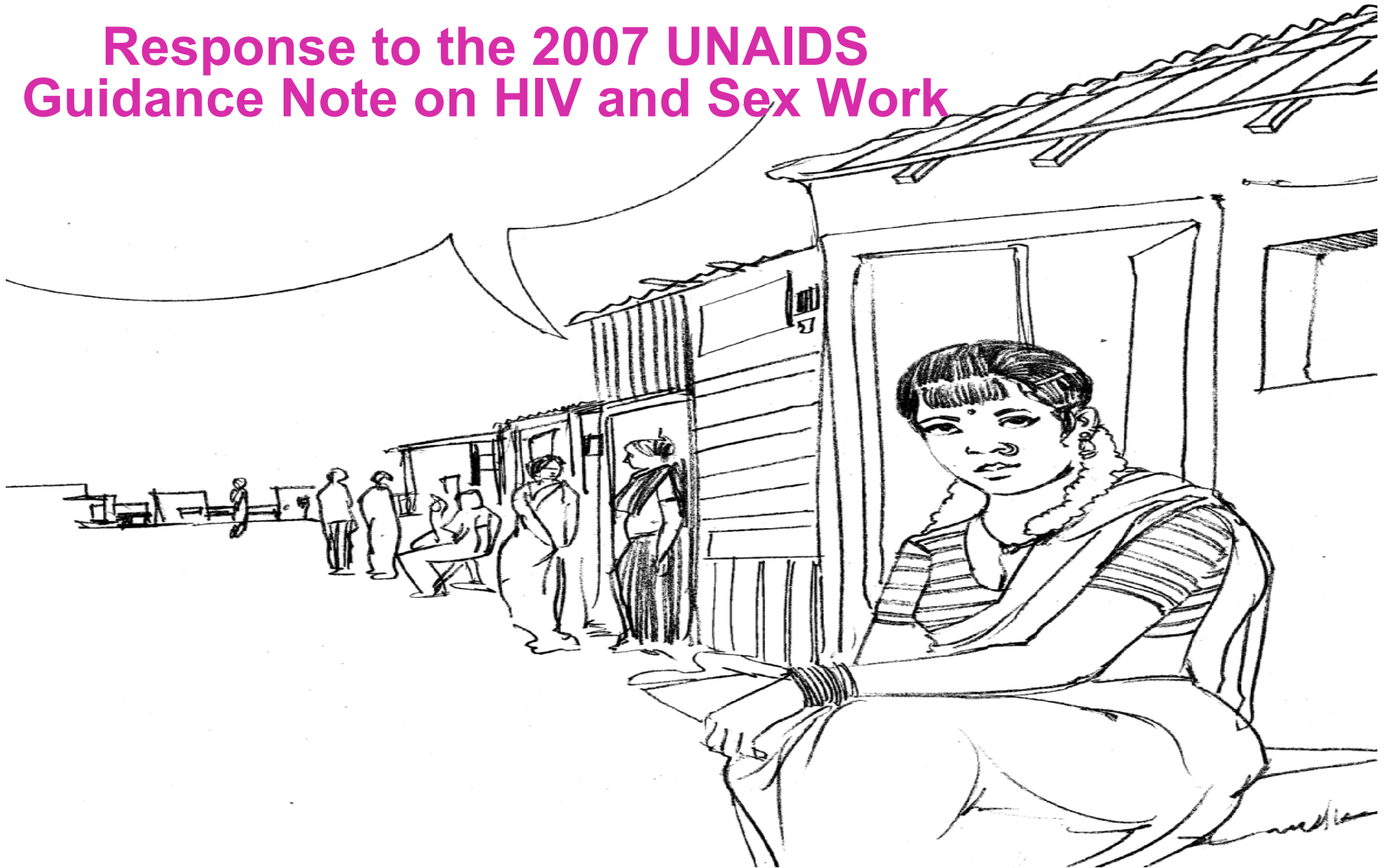


# The Global Working Group on Sex Work and HIV

## Response to the 2007 UNAIDS Guidance Note on HIV and Sex Work



- The Global Working group is made up of
- Sex work activists who are experts on HIV and sex work
- Public Health activists
- Human rights activists
- Women's rights activists

# Sex Work: Choice vs. Consent

- Common understandings of sex work:
  - Prostitution is contrary to human dignity and thus contrary to human rights
  - No woman would voluntarily exchange sexual services for money
  - A woman is not capable of agency but can only be a victim
- **In the context of the Third World, where choices are limited, the paradigm of consent is more appropriate than choice.**

*“Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the trafficking of individuals into such industry, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic... Victims of coercive sexual encounters do not get to make choices about their sexual activities.”*

- From U.S legislation for The Emergency Plan for AIDS Relief

- Implies that **sex work, trafficking** and **sexual violence** are one and the same thing.

However, the 2006 Consolidated Version of the International Guidelines on HIV/AIDS and Human Rights published by the Office of the High Commissioner for Human Rights and UNAIDS states:

*“With regard to adult sex work that involves no victimization, criminal law should be reviewed with the aim of de-criminalizing, then legally regulating occupational health and safety conditions to protect sex workers and their clients, including support for safe sex during sex work.”*

# General Issues with the Guidance Note

- Identifies the specific focus as the provision of life choices and occupational alternatives to sex work.
  - Does not address improving occupational conditions of workers
- Unsubstantiated statements: “a significant number of women and girls are trafficked into sex work, *knowingly or unknowingly.*”
  - Is it possible to traffick a person if they are a party to their being trafficked?

# Three key pillars for effective HIV prevention

**Pillar 1:** Reducing vulnerabilities and addressing structural issues

**Pillar 2:** Reducing risk to HIV infection

**Pillar 3:** Building supportive environments and expanding choices

## Pillar 1: Reducing Vulnerabilities and Addressing Structural Issues

- Addresses poverty, gender inequality, alternative employment and reducing the demand for paid sex
- A lot of discussion about trafficking

## Pillar 2: Reducing Risk to HIV Infection

- Recommends “strategic partnerships” to provide technical support to governments when developing policies to reduce the risks associated with HIV and sex work

# Objections to “Strategic Partnership” Recommendation in Pillar 2

- How can a person whose occupation renders them either a criminal or an outcast take advantage of HIV prevention programmes?
- How can they sit at the same table with those who normally would be incarcerating them and create harm reduction programmes?
- Why is the sex worker having to bear the burden of responsibility to negotiate use of condoms?

## Pillar 3: Building Supportive Environments and Expanding Choices

Deals with:

- The development of alternative employment choices to sex work
- Facilitating the return of sex workers to their families
- Assisting sex workers to build new lives elsewhere

**•The Guidance Note's recommendation that sex workers be key partners in decisions involving their lives is farcical when their views were not taken into account in the drafting of the Note.**

## Sex workers concerns not addressed by the Guidance Note:

- The impact of authoritarian, punishment based HIV prevention and mandatory testing programmes for sex workers which have been the consequence of the introduction of the 100% Condom Use Programme
- The impact of false information and extremist views about slavery and trafficking that have permeated the international response to sex work and lead to further criminalisation, violent “raids and rescues” and deportations

## Sex workers concerns not addressed by the Guidance Note, **cont.**

- Police and other state sponsored violence
- Ethical and human rights violations associated with trials of products and drugs for HIV prevention and care

# In conclusion...

- Where are the strategies to strengthen the voice of the sex workers?
- Telling sex workers to find alternative job options is not a solution.
- How abstinence-based campaigns have stigmatized sex workers as well as how they can merge with pre-existing fundamentalist campaigns against sex workers.
- Concern of HIV-prevention campaigns (such as many abstinence and be faithful campaigns) that promote blaming or scapegoating of sex workers for HIV.
- Inadequate access to sufficient affordable HIV-prevention commodities such as condoms, appropriate lube, etc.

# Recommendations:

- Need to state our concern that the Guidance Note on Sex Work has departed from the International Guidelines on HIV/AIDS and Human Rights
- Ask the UNAIDS Secretariat to meet with sex worker representatives in a meaningful fashion and fully take account of and respond to their concerns.
- UNAIDS should make it clear that the present Note has no standing
- Reference group should consider to issue an independent statement on the Human rights of sex workers in the context of HIV.
- Reference group could also ask UNAIDS if it can input into the guidance note to be considered by a drafting group (10-11 December 2007)