



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

## **BRIEFING NOTE:**

# **Sex Workers' Participation in Public Life**

The right to participation in public and political life is enshrined in international human rights law. Broadly, 'public life' refers to the realm in which political processes and activities occur. Participation in public life can be formal or informal, taking place from the grassroots to global levels. Through diverse forms of engagement in public life, sex workers have successfully influenced policies, programmes, practices, and discussions which affect their lives. However, significant barriers remain to ensuring sex workers' meaningful participation in public life and decision-making processes.

This Briefing Note has been produced to provide information relating to the theme of the 65<sup>th</sup> session of the Commission on the Status of Women (CSW65). In March 2021, CSW65 will be held virtually to explore women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls.

### **Forms of Participation in Public Life**

Participation in public life can take many forms, including advocacy, voting, participation in public debates and discussions, running for and being elected into official office, and collective action. Participation in public life is considered to be a key element of democratic governance, as well as a means to strengthen community empowerment. While sex workers can participate in public life across diverse sectors, perhaps the most widely acknowledged realm for sex worker engagement has been within health policy and programming. The World Health Organization (WHO) has recognised community empowerment as an essential element of rights-based programming for sex workers. As outlined in the Sex Worker Implementation Tool (SWIT), sex workers' individual and collective ownership of health and rights programming is crucial to their success, and sex workers should be involved in all levels of policy, programming, and partnership, including design and development, implementation, monitoring and evaluation, advisory committees, and governance (legal decision-making).<sup>1</sup>

### **Barriers to Participation in Public Life**

In spite of these acknowledgements, significant structural barriers to sex workers' effective and meaningful participation in public life remain. These barriers are compounded for sex workers facing intersecting forms of discrimination and marginalisation, including due to gender stereotypes and patriarchal norms which constrain women's roles in society.

#### *Structural Barriers*

The widespread criminalisation of sex work remains one of the greatest barriers to sex workers' participation in public life, heightening vulnerability to legal repercussions, violence, stigma, and discrimination. Sex workers who have convictions may additionally be barred from holding elected offices or engaging in other formal political processes. Stigma and discrimination, fuelled by criminalisation, misinformation, and negative stereotypes, further hinder sex workers' ability to meaningfully engage with diverse stakeholders and decision-makers. This exclusion reflects a broader unwillingness of stakeholders to recognise sex workers as experts in their own lives and work, and may

---

<sup>1</sup> WHO, UNFPA, UNAIDS, NSWP, World Bank & UNDP, 2013, "[Implementing Comprehensive HIV/STI Programmes with Sex Workers: Practical Approaches from Collaborative Interventions.](#)"

be exacerbated by requirements for formal education imposed within programmatic and policymaking spaces. In Kyrgyzstan, for instance, sex workers cannot be considered as experts by the Global Fund and UNDP unless they have completed higher education.<sup>2</sup>

#### *Tokenistic Involvement*

In other cases, stakeholders may involve sex workers in political and decision-making processes in a superficial or tokenistic way. By simply inviting sex workers to attend meetings without meaningfully involving them in the development, implementation, and evaluation of policies and programmes, stakeholders reinforce unequal power dynamics which oppress sex workers. Furthermore, some stakeholders may also exploit sex workers as channels to access funding, while the work of sex worker-led organisations remains chronically under-funded.<sup>3</sup>

#### *Shrinking Public Spaces and COVID-19*

Spaces for sex workers' meaningful involvement are shrinking within public life, with civil society and other stakeholders increasingly speaking on behalf of, and sometimes against, sex workers. National and international fora are often perceived as being hostile environments for sex workers, and organisers may actively exclude sex workers from participation.<sup>4</sup> This exclusion has been exacerbated by the COVID-19 pandemic, which has significantly altered the landscape for public life while exacerbating existing inequalities and barriers to sex workers' meaningful participation. Overwhelmingly excluded from social protection schemes and facing a total loss of income, many sex workers have experienced increased criminalisation, stigma and discrimination, and violence, in addition to reduced access to health and other essential services during the pandemic.<sup>5</sup>

### **Examples of Sex Workers' Participation in Public Life**

In spite of these challenges, sex workers around the world have made significant gains through participation in public life, from local-level advocacy to global campaigns and policymaking.

#### *International Policies and Guidelines*

At the global level, sex worker-led organisations and networks have regularly engaged with intergovernmental organisations, including the Joint UN Programme on HIV/AIDS (UNAIDS), to promote rights-affirming policies and hold stakeholders accountable. In 2009, NSWP was invited to co-chair the newly established UNAIDS Advisory Group (now Steering Committee) on HIV and Sex Work, a platform bringing together UN staff, donors and academics and representatives of sex worker-led organisations as equal partners. As a result of this engagement, the Advisory Group drafted four Annexes, published as part of the updated UNAIDS Guidance Note on HIV and Sex Work in 2012, which included the UN's first ever explicit statement supporting the decriminalisation of sex work.<sup>6</sup> Contributions to WHO's 2012 sex work guidelines<sup>7</sup> and the co-development of the Sex Worker Implementation Tool in 2013 cemented sex workers' meaningful participation in rights-affirming international guidelines. These guidelines have since been widely adopted, promoting community empowerment and participation in public life on a massive scale.

#### *Global Fund Engagement*

Sex workers have also become increasingly involved in Global Fund national processes, including as elected representatives on Country Coordinating Mechanisms (CCMs). This involvement has enabled sex workers to participate in the development of funding proposals and transition workplans, monitor and evaluate programme implementation, and foster dialogues with government bodies and other policymakers. In Ecuador, through community mobilisation processes driven by the Regional Coordinator of PLAPERTS, there are now representatives from all key populations on the CCM, who

---

<sup>2</sup> NSWP, 2020, "[Smart Guide: Recognising Sex Workers as Experts.](#)"

<sup>3</sup> NSWP, 2020, "[Shrinking Spaces and Silencing Voices.](#)"

<sup>4</sup> Ibid.

<sup>5</sup> UNAIDS, 2020, "[Sex workers must not be left behind in the response to COVID-19.](#)"

<sup>6</sup> UNAIDS, 2012, "[UNAIDS Guidance Note on HIV and Sex Work](#)," Annex 1, 6.

<sup>7</sup> WHO, 2012, "[Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low- and middle-income countries: Recommendations for a public health approach.](#)"



have been elected by their respective communities. Moreover, the national government in Ecuador now actively approaches sex worker-led organisations to provide up-to-date data about their community.<sup>8</sup>

#### *Local Legislation*

Sex workers have also participated in local and national legislative processes. In California, USA, sex worker-led organisations successfully lobbied to pass bill SB 233 in 2019, legislation which provides sex workers amnesty to report violent crimes to the police and which forbids condoms from being considered as ‘evidence of prostitution.’<sup>9</sup>

In Northern Territory, Australia, following two decades of advocacy, sex worker-led organisations successfully lobbied for the decriminalisation of sex work in 2019. By promoting decriminalisation as a labour rights issue and aligning with trade unions, Sex Worker Outreach Program (SWOP NT) gained access to platforms for participating in policymaking and legislative reform processes,<sup>10</sup> leading to the passage of the Sex Industry Bill in 2019.<sup>11</sup>

In Washington DC, USA, the sex worker-led organisation HIPS also worked together with local lawmakers and a coalition of advocates to develop and introduce a bill which would remove criminal penalties for sex work. Although opposition from abolitionist and anti-trafficking groups thwarted the bill’s passage in 2019, the bill received unprecedented support from city council members and the local community, testifying to the power of sex workers’ participation in public life.<sup>12</sup>

#### *COVID-19 Responses*

Significant threats to sex workers’ health, safety, and livelihoods engendered by the COVID-19 pandemic have further galvanised sex worker-led organisations to advocate for their communities. In March 2020 in Germany, Berufsverband erotische und sexuelle Dienstleistungen e.V. successfully advocated for the government to lift the ban on overnight stays at brothels during the pandemic, allowing homeless sex workers to sleep at their place of work.<sup>13</sup>

In India, following a submission from the National Network of Sex Workers, the National Human Rights Commission (NHRC) issued an advisory in October 2020 recognising sex workers as informal workers and calling for their access to welfare, employment benefits, healthcare, and protection from violence.<sup>14</sup> In November 2020, however, following an abolitionist campaign, the NHRC redacted this statement,<sup>15</sup> testifying to the ongoing challenges faced by sex workers.

Sex worker-led organisations in all 5 NSWP regions have also organised emergency funds and mutual aid programmes to support community members in need.<sup>16</sup>

### **Recommendations**

In order to foster the meaningful participation of sex workers in public life, the following measures must be taken:

- Decriminalise all aspects of sex work. The decriminalisation of sex work is a crucial step to reducing stigma, discrimination, and violence which hinder sex workers’ ability to meaningfully participate in public life.

---

<sup>8</sup> NSWP, 2020, “[Making the Global Fund Work for Sex Workers: Global Fund Case Study 2020.](#)”

<sup>9</sup> US Government, 2019, “[Immunity from arrest,](#)” Senate Bill No. 233.

<sup>10</sup> NSWP, 2020, “[Smart Sex Worker’s Guide to Decriminalisation.](#)”

<sup>11</sup> Northern Territory Government, 2019, “[Sex Industry Bill 2019.](#)”

<sup>12</sup> NSWP, 2021, “[Sex Worker-led Organisations’ Engagement with International Policies and Guidelines: A Review of Policy Impacts from 2016-2020.](#)”

<sup>13</sup> Johanna Weber, “[Ban on staying overnight in prostitution facilities lifted for the Corona period,](#)”

Berufsverband erotische und sexuelle Dienstleistungen e.V., 31 March 2020.

<sup>14</sup> National Human Rights Commission, 2020, “[Human Rights Advisory on Rights of Women in the Context of COVID-19.](#)”

<sup>15</sup> Roli Srivastava, “[Indian sex workers suffer setback after watchdog U-turn on labour rights,](#)” Reuters, 11 November 2020.

<sup>16</sup> “[Sex Worker Community Responses,](#)” NSWP.



- Recognise sex workers as experts in their own lives and work, and remove requirements for formal education and qualifications which exclude sex workers from participating in decision-making bodies and processes.
- Foster ongoing relationships between sex worker-led organisations and intergovernmental, national, and local government agencies to maximise sex workers' inclusion in the development and monitoring of laws, policies, programmes, and interventions.
- Prioritise support for platforms which amplify the voices of sex workers in all their diversity, and which acknowledge intersecting forms of discrimination and marginalisation.
- Ensure that partnerships between sex workers and other stakeholders are based on the principle of equal collaboration – not tokenistic inclusion. Sex workers must always be engaged as equal partners in the development, implementation, monitoring, and evaluation of policies and programmes which affect their lives.
- Ensure financial support for sex workers to participate in meetings, conferences, and other fora for decision- and policymaking. Develop strategies, including fundraising strategies, to maximise sex workers' access to participation in public life.

### **Conclusion**

In spite of ongoing barriers, new opportunities for sex workers to participate in public life continue to emerge. To foster momentum for action and change at the national level, UN Women has encouraged civil society representatives, which includes sex worker-led organisations, to contact their local UN Women offices. In countries where UN Women has a presence, they will seek to support local events and advocacy initiatives related to CSW65.

Sex workers are also encouraged to participate in NGO CSW65, a virtual forum which offers civil society opportunities to engage in CSW processes. This year, the NGO CSW forum will offer a range of virtual parallel events, which are free to the public and which may be accessed following registration.

Interested parties can register for NGO CSW [here](#). A schedule of parallel events can be found [here](#).

As this is only one example of how sex workers can engage in public life, the fight to promote inclusion and accountability must continue.



Project supported by:



to: <https://robertcarrfund.org/> for more information.