

Networks of sex workers organisations and key supporting agencies wish to indicate deep dismay with both the content of the UNAIDS Guidance Note on HIV and Sex Work and the process of developing it. We strongly urge the UNAIDS PCB to delay publication of the Guidance document. If the document is published it should contain a disclaimer indicating that the International Network of Sex Work Projects and the regional sex work networks dissent from the document's content. We say this for the following reasons:

By introducing the idea of “3 pillars” this guidance represents a fundamental shift away from rights based approaches in the global response to HIV and sex work. Sex workers around the globe are united in specifically and clearly opposing this new approach and our reasons follow

A second matter that requires urgent attention from the PCB is related to the lack of proper participatory process contrary to GIPA principles. Although some sex workers and supporters from global and regional networks had some inputs our involvement was not meaningful and there is no consensus as the document suggests. Our networks struggle for recognition, autonomy, funding and other support and specific inputs are needed to facilitate participation of men, women and transgenders who sell sex in resource poor settings. The UNFPA and WHO meetings were highly managed and difficult to understand and participate in. In some cases our participation and voices were overtly blocked. ( See Sex worker participation, attached)

### **1. The Guidance does not adequately address sex worker human rights' issues.**

Sex workers from all regions consistently expressed the same concerns about human rights and HIV throughout the consultation.

These include

- The impact of authoritarian, punishment based HIV prevention and mandatory testing such as the 100% Condom Use Program
- 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 criminalization, violent “raids and rescues” and deportations.
- police and other state sponsored violence
- lack of access to sexual and reproductive health services, counseling and

condoms

- ethical and human rights violations associated with trials of products and drugs for HIV prevention and care.

These issues are inadequately addressed in the guidance and its approach to trafficking, partner reduction and HIV testing is certain to exacerbate abuses and it contains no useful guidance on child sexual abuse.

Sex workers provided solid, evidence based arguments against authoritarian approaches to public health. We called on UNAIDS and WHO not to encourage increased control of sex workers by governments and police through 100% Condom Use Programs. Such programs routinely fail to deliver adequate condoms and contribute to many human rights violations, the least of which is mandatory testing. Despite this, the UN agencies and the Global Fund have accepted flimsy evidence for this approach, and are uncritically engaging with countries that routinely abuse sex workers' human rights to extend these programs. ( see pictures of human rights abuses of sex workers by the government of China).

## **2. The Guidance recommends an inadequate and unbalanced response to HIV Care and Prevention**

Sex workers and HIV agencies urged that this guidance on HIV prevention and care for male, female and transgender be grounded in the UN and Prevention Group's own comprehensive, rights based approach. We advocated for increased focus on programming for clients, on reducing stigma, discrimination, criminalisation and structural issues that affect the health and safety of sex workers.

We specifically rejected emphasis on discouraging commercial sex. Given the immensity of development goals such as gender equality and eliminating women's illiteracy, it is absurd to suggest that HIV resources should be allocated equally to each of the "three pillars". There is inappropriate emphasis on "upstream" factors that influence women (but not men or transgenders) to sell sex and men to buy it. If HIV resources are used to address issues such as the feminisation of poverty, women's lack of access to credit and education and "constructions of masculinity" fewer resources will be available to address the clear and immediate drivers of HIV - client demand for unprotected sex, violence and lack of access to condoms, information and health care. (see appendix 2)

***Sex workers demand evidence based comprehensive HIV prevention and care.***

### **3. Language and tone.**

The tone of the document implies that sex work is an abuse and worthy of abolition. This may be seen in the emphasis on rescue and reform of sex workers. This is offensive, adds to the stigma experienced by sex workers and is contrary to respect for their dignity. ( Much of it is ambiguous too. We are told that the apparently offensive reference to “decent work” does not exclude sex work, through it will clearly be read that way.)

The document recommends attempting to discourage women from selling sex via alternative employment programming despite there being no evidence that this has reduced HIV associated with commercial sex significantly in any country. The guidance is clearly based on particular political and philosophical positions rather than on data that illustrates the efficacy of the interventions it recommends such as: anti-trafficking initiatives, micro-credit and masculinity workshops that aim to reduce supply and demand for commercial sex.

Despite claiming to do so the guidance does not address male and transgender sex work. This construction of gender and sex work creates an artificial limit on the category “sex worker” by subsuming male and transgender sex workers into another artificial and incorrect category, “MSM”. This has occurred despite very clear objections from gender inclusive networks that see sex work as work, not as a women’s issue.

### **Conclusion**

Against this background it is with regret that sex workers must inform PCB members that it will not be possible for the PCB to respond to “evaluate the three pillar approach in consultation with sex workers” unless this document is shelved and replaced by a document based on evidence and produced in a truly participative process. Such a process is not merely consultative, but takes on board the views of those with the lived experience and whose participation is properly facilitated.

We reiterate our initial request that either the paper not be published, or that if it is to go forward our dissent be clearly noted. We will not assist in the implementation of the policies detailed in this document and will do all that we are able to promote and publicise global opposition by sex workers to it.