

## **Timeline of events prior to and in response to the United Nations Guidance Note on Sex Work and HIV**

### **July 2006 - UNAIDS Global consultation on Sex Work and HIV/AIDS in Rio de Janeiro**

Over 80 representatives from around the world met in Rio de Janeiro in July 2006 to offer input to UNAIDS on sex work and HIV prevention and treatment. Sex workers and public health experts called for better conditions for people in the sex industry, highlighting the impact that violence, police repression, the violation of sex workers rights and criminalization in general have on HIV prevention efforts. Approximately a dozen sex workers were included, and participants overwhelmingly favored a rights-based approach to sex work. This consultation enjoyed genuine involvement of sex workers and representatives of evidence-based, proven-effective programmes combating the HIV epidemic from around the world. Four participants from the US and Sweden expressed support for a drastically different model combating the existence of the sex industry rather than fighting HIV.

### **13 - 18 August 2006 – International AIDS Conference in Toronto, Canada**

During the meeting in Toronto, UNFPA circulated a document about HIV and Sex Work in which a rights-based approach was promoted.

From the UNFPA IAC Briefing Note on HIV and Sex Work:

“UNFPA is the lead UN agency on HIV and sex work. The UNAIDS Committee of Cosponsoring Organizations Executive Heads at their April 2006 meeting in Madrid agreed to a holistic, global approach to sex work - one that went well beyond providing condoms, to include a package of health and social services, sustainable livelihoods, respect for human rights, and addressing gender concerns. Their commitment is to agree to a single UN response to HIV and sex work, complete with a framework and action plan. Each of the co-sponsors will have specific responsibilities identified through the action plan.

“The UN system-wide approach on HIV and sex work will be: rights-based, culturally sensitive, evidence- informed, comprehensive in scope, and will be built on UNAIDS prevention principles and promote universal access to HIV prevention, treatment, care and support.

“In addition, the framework, action plan and country/sub regional/regional plans will be adapted to local needs and contexts, and will build local capacity to respond effectively to HIV and sex. UNFPA and the other UNAIDS Co-Sponsors do not have a position on legalization of sex work. This is a matter for individual member states. However all UNAIDS Co-Sponsors support the human rights of sex workers, including their rights to access services free of stigma and discrimination and to be protected from violence.”

## **April 2007 – UNAIDS Guidance Note on Sex Work and HIV released**

This Guidance Note did not reflect the rights-based perspective advocated by the founders of UNAIDS or the input from the global consultation held in July 2006 which overwhelmingly supported creating enabling environments for sex workers with the meaningful participation of sex workers at every possible step. Instead, of recognizing that sex workers are part of the solution to the epidemic as they are the experts on their lives and actors with volition, the Guidance Note envisioned sex workers as objects to be acted upon. The Guidance Note set out three pillars, but the emphasis had shifted to preventing entry into sex work and moving people out of sex work from the former focus on creating good working conditions for sex workers. In fact, this last, the most effective way to prevent HIV among sex workers, was given the least merit and attention in the Guidance Note. It should be noted that UNESCO declined to sign on to the Guidance Note.

## **2 May 2007 – Report by the Non-governmental Organisation representative to the 20<sup>th</sup> UNAIDS Programme Coordinating Board**

NGO representatives recommended that UNAIDS “Evaluate the Three Pillar approach in consultation with sex workers and ensure that all three priorities outlined are given equal attention and resources.”

From the NGO report:

“We welcome the recent efforts to provide guidance and a unified approach to the UNAIDS Cosponsoring agencies to the reduction of HIV vulnerabilities in the context of sex work by the UNAIDS secretariat. However, many sex worker health and rights advocates are concerned with the "3 Pillars" framework and feel that it may shift needed attention away from established and thoughtful HIV prevention strategies, such as peer education and sex worker empowerment. Sex workers networks report that at the national level, resources are going to keeping people out and getting people out of sex work, not to improving working conditions for sex workers and supporting peer education. There have also been increased brothel raids, which have been linked to human rights violations and worsened conditions for sex workers caught up in raids. There is no evidence that raids prevent either trafficking or HIV, and all the evidence points to negotiating and better working conditions lowering rates of HIV and enabling sex workers to help others who want out to leave their jobs. Further dialogue and collaboration between UNAIDS co-sponsors and sex workers will be required in the near future to ensure that the proposed “3 pillars” approach safeguards and promotes sex worker’s rights.”

## **June 2007 – Canadian HIV/AIDS Legal Network criticises UN guidance**

The Canadian HIV/AIDS Legal Network has drafted a response to the UNAIDS guidance on sex work highlighting the ways the guidance violates their own human rights law and policies of evidence-based programming. The document, “A human rights-based commentary for the process of revision of UNAIDS Guidance Note: HIV and Sex Work”, is available from <http://www.nswp.org>.

## **21 June 2007 – International sex worker networks express dissatisfaction with UN Guidance Note to UNAIDS Programme Coordinating Board**

Networks of sex worker organisations from around the world wrote to the PCB 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.” The letter concluded with, “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.”

## **25 June 2007 – 20<sup>th</sup> meeting of UNAIDS Programme Coordinating Board**

The Asia Pacific Network of Sex Workers spearheaded efforts with NGOs to demonstrate the ways that the proposed UNAIDS Guidance on Sex Work violated UN human rights documents. As a result of the strong presentation and arguments made by APNSW, the PCB recommended that “UNAIDS to continue consultation with relevant stakeholders, including affected groups, in developing this guidance.”

## **August 2007 – “Review of the Evidence Base for an "Evidence-Based" Policy on HIV Programming with Sex Workers”**

Matthew Greenall reviewed the evidence for this new direction and found that there is no evidence in support of the UNAIDS Guidance Note. Furthermore, the UNAIDS Guidance Note departs from twenty years of evidence-based HIV-prevention programming for sex workers. His review states, “The study revealed very weak support for efforts to combat entry to sex work, reduce demand for sex work, and promote exit from sex work, with only a handful of research papers being discovered in each case, displaying inconsistent results. Claims that the UNAIDS Guidance Note is evidence-based appear to be ill-founded. Moreover, much of the most promising research underlines the importance of human rights based approaches in work with sex workers rather than broad based policies that fundamentally oppose sex work”. The full review is available from <http://www.nswp.org>.

## **September 2007 - The Curious Sex Worker's Guide to the UNAIDS Guidance Note on HIV and Sex Work released**

This guide describes the ways UNAIDS draft guidance on sex work takes an abolitionist view of sex work, prioritizing ending 'demand' for sex work and raids on sex workers over better working conditions for sex workers, and furthermore violates various UN Conventions on Human Rights. This guide solicited input and assistance from sex

workers around the world and especially in affected regions for the rewrite of the UN Guidance.

### **30 September 2007 – The Global Working Group on Sex Work Policy presents their rewriting of the Guidance Note to UNAIDS**

The Global Working Group on HIV and Sex Work Policy was convened by the Global Network of Sex Work Projects to formulate sex workers' and civil society groups' response to the new UNAIDS Guidance note on Sex Work. The group is a broad based coalition that believes in evidence informed, rights based programming in relation to HIV. The Delhi document can be downloaded from <http://www.nswp.org> and <http://sexworkpolicy.wordpress.com>. The Delhi document was accompanied by a letter to Dr. Peter Piot, director of UNAIDS, requesting a meeting to discuss this matter.

### **1 October 2007 - Video release of Global Working Group rewrite of the UNAIDS Guidance Note**

This video on <http://sexworkerspresent.blip.tv/> and <http://blip.tv/file/405841> shows the launch of the reworked Guidance Note and explains the principles used in formulating it. This reworked document is meant to start dialogue between sex worker organisations, HIV organisations, programme implementers, governments UNAIDS, UNFPA and the other cosponsors.

### **29 October 2007 – Dr. Piot, Director of UNAIDS, responds to the Global Working Group**

Piot wrote, "The document you provided identifies much common ground and I am confident that we can use the recommendation as we continue to work together." However, no mention was made of meeting with the GWG nor were next steps for improving the Guidance Note delineated.

### **5 November 2007 – Global Working Group requests time to present to the UN Human Rights Reference Group**

As the response from the director of UNAIDS did not address the request to meet or clarify the status of the Guidance Note, the GWG asked the Human Rights Reference Group, saying, "We ask that before the discussion at your December meeting Meena Seshu be given time to present our document. We further request that the Reference Group issue a statement on this topic, and that the issue be presented to Peter Piot during your report after the meeting."

## **12 November 2007 – Director of Prevention for UNAIDS defends Guidance Note**

On the first morning of the UNAIDS-convened meeting "Scaling-up HIV Prevention Towards Universal Access in the Middle East and North Africa", 12 - 14 November 2007, in Luxor, Egypt, Michael Bartos, Director of Prevention for UNAIDS, was asked about his recommendations for working with sex workers. He replied that it is well documented that empowerment is the best method for work with all populations, including sex workers. A member of the GWG then said that Bartos was absolutely correct that empowerment strategies are the best ways to work with marginalized populations including sex workers, and asked why are UNAIDS and some of its member organizations deviating from this and promoting approaches counter to this. Bartos stated that UNAIDS is not, and then implied that the sex workers rights movement has rejected the nuanced response that includes raids and rescues, and this made clear that he was getting right to the draft UNAIDS Guidance Note on Sex Work. It was countered that this response is disingenuous: sex workers' rights activists sole purpose has been to change poor situations in what is usually a not great job, and that sex workers rights activists are motivated by abuses within the industry, which is exactly why the lack of emphasis on good working conditions in the Guidance is so dangerous.

## **3-5 December 2007 – 8<sup>th</sup> meeting of the UNAIDS Reference Group on HIV and Human Rights hears presentation of Delhi document**

Meena Seshu spoke to the United Nations Human Rights Reference Group about the Guidance Note in December 2007. The minutes from this meeting state that, "The Reference Group made a number of specific comments on the current draft and agreed to make a formal written submission on it. It received assurance that its comments would be seriously considered." The minutes further indicate that the Reference Group recommended "That the guidance be rewritten taking the comments provided by the Reference Group into account, which in turn will reflect concerns from sex worker communities." The Reference Group agreed to prepare written submission on the sex work guidance and to continue to undertake follow-up throughout the process leading to a final draft."

## **17-18 December 2007 – 21<sup>st</sup> meeting of the UNAIDS Programme Coordinating Board**

Steve Kraus of UNFPA committed to writing down an agreed process for further consultations and attempting to reconcile the Delhi document with the UNAIDS Guidance Note in early 2008. This was discussed during side meetings with NGO delegates, but not in the PCB discussions.

## **14 February 2008 Global Working Group writes to Dr Peter Piot, Director of UNAIDS**

This letter was sent by the Global Working Group to Dr. Peter Piot, Director of UNAIDS, sent 14 February, to request a meeting to discuss and resolve the state of the guidance note. To date, the UN Reference Group on Human Rights and UNAIDS' Programme Coordinating Board, have stood behind the GWG, but the GWG has yet to receive direct communication from UNAIDS or UNFPA. The full letter is available at <http://www.nswp.org>.

## **25 February 2008 – OSI calls on UNAIDS to clarify the status of the Guidance Note**

Francoise Girard, Director, Public Health Programs at the Open Society Institute wrote to the Director of UNAIDS, “OSI calls on UNAIDS to:

1. clarify to its staff and partners that the originally issued Guidance Note is not official policy;
2. establish a clear and open consultative process with sex worker advocates, particularly the Global Working Group on HIV and Sex Work Policy, and other civil society groups, and the UNAIDS Reference Group on HIV and Human Rights, to revise and finalize the Guidance Note; and
3. re-issue a Guidance Note that takes these concerns into consideration and clearly commits to the human rights principles that will ultimately lead to an effective AIDS response.”

## **11 March 2008 – Report by the Non-governmental Organisation representative to the 22<sup>nd</sup> UNAIDS Programme Coordinating Board**

The UNAIDS Programme Coordinating Board Non-governmental delegation “requests UNAIDS to monitor and evaluate the implementation of the Guidance note on HIV and Sex Work in consultation with the Global Working Group on HIV and Sex Work Policy, and networks of sex workers to ensure that the development and maintenance of an enabling environment that respects the rights of sex workers and which promote and support their empowerment, are given equal attention and resources among other priorities.”

## **26 March 2008 – Report of the Commission on AIDS in Asia released, with a statement from UN Secretary General Ban Ki-Moon**

This excellent report calls for the decriminalization of sex work, and counsels governments and other actors to, “Avoid programmes that accentuate AIDS-related stigma and can be counterproductive. Such programmes may include ‘crack-downs’ on red-light areas and arrest of sex workers.” This is critical, and it is unfortunate that UN agencies currently promote strategies counter to the human rights of sex workers and counter to their own missions. The report further promotes the needs of marginalized

populations including drug users for efficacious and ethical solutions, such as harm reduction methodologies, to the HIV epidemic.

## **2 April 2008 – Women Won't Wait campaign calls on UNAIDS to revise and re-issue the Guidance Note with input from the Global Working Group on HIV and Sex Work Policy**

Neelanjana Mukhia wrote to the Director of UNAIDS, “to ensure meaningful consultation with sex workers, sex worker advocates, particularly the Global Working Group on HIV and Sex Work Policy, in the revision of the guidance note.” The letter later includes that the Women Won't Wait campaign calls on UNAIDS to “revise and re-issue the Guidance Note based on concerns and inputs of sex worker advocates, especially the Working Group on HIV and Sex Work Policy, and ensure the Note is grounded in and explicitly committed to human rights principles.”

## **9 April 2008 - European Civil Society Forum on HIV/AIDS supports NGO efforts to demand UNAIDS be accountable to sex workers**

The ECSF wrote to the PCB that, “We support the NGO report regarding the Guidance Note. The UNAIDS secretariat is accountable for the consultation process with the networks of sex workers and sex work projects, as agreed in the 20<sup>th</sup> PCB meeting. The NGO delegation should ask UNAIDS for a report on the process of redrafting the Guidance Note and when it will be made available to civil society representatives.”

## **11 April 2008 – Open Society Institute commends the UN Secretary General's leadership on sex work and other marginalized populations**

Francoise Girard, OSI Public Health Program Director, wrote to UN Secretary General Ban Ki-Moon and encouraged him to review the work of UN agencies that may frustrate HIV prevention for stigmatized groups. Girard also pointed to the global Guidance Note on HIV and Sex Work which emphasizes reducing the number of women engaged in sex work. “We believe the mission of UNAIDS should be to focus on reducing HIV transmission, which requires protection of the rights of sex workers and their access to HIV services, rather than the ‘rehabilitation’ of sex workers,” added Girard.

## **20 April 2008 – Global Working Group writes to the UN Secretary General**

The Global Working Group on HIV and Sex Work Policy applauds your commendation of the report "Redefining AIDS in Asia: Crafting an Effective Response". ... We call on you in your capacity as Secretary General to ensure that UN agencies work with civil society to ensure that the rights of sex workers, and other marginalised groups, are protected and that guidance given does not increase the barriers to effective HIV prevention in sex work settings.

## **23 – 25 April 2008 – 22<sup>nd</sup> meeting of the UNAIDS Programme Coordinating Board**

The Guidance Note will be raised again at the PCB meeting in April. It is important that UNAIDS PCB members insist that the UNAIDS secretariat do not prevent this item being discussed. Sex workers are the largest and most significant of the vulnerable groups and the principles involved – human rights and the participation of affected communities – are the cornerstones of effective approaches to HIV. For this reason, Gulnara Kurmanova, an NGO representative at the meeting, stated, “We look forward to receiving the redrafted UNAIDS Guidance Note on Sex Work and HIV and to further engagement with the United Nations. We call on the UN agencies responsible for redrafting the guidelines to work with civil society more effectively to ensure that the rights of sex workers, and other marginalised groups, are protected and that guidance given does not increase the barriers to effective HIV prevention in sex work settings.”

Dr. Piot sent a letter of resignation during this meeting. His tenure will end at the end of the year.

## **10 - 11 June 2008 - United Nations General Assembly High Level Meeting on HIV/AIDS**

Sex workers commended UN Secretary General Ban Ki Moon for promoting the Report of the Commission on AIDS in Asia, which calls for the decriminalization of sex work, and counsels governments and other actors to, “Avoid programmes that accentuate AIDS-related stigma and can be counterproductive. Such programmes may include ‘crack-downs’ on red-light areas and arrest of sex workers.” Sex workers also called on UNFPA and UNAIDS to return to this stance on sex work.