

Our Lives Matter

SEX WORKERS UNITE FOR HEALTH AND RIGHTS

By Anna-Louise Crago



SEXUAL HEALTH AND RIGHTS PROJECT



OPEN SOCIETY INSTITUTE
Public Health Program

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Foreword

Rigorous antiprostitution laws and policies around the globe lead to the imposition of harsh and repressive measures against sex workers. Intolerance and stigma make it difficult for sex workers to safeguard their health and lives. Despite these challenges, sex workers have organized to defend their human rights with creativity and wisdom. They have protested to be free from incarceration, violence, extortion, eviction, and humiliation. They have fought for equal access to health care services. And they have called for sex work to be officially recognized as *work*, a policy shift already taking hold in some countries that has significant implications for securing the benefits to which sex workers are entitled.

Sex workers and their allies have undertaken broad advocacy efforts to address the health and social justice needs of their local communities. These groups have also forged global networks to exchange best practices for HIV prevention; to demand an end to police violence; and to strategize for the adoption of laws and policies that uphold sex workers' human rights. Organizations, such as those profiled in this report, have shown how effectively sex workers can participate in developing and implementing the policies and services that impact their lives. Additionally, sex worker health and rights groups have found common cause with people living with HIV; lesbian, gay, bisexual, and transgender persons; and the harm reduction community.¹ Such alliances lend strength to shared goals for equitable treatment.

The Sexual Health and Rights Project (SHARP), an initiative of the Public Health Program of the Open Society Institute, recognizes the incontrovertible link between health and rights. Policymakers and donors around the world should heed the lessons in these pages and generously support sex worker health and rights groups to continue their lifesaving education, service provision, and advocacy efforts. By increasing access to health and social care services and promoting laws, policies, and practices that end discrimination against sex workers, the brave people running these organizations not only reduce the incidence of HIV and other illnesses, they help create a more just world.

Sue Simon
Founding Director
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Acknowledgments

This report was researched and written by Anna-Louise Crago, whose years of involvement in sex worker health and rights issues, including time as Stella’s communications director, have given her a depth of knowledge that enabled her to skillfully synthesize these complex issues into a clear report. She is also a board member of the Canadian HIV/AIDS Legal Network. We are grateful to Anna-Louise for her endless good humor, intelligence, curiosity, and thoughtfulness.

The eight groups we profile here work with unsurpassed commitment toward greater social justice ideals even as they seek pragmatic improvements in the daily lives of sex workers. We thank them for reaching beyond their already demanding responsibilities to share both their personal stories and organizational experiences with us.

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Sexual Health and Rights Project (SHARP)
Public Health Program
Open Society Institute



A Humanitarian Action outreach van in St. Petersburg, Russia, provides medical, psychological, and social assistance for sex workers and people who use drugs

Introduction

“The right of all sex workers to live free and healthy lives.”

After being evicted by local authorities from the brothel where they lived and worked in the Midnapur district of Bengal, a number of sex workers wanted to air their grievances and seek redress. They wrote a letter, signed “Displaced Prostitutes,” that was published in the local newspaper in Bengal. It was September 1854.²

Sex workers organizing in defense of their lives and livelihoods is nothing new. Stigma and discrimination against sex workers have made it a necessity and, at times, a matter of life and death. An important change has occurred over the last three decades, however. Sex workers’ health and rights groups have emerged all over the globe in countries big and small, rich and poor. Some groups are nascent and modest in scope, while others have, over time, assembled thousands of sex workers into a formidable social movement. Formed for different reasons and facing different conditions, working jointly or on their own, these groups all want recognition of sex workers as people with rights. They have led the call for equal access to health services, full human rights, and labor rights. Together, these passionate and tireless activists are the backbone of the sex workers’ health and rights movement.



This report highlights the innovative contributions of eight groups from very different countries: Durjoy Nari Shongho in Bangladesh, Humanitarian Action in Russia, Stella in Canada, Durbar Mahila Samanwaya Committee (DMSC) in India, Sex Workers Project of the Urban Justice Center in the United States, Odysseus in Slovakia, Davida in Brazil, and Sex Worker Education and Advocacy Taskforce (SWEAT) in South Africa.

These groups, like countless others, are energetic and resourceful leaders in the fight for sex workers' health and rights. They were chosen for this report because they illustrate a diverse range of advocacy and service models. Some of these groups evolved out of the spontaneous decision to fight police violence, such as the Brazilian transgender and women street prostitutes who formed Davida in 1979. Others grew out of the emerging friendship between sex workers and social activists. Learning from each other, they became stronger and more effective through a shared commitment to social justice.

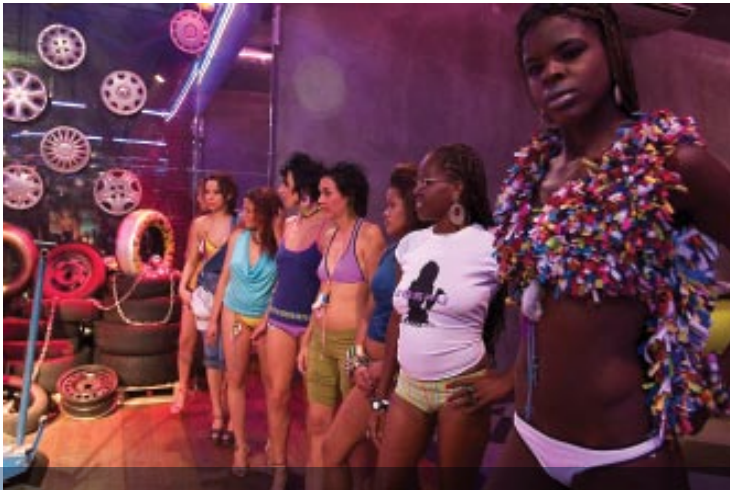
Over the past 15 years, many groups, led by sex workers or their allies, have formed in response to the AIDS pandemic. The impetus behind some, such as Stella in Canada, was to defend sex workers against rampant scapegoating for the spread of HIV. SWEAT was founded by a male sex worker in South Africa, and like other groups, first began as a project of an organization devoted to fighting HIV. Many groups, such as Stella, SWEAT, DMSC, and Durjoy, were funded initially by governments that saw the promotion of safer sex among sex workers as a way to stem the spread of HIV to the "general population." It is true that fighting HIV within a specific, affected population reduces overall HIV rates, and that everyone benefits. The problem comes when

protecting the health of sex workers is secondary and supported merely as a means of saving other people's lives. Such an approach often leads to violations of the rights of sex workers in the name of promoting the public health of the "general population."

In contrast, sex worker health and rights groups have always seen sex workers as people who deserve health care and human rights as a fundamental principle. They also have seen sex workers as agents of change that society as a whole could learn from. In the cases of Stella, Durjoy, and DMSC, sex workers have taken over running the organizations. In South Africa, SWEAT supported sex workers of all genders in creating their own organization, Sisonke. Sex workers are now leaders of a growing international social justice movement.

Harm reduction was a starting point for other groups. Humanitarian Action in Russia and Odysseus in Slovakia emerged out of projects that offered drug-related harm reduction services to marginalized communities. The realization that many female injecting drug users were engaged in sex work led groups to develop projects providing a range of respectful health and social services to both male and female sex workers.

Some of the newer groups, such as the Sex Workers Project in the United States, are devoted primarily to advocacy through legal assistance, research, and pressure for policy change.



THIS PAGE AND OPPOSITE: Sex workers modeling the Daspu fashion line in Rio de Janeiro



Activists with the Durbar Mahila Samanwaya Committee demonstrate against anti-trafficking legislation in India

All of these groups, along with many others, have found common cause in opposing obstacles to sex workers' human rights. Many countries criminalize all or part of sex work³, impeding or denying the right of sex workers to seek legal protection if they suffer abuse or poor working conditions. This lack of legal protection creates a climate of impunity that fuels violence and discrimination against sex workers and, in turn, increases their vulnerability to HIV. Decriminalization of sex work is therefore a crucial priority for many sex workers' rights groups that aim to stop violence against sex workers and reduce their risk of contracting HIV.

The combination of criminalization and the failure to recognize sex work as work means that sex workers are cut off from state benefits and regulations that protect other workers' health and safety. Also, it often means that sex workers are more vulnerable to coercive state measures ranging from arbitrary arrest and detention to the testing of sex workers for sexually transmitted infections (STIs) against their will or without their knowledge, under the guise of public health protection. Coercive public health

measures targeted at sex workers, in addition to violating their human rights, can have impacts contrary to their HIV prevention goals. For example, sex workers have reported that condoms distributed by 100% Condom Use Programs (CUP) have been used by police as “proof” of prostitution which can discourage sex workers from carrying them, and have made negotiating for safer sex more difficult because clients believe certificates verifying an HIV test are proof of a “clean bill of health.”

Imprisonment of sex workers, as well as state violence against them in the form of physical or sexual assault by law enforcement officials, are urgent concerns all over the world, as many of the groups in this report attest. The increasing police raids on brothels in many countries are particularly troubling when such actions receive financial or political support, notably from the United States government. Often justified as “an-



An outreach worker with Humanitarian Action in St. Petersburg, Russia, provides safer sex education



Activists participate in a sex worker rights march coordinated by Stella in Toronto during the 2006 International AIDS Conference

titrafficking” or “rescue and rehabilitation” measures, or simply as ways of protecting the community from “immoral behavior,” such raids conflate trafficking and sex work. They do not distinguish between people who are in the sex trade against their will and those who do the work voluntarily. Often these interventions even fail to distinguish between people who live in brothels or red-light areas but do not sell sex and those who do. And now, policy approaches similar to those of the United States are being promoted at a global level by the United Nations Population Fund (UNFPA) in its role as the lead agency on sex work in the Joint United Nations Program on HIV/AIDS (UNAIDS).

Police raids on brothels are often carried out in collaboration with nongovernmental organizations (NGOs) and religious groups that seek to eradicate prostitution. Sometimes the groups are domestic, but in an increasing number of cases American groups operating abroad are found to be involved. Raids usually result in the arrest of sex workers who are taken from the brothels where they live and work, detained, and often deported under conditions that constitute gross human rights violations. Sex workers in a number of Asian countries, such as India, have sustained serious injuries trying to escape “rescues” by the same law enforcement officials who abuse them and regularly shake them down for money or sex.

Repressive policies and tactics toward sex workers aggravate rather than solve the health and rights problems sex workers experience. Police and “rescue” raids have been shown to impede the human rights of women and children who have been trafficked for the sex trade, as well as for the sex workers who get caught in these interventions. Other approaches, however, have proven helpful. A number of the groups profiled in this report are pioneering a pragmatic rights-based approach to help trafficked women and minors get out of the sex trade. They have found that the fight for sex workers’



A sex worker sits near the Brooklyn Bridge in New York City



“Human Rights, Not Violence” postcard produced by Odysseus as part of a campaign to end violence against sex workers organized by the Sex Workers’ Rights Advocacy Network (SWAN) in Central and Eastern Europe and Central Asia

rights and the struggle to end trafficking mutually reinforce each other. When empowered, sex workers are often the best placed and most able to assist trafficked persons and underage minors. The importance of the rights-based approach, which remains antithetical to a traditional law enforcement ideology, is described by the DMSC succinctly: “Only rights can stop the wrongs.”

Additional and specific challenges exist for both transgender sex workers (as well as transvestite and transsexual women) and for male sex workers serving a male or female clientele. In many places, their perceived gender identity or sexual orientation

causes them to face grave human rights violations and a complete lack of respectful and accessible health services. Their realities—and their very existence—are often ignored or demonized, leaving them without a strong support system.

Many organizations of sex workers are confronting an almost insurmountable challenge in obtaining stable, adequate funding to support their work. Sex workers are still so stigmatized that funding for projects that promote sex workers' health and rights is difficult to find and sustain. This situation worsened when the United States government adopted laws and policies to require all U.S. and foreign NGOs that seek funding from the American government for HIV or trafficking-related projects to sign a statement condemning prostitution—the so-called antiprostitution pledge. Despite ongoing legal challenges to one of these laws, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, the measure remains in place.

Opposition from powerful U.S. right-wing politicians, antiprostitution groups, and some feminists has created an environment in which many sex workers' health and rights groups worldwide have come under attack. These organizations have lost substantial government funding as well as the political and material support of other NGOs that are fearful of losing their own funding as a result of being associated with sex worker health and rights groups. The antiprostitution pledge, coupled with negative media portrayals of sex work, has renewed and reinforced the stigma and fear of sex worker communities. Many large and powerful NGOs that previously ran innovative programs for sex workers have curtailed or stopped their projects for fear of losing funding. Sex workers have suffered the loss of essential services and support that many groups had provided. Moreover, American funding continues to support organizations advocating for more police raids and “rescues” with devastating consequences for sex workers.

The groups featured in this report outline these challenges and provide various responses. These groups exist in vastly diverse environments and differ in the strategies they deem most useful to accomplish their work. What they hold in common is an uncompromising commitment to the right of all sex workers to live full and free lives. Their efforts demonstrate how that goal can be realized.

“**We never dreamed of speaking up for ourselves. Never imagined that we ever had any rights that we could protect. But now we are sharing our joys and sorrows with each other. We speak about our rights. We dare to dream about the future.**” —Hazera Begum, sex worker and former president of Durjoy, in *Sex-Workers in Bangladesh: Livelihood at What Price?*

BANGLADESH

Durjoy Nari Shongho

“We protest against repression.”

The story of the sex workers’ movement in Bangladesh begins with the story of hundreds of women who in the face of crushing stigma found the courage to take small steps together. Literally.

For many years in certain parts of Bangladesh, sex workers in brothels, such as the 100-year-old Tangail brothel, were forbidden from wearing shoes or sandals in public and fined by the police if they were caught. Barefoot, they were demarcated and segregated, forced to keep to themselves, and sit in separate seats at the cinema. Tangail is a compound in central Bangladesh that houses over 700 women, their children, and sometimes their lovers, in a beehive of rooms, with a shrine for offerings and a cemetery where Muslim and Hindu sex workers alike are buried. For decades, sex workers in Tangail washed and buried their own dead and even performed the last rites. The clergy refused to bury sex workers, considering them impure.

In 1995, CARE, a large international NGO, started the Shakti Project, an HIV-prevention initiative for sex workers in the Tangail brothel and, a year later, for women and *hijra* (transgender) sex workers on the street, who were known as “floating sex workers.” While HIV prevention was needed, the sex workers said they had other far more pressing priorities. Floating sex workers routinely faced violence. As Hazera Begum, a sex worker who was involved with the Shakti Project and is now with Durjoy Nari Shongho, explained: “Police beat us up, snatched our money forcibly, and had sex with us without pay. Thugs also beat us, grabbed our money, and many of them had sex without pay. People scolded us on the street, and none of them thought of sex workers as human beings. It was as if we were inhabitants of a different planet.”⁴ Another concern was that sex workers’ children were not allowed to attend school or even be

housed in orphanages since they lacked birth certificates, which required the name of a father. But their first concern, the sex workers said, was to obtain the right to wear shoes outside.⁵

In the beginning, the sex workers grouped together under the Shakti Project shied away from any outright demand for their rights, fearing a vicious backlash that could close down their brothel and run them out of town. Despite discouragement from madams trying to retain control over the ability of sex workers to come and go, women in small groups began timidly leaving the brothel wearing shoes. A few months later, they all wore them.⁶ They soon discovered that the prohibition against wearing shoes and the fines they had endured for years had no basis in any existing law.

By 1997, confidence in talking about sex workers' rights had grown within the Shakti Project. According to Hazera Begum: "CARE organized a workshop where sex workers from different countries assembled together. From discussions in the workshop, we understood that we are also human beings and that we deserved equal rights."⁷ Inspired by a meeting with sex workers from DMSC, a sister organization in India, a number of floating sex workers formed Durjoy Nari Shongho, "The Undefeatable Women's Association." This became an independent NGO of women and *hijra* sex workers and a partner and funding recipient of international NGOs.

Sixty-five percent of the people in the city of Dhaka live below the poverty line. Many floating sex workers live in extreme poverty and are often homeless. "We work on the street," said Shahnaz Begum, current president of Durjoy. "Many of us have no shelter, food, or anywhere to wash. Some sleep on the streets and the police beat them."⁸ Floating sex workers often must leave their children alone on the streets while they work, which makes the children constantly vulnerable to violence and unable to attend school.

Durjoy Nari Shongho established 20 drop-in centers where sex workers and their children can safely eat, rest, learn, and take care of their health. The centers also offer leisure activities, such as theater, for floating sex workers who rarely get a chance to relax and enjoy themselves. Through close interaction, they have learned to trust each other and recognize their own self-worth, an impressive accomplishment given the stigma they face.

INNOVATIVE ACTION

Durjoy Nari Shongho has also played an important leadership role in supporting sex workers in Bangladeshi brothels. The solidarity between brothel-based and street-based sex workers is in part due to the fact that many floating sex workers once worked in brothels. In police raids on brothels, sex workers are not only arrested for their profession but they and their children are also evicted from their homes and workplaces. Often their worldly possessions are destroyed. Following raids, many brothel-based sex workers join the ranks of the homeless floating sex workers.

In 1999, the Tanbazar and Nimtoli brothels near Dhaka were violently raided under the guise of “rehabilitation” and many thousands of women were displaced. Durjoy Nari Shongho, with Nari Mukti Shongho, a smaller association of brothel-based sex workers, took the lead in demanding the sex workers be released from the home for vagrants where they had been imprisoned and where reportedly they were beaten and sexually assaulted. The groups were joined by a large coalition of more than 40 women’s rights and human rights groups that denounced the raids. Their efforts sensitized many human rights activists to recognizing sex workers’ rights as human rights. Together, the sex workers and their allies petitioned the United Nations Special Rapporteur on Violence Against Women, who sent an urgent appeal to the Bangladeshi government on behalf of the evicted women and children.

The coalition of human rights groups took the matter to court. In 2000, in a landmark judgment in a Muslim country, the High Court criticized the raids on the brothels, noting that sex workers should have the same rights and freedoms as others. Despite this ruling, raids have continued. In 2002, for example, the Natun Bazar brothel in the town of Magura was raided. The women and children were forced to flee and their meager belongings were auctioned off.

LASTING CHANGE

With over 2,500 voting members, Durjoy Nari Shongho has helped improve the lives of many sex workers, including Hazera Begum, the organization’s former president. The Shakti Project helped Begum, at the age of 27, learn to read and write, and now she devotes her pen tirelessly to interviewing other sex workers and demanding legal recognition of sex work in hopes of protecting sex workers from the violence of police and gangsters. “People now honor me and chant slogans with us in recognition of our profession,” wrote Begum. “We protest wherever a sex worker is being repressed. We, the

members of Durjoy Nari Shongho, protest against repression of women on the street, in the locality, or anywhere else. Now no one gets away with injustice to a sex worker.”¹⁰

Unfortunately, Durjoy Nari Shongho was recently dealt a terrible blow. In 2005, shortly after two of the organization’s international funders signed the antiprostitution pledge required of groups wishing to receive HIV-related grants from the United States Agency for International Development (USAID), much of Durjoy’s funding ended abruptly. As a result, Durjoy had to close 17 of its 20 drop-in centers. Instead of selling 73,000 condoms a month to sex workers, the group’s sales dropped to 30,000.

The U.S. legislation restricting HIV money to groups that sign an anti-prostitution pledge has meant that an organization like Durjoy cannot continue its critical work even as the HIV epidemic is poised to escalate in the region. A 2004 United Nations study found that HIV infection had tripled in the previous six years in Bangladesh.¹¹ Durjoy and other sex workers organized a rally against the U.S. antiprostitution policy, but the centers have yet to reopen despite the urgent need for HIV prevention efforts.

Hazera Begum could not contain her tears when she spoke of the loss of the drop-in centers at the 2006 International AIDS Conference in Toronto, where Durjoy Nari Shongho received the Red Ribbon Award for its work to fight AIDS. “This feeling is like a broken heart, it’s like a broken family,” Begum said. “All of them are street workers. The only house they have is when they go to a client for a few hours. Closing a drop-in center is like losing their homes, like losing their meeting point, losing their school, losing everything.”¹²

THE LAW AND SEX WORK

Bangladesh

1. Keeping a brothel and living on the avails of prostitution are illegal.
2. Prostitution is not illegal. A woman who wants to become a sex worker must sign an affidavit saying she is over 18 and is willingly taking on this work. However, according to one report, due to corruption, these affidavits are easily bought and sold.
3. Police use vagrancy acts and municipal by-laws to arrest street and brothel sex workers.
4. Brothel owners, according to a report, are usually politically connected or pay a major share of their profits to police. One out of three sex workers also report giving a major part of their earnings to police.
5. Three out of five sex workers in one study report being raped by police, and a similar number in another study report being beaten by police.

Davida

“Don’t be ashamed, girl.”

The spotlight is on 20 prostitutes. One by one, they approach the catwalk to show off the latest collection of clothing from Daspu, a pun on the word for “hooker.” Daspu, the fashion label created by Davida, an organization for prostitutes’ rights, has attracted much attention beyond the red-light district where the models usually work. Throughout Brazil people are talking about the new fashion label that is fighting against the stigmatization of prostitutes. The Brazilian prostitutes’ rights movement has become an imposing presence, not only on the catwalk, but on the world stage as well.

This makes Gabriela Leite happy. She has devoted over 25 years to fighting discrimination against prostitutes like herself. She avoids the word “sex worker,” preferring to reclaim the terms “prostitute” and “hooker.”

In 1979, Leite was working the streets of Boca de Lixo, a poor area of São Paulo with a large prostitution district. Under the supervision of a new police chief, police began to arrest prostitutes and beat them mercilessly, resulting in the deaths of two *travesti* (transgender) prostitutes and one female prostitute. Shocked into action, a number of *travesti* and female prostitutes organized a protest. Leite and others went from building to building and street corner to street corner to notify prostitutes about the protest.

The prostitutes marched through the streets with signs written on pieces of ripped cardboard. For the first time, the voices of women and *travesti* prostitutes were heard on Brazilian radio and television, their words reported in the newspapers. Their plight

[Editor’s note: Davida requested that the terms “prostitute” and “prostitution” be used in this section of the report. SHARP uses the term “sex worker” because it does not have negative cultural, historical, and linguistic meanings.]

attracted the support of notable artists and even a politician. Under pressure, the state government could not remain impassive and the police chief was removed. For a number of prostitutes, including Leite, the march was a turning point that gave them the courage to continue fighting for their rights.

“When we began our struggle in the 1970s, we were considered to be the worst of society,” Leite said. “News about us only appeared in a section of the newspaper that was reserved for police stories and in medical studies about sexually transmitted diseases. Of course, we were always blamed for the transmission of any disease! It was always others who spoke about us and about what was best for us. One of our biggest victories has been prostitutes coming out from under the carpet and speaking about our profession. Today, we speak and show ourselves with dignity to all. This has been both what differentiates us from what came before and our most precious victory. We believe in ourselves as citizens and we believe that we have something to say to the rest of society.”

In 1987, Leite helped organize a national meeting of prostitutes from all across Brazil. It was a galvanizing moment. Prostitutes from different states and cities big and small shared strategies for fighting stigma and discrimination, and founded the Brazilian Network of Prostitutes. The network has grown to include more than 30 prostitutes’ groups, one of which runs its own radio station, a major form of communication in Brazil. Thus prostitutes joined a long and sophisticated Brazilian history of protest by civil society.

In 1989, after a second national meeting, prostitutes used peer outreach and traveling theater performances to support prostitute-led HIV-prevention work in red-light districts. By 1992, with many years of community organizing under her belt, Leite founded the nongovernmental organization *Davida* to fight for prostitutes’ civil and political rights in Rio de Janeiro. Since 1988, Leite and others had published a newspaper by prostitutes called *Beijo da Rua* (Street Kiss). The newspaper now has a circulation of

“**The proudest moment of my life was being on the runway as a model in the Daspu fashion show, watching people embrace our cause and showing my face as a prostitute. I have suffered from a lot of discrimination for being a prostitute and being HIV-positive. Daspu helped to make that better. Now, my nieces and nephews are allowed to stay at my house and are no longer scared of eating from the same plates as me.**”—Jane, a Brazilian sex worker

17,000 that is distributed to 30 prostitutes' associations of the network in 17 different states, as well as to other supportive groups throughout Brazil. This wide circulation, as well as the electronic version of the paper (www.beijodarua.com.br), has created a significant readership. The newspaper also serves to celebrate prostitutes' contributions to culture, a theme of many Davida initiatives, including organizing performances of traditional music by Brazilian prostitutes.

Given the Brazilian government's commitment to the fight against HIV and to working with civil society organizations in general, Davida and other prostitute groups built important partnerships with officials. Davida collaborated with health authorities in 2002 to run a national HIV-prevention campaign that directly attacked the stigma felt by prostitutes; the campaign's stickers and posters read: "Use condoms! Don't be ashamed, girl. You have a profession." In the same year, Davida partnered with the Health Ministry's National Program on STD and AIDS and the University of Brasilia to undertake a study of prostitutes' quality of life and working conditions.

Davida and other members of the prostitutes' movement in Brazil achieved a major victory in 2002, when the Ministry of Labor and Employment officially recognized prostitution as an occupation and included it in the government index of occupations (see box). This recognition opened an important door for improving working conditions. Prostitutes can now officially contribute to the government pension plan in order to receive retirement benefits. Despite these significant victories, Gabriela Leite knows that prostitutes will not secure their full human rights until the general population no longer stigmatizes them or the work they do.

INNOVATIVE ACTION

Creation of a National Movement

In addition to participating in the Network of Brazilian Prostitutes, Davida assists member groups of the network in sharing information and advocacy skills and encourages the formation of new prostitute associations where none exist.

Close Collaboration with Government and Politicians

Davida's work with the elected representative Fernando Gabeira brought about the introduction in 2003 of a bill in the Brazilian Congress to officially recognize prostitution as labor and promote the use of health and safety norms to protect the working conditions of prostitutes. The proposed legislation would also strike down a current law

against owning a brothel that has proved an obstacle to fair and decent working conditions for many prostitutes. According to Davida, those powerful enough to subvert the law and operate brothels are often linked to organized crime or to the police and can impose terrible working conditions with impunity. In 2007, the bill was defeated in the Commission on the Constitution, Justice and Citizenship (CCJC) despite many dissenting opinions. However, a subsequent vote in congress revived the bill and sent it before the Commission on Work, Administration and Public Service where it currently awaits debate.

Davida's long-standing partnership with the National Program on STD and AIDS has proved critical to maintaining the Brazilian government's support for rights-based HIV programming, despite immense pressure on the government to abandon it. In 2005, in a decision that echoed around the world, the Brazilian government refused to sign the U.S. government's antiprostitution pledge, losing \$40 million in support from USAID for HIV programs. Pedro Chequer, MD, director of the National Program on STD and AIDS, stated: "Our feeling was that the manner in which the funds were consigned would bring harm to our program from the point of view of its scientific credibility, its ethical values, and its social commitment."¹³

The Brazilian response to AIDS is seen as a remarkable success story around the world. In the 1990s, the HIV epidemic in Brazil was escalating at a breakneck pace, rivaling South Africa. However, Brazil turned its fate around through a strategy of making generic HIV medications available for free and by working closely with civil society groups like prostitutes. In stark contrast to South Africa where HIV's devastating toll continues to rise annually, Brazil's epidemic has remained on the same level since 1996.¹⁴ For Chequer, prostitutes have been crucial to Brazilian HIV-prevention efforts: "We view prostitutes as partners in this effort, partners who are efficient and competent. Prostitution exists everywhere in the world, including the United States, and we have a commitment to work with this group and respect them."¹⁵

Self-Financing and Creative Messaging

To cover those funds lost due to an increasingly conservative funding climate, Davida decided to invest in protecting its autonomy and sustainability as an organization. It created Daspu, a clothing line, with the help of a volunteer fashion designer. Profits from Daspu, which incorporates Davida's advocacy and safer sex messages, helps to fund the group's activities. The first fashion show, in 2005, modeled by prostitutes in one of Rio's red-light districts, garnered so much attention that the shows are now a staple on the runways at fashion week in Rio and São Paulo.

LASTING CHANGE

Davida has changed the lives of prostitutes in Brazil. Prostitutes can now receive a government pension. Their voices can be heard through the prostitutes' newspaper and in countless forums. They can participate in HIV-prevention campaigns that support their rights and ensure access to condoms and nonjudgmental information. They have partners in government who consistently support measures to promote their human rights. With each of these successes, prostitutes have gained more visibility and respect.

“There are still difficulties for those of us who publicly declare that we are prostitutes and show our faces,” Leite said. “Stigma and prejudice against us still exists. But now we have many people who support us and stand in solidarity with us. What is for sure, is that we have been able to insert our voices, our views, our activism, and our struggle for autonomy into Brazilian society, and that is a large achievement.”

The impact of the struggle of Brazilian prostitutes was heard far beyond the country's borders when Brazil refused to sign the USAID antiprostitution pledge. The Brazilian government's recognition of prostitutes' rights was of great importance in showing the rest of the world that such a stance is needed.

Prostitution as a Recognized Occupation

Brazilian Ministry of Labour and Employment, Classification of Occupations 5198-05 –Sex Professional: Prostitute, Call-girl, Call-guy, Hooker, Woman of the Life, Meretriz, Messalina, Hustler, Whore, Sex Worker, Transsexual (Sex Professional), Travesti (Sex Professional), Harlot

Summary Description: They engage in sexual transactions in private places, public areas and near mines; they provide services and company to male and female clients of diverse sexual orientations; they administer individual and family finances; they promote their professional organization; they perform educational activities in the domain of sexuality; they advertise the services offered. These activities are practiced under norms and procedures to minimize workplace vulnerability.

THE LAW AND SEX WORK

Brazil

1. Keeping a brothel and receiving money from prostitution are illegal.
2. Police use city ordinances to arrest street sex workers.
3. Sex workers report that police extortion is a regular occurrence.
4. Transgender and male sex workers are particularly vulnerable to police harassment and violence.

Stella

“We come from the sex trade, we work in the sex trade, and we spend time there every day.”

When Stella first opened its doors in 1995, its office was a small apartment in Montreal’s red-light district. It was a space for women, transsexual, and transvestite sex workers to take a break, shower, share some food, get condoms, and talk.

It was not the first initiative of its kind in Canada. In 1913, an American sex worker named Maimie moved to Montreal and opened her apartment as a meeting and resting place for other sex workers whom she considered “proud, dignified and autonomous women.”¹⁶ In her memoirs, Maimie wrote that the smartest, most vibrant, and most beautiful prostitute in all of Montreal was a woman named Stella. It was in her spirit that the public health advocates and sex workers who founded the project more than 80 years later chose the name.

Although originally funded as an HIV-prevention project, the services offered by Stella cover a wide variety of basic needs, in the recognition that HIV prevention is far more complicated than handing out condoms. It is linked to human rights. During Stella’s beginnings, the few part-time employees, most of whom were sex workers, spent long hours producing a monthly photocopied list with descriptions of violent clients, police officers, and assaulters. They also published a photocopied cut-and-paste bilingual magazine by and for sex workers called *Constellation*. Bars, flophouses, and motels were enlisted to carry the list and magazine. Sex workers on the street would wait eagerly for their copies from Stella workers.

As the organization has grown, peer support has remained central to its activities and identity as a group created by and for sex workers. It has meant offering advice to a

mother threatened with having her child taken away because she is a sex worker; teaching a fledgling group of street sex workers who want to start an association how to send out faxes; going to a hospital to pick up a sex worker who has been raped; and supporting a transsexual sex worker who has been jailed with men.

As Claire Thiboutot, one of the sex workers who founded Stella and was its executive director for 10 years, put it: “We trade in our stilettos for sneakers, and we walk all over Montreal to explore every nook and cranny of the city’s sex work milieu. Stella has always maintained a constant presence on the streets of Montreal, in the strip bars, at the escort agencies, in the massage parlors, on the sets of porn films—night and day. We provide an attentive ear, and give support that’s tailored to people’s needs. This is how we defend basic human rights.”¹⁷

At the outset, offering noncoercive and nonjudgmental services to sex workers was considered highly controversial. Stella was forced to relocate numerous times and it had difficulty registering as an official charity organization. Speaking out in defense of sex workers’ rights was difficult, but it became increasingly clear that injustice would not stop until sex workers took a visible and collective stand.

Thiboutot explained: “We come from the sex trade, we work in the sex trade, and we spend time there every day. So clearly we’re well placed to know that life isn’t always a bed of roses. We know that many of us suffer from poverty, from the difficulties facing First Nations (Indigenous) women, from the criminalization of drug use, from male violence. We can also see how even those of us who may have decent work conditions aren’t safe from prejudice, violence on the part of clients, police brutality and abusive arrest. This is why it’s so important to work together, collectively, to share our knowledge, confront prejudice and demand the decriminalization of our lives and work. Our individual stories, brought together, become the very arguments that provide the backbone of our organization and feed our collective struggle.”¹⁸

Three years into the project, funding was stable enough for Stella members to become an outspoken voice for sex workers’ rights in the media, in neighborhoods, and on city and provincial committees. Speaking out openly to demand their rights meant that sex workers faced additional harassment, public attacks, and death threats. Yet it also brought the possibility of change.

For the World March of Women¹⁹ in 2000, Stella hung a large banner on the outside of its office that read: “We no longer want our sisters, mothers, daughters, lovers, friends in jail.” During the event, sex workers occupied the whole city block performing plays about human rights concerns. Some women clambered from behind fake prison walls on the sidewalk. On a balcony overlooking the street, others reenacted being caught between abuse by clients and the police.

Stella's participation in the march exemplified the creative spirit that has drawn many sex workers to the organization and opened a dialogue with the community as a whole. As Stella member and volunteer Nicole Nepton wrote in a poem to Stella: "Because of you, I had fun at a demonstration for the first time in 20 years. You are creative and courageous, perhaps because you don't have the option not to be."²⁰

With growing confidence, Stella developed *Guide XXX*, a manual written by and for sex workers about health, safety, and rights in the sex trade in easy-to-read and clear language. The guide speaks openly about how to evaluate the working conditions at an escort agency, how to negotiate difficult clients, and how to become conscious of one's limits and boundaries. The guide, an instant hit with sex workers that is now in its fourth printing, received an award from the Quebec government for best social service initiative.

Stella's increasing visibility as a sex worker-led and -run organization has allowed it to grow. Sex workers now make up the overwhelming majority of the 16 employees, the board, and over 100 active members. The organization's bylaws stipulate that Stella's board must have sex workers as its majority and that one seat on the board is always reserved for an HIV-positive sex worker.

INNOVATIVE ACTIONS

Support to Sex Workers in Prison

Stella has undertaken many projects at the women's prisons in the Montreal area and offers direct support and services to incarcerated women and transgender sex workers. In 2008, Stella is offering a series of educational forums in women's prisons on HIV, hepatitis C, and HIV-related discrimination.

Accessible Health Services

Since 2004, in partnership with *Médecins du Monde*, Stella has offered a free biweekly medical clinic for sex workers on their sexual and general health. The clinic does not require medical cards, making it accessible to all sex workers, even those who are undocumented migrants or homeless. Stella outreach workers have provided mobile vaccination clinics for hepatitis B and sexual health information sessions in strip clubs, erotic massage parlors, and on porn sets.

Partnership with University for Public Education Campaign

In partnership with the University of Quebec in Montreal, Stella developed and implemented a day-long training session for police officers, health and social service workers, community groups, and other interested parties on “Everything you’ve always wanted to know about sex work.” The trainings sought to reduce the discrimination and stigma that keep so many sex workers from accessing essential services.

Fighting Violence through Advocacy

In the last two decades, Canada has faced a tremendous wave of violence against sex workers, particularly First Nations women. John Lowman, a criminologist, reported that between 1992 and 1998, 86 known sex workers were killed in Canada.²¹ Although the death toll in Montreal was not as high as that in Vancouver and Edmonton, violence was an immediate and pressing concern to a number of sex workers who came to Stella.²²

In 2000, Stella assisted a street-based sex worker who had been stabbed 17 times by an assailant. The provincial government denied her claim for victim’s compensation,²³ ruling that the assault was her fault. They considered that in choosing to be a sex worker, the woman had forfeited her right to be free from violence and was responsible for the attack she had suffered.²⁴ Stella retained the help of a volunteer lawyer and supported the woman in appealing the case. The provincial compensation body rejected the appeal, citing this time that it was her fault not because she was a prostitute but rather, because she was an older *experienced* prostitute and really should have known that she would be attacked. The sex worker chose to appeal the decision again. After several years, the case ended in victory for the sex worker, who received the compensation she sought. The case set an important precedent.

From the beginning, Stella understood that criminalization of the sex trade increases the vulnerability of sex workers to violence. The fear of arrest or further mistreatment

“Since 1994, Stella has worked to improve the quality of life and working conditions of sex workers so that they may work and live in safety and with dignity. With this award, we’re recognizing over a decade of courageous work defending sex workers’ human rights and advocating against the criminalization of their lives and livelihood.” —Joanne Csete, upon awarding Stella with the Canadian AIDS Action Award, on behalf of the Canadian HIV/AIDS Legal Network and Human Rights Watch, September 2006

prevents many sex workers from reporting grave crimes against them, allowing a climate of impunity to prevail. Stella negotiated with the police the creation of a “corridor of service” through which sensitized police officers respectfully assist sex workers in lodging their complaints.

In 2000, Stella, the City of Montreal’s Public Health Department, and the Provincial Federation of Women’s Groups denounced Montreal’s new policy of sweeping arrests of sex workers’ clients. By driving the sex trade underground, the anticlient initiative had resulted in a dramatic spike of violent incidents against sex workers.

In 2005 and 2006, Stella worked with three different groups of sex workers who had been serially raped or assaulted, arranging legal assistance and finding other women victimized by the same perpetrators who were willing to come forward. By 2006, Stella began offering a free legal clinic.

In 2005, more than 40 sex workers at Stella testified before the parliamentary subcommittee on prostitution laws in Canada about the negative effects of criminalization on their work and lives. Now Stella is helping support sex workers from Quebec who wish to testify in a legal challenge to Canadian prostitution laws filed in 2007 by Sex Workers United Against Violence (SWUAV), a group of 40 sex workers from Vancouver’s Downtown East Side represented by the Pivot Legal Society.

LASTING CHANGE

Many sex workers see themselves differently thanks to Stella’s work. “On the street, and in the agencies, sex workers have a lot less shame,” said Diane, a Stella outreach worker. “This has made a big difference in how many sex workers will report abuse.”

Stella has also shifted the public’s view of sex workers. More people now see sex workers as citizens, residents, and workers who are entitled to rights. Stella’s members are seen by media and government officials as credible and crucial voices in public discussions concerning sex work.

Repeated attempts by antiprostitution feminists and right-wing pundits to force the cancellation of Stella’s initiatives have threatened to put some of the organization’s hard-won gains in jeopardy. Still, precedent-setting policy shifts, such as the recognition of sex workers’ rights to victim compensation, and the assurance that sex workers can report serious crimes to the police without being arrested, hold the promise of lasting change.

THE LAW AND SEX WORK

Canada

1. Keeping a brothel and living on the avails of prostitution are illegal.
2. Soliciting for the purpose of prostitution is also illegal. And so is frequenting a brothel, whether as a sex worker, client, or support staff. These offenses carry heavy fines or prison sentences and a criminal record.
3. Many cities also use their by-laws to fine street sex workers. Unpaid fines result in jail time in many municipalities.
4. In the city of Montreal, conditional release following arrest or detention can include conditions banning sex workers from large parts of the city, even if they live there. Migrant sex workers are sometimes detained for more than six months before being deported.

Durbar Mahila Samanwaya Committee

“Only rights can stop the wrongs.”

In 2006, in the midst of a large crowd of sex workers amassed in front of India’s national parliament in a rainbow of saris, Swapna Gayen knew clearly why the Durbar Mahila Samanwaya Committee (DMSC) had chosen a name meaning “Unstoppable Women’s Committee.” Representing 65,000 male, female, and transgender sex workers in West Bengal, India, the DMSC is one of the largest and most powerful sex worker organizations in the world.

The DMSC has combined the forces of thousands of sex workers like Gayen, former secretary general for the DMSC. Gayen worked for years in a brothel in the Tollygunge area of Kolkata (formerly known as Calcutta) where along with other sex workers she was under constant threat of rape and extortion from hoodlums and police. “We could not say ‘no’ to them or use condoms,” she recalled.

The hoodlums were a particular problem. They tried to control women sex workers, restricting what they could wear in public, forbidding them from riding bicycles or attending local movie theaters, and attacking them routinely. “We had to cover our heads whenever we saw them,” Gayen said. “They used to beat sex workers and drive them from their homes. If another sex worker offered shelter, they would be punished as well. All these things they imposed on us were intolerable and unbearable. I could not accept it and I started to protest and fight against them. At that point, I realized that if I did not have support I could not fight back. So, I got involved with the DMSC.”

The DMSC held rallies and worked with sex workers to report incidents to the police. In the end, even though Gayen was evicted and had to move to another brothel, her

advocacy changed Tollygunge. “I feel proud,” Gayen said, “to think that we stopped the violence that persisted in that area for the last 30 to 35 years. It was a great success for the DMSC as well as for me on a personal level.”

With a powerful membership coming primarily from the concentrated communities of the red-light districts, DMSC has achieved big victories in little time. The group was created in 1995 out of the Sonagachi Project, an HIV-prevention initiative for sex workers operated by the All India Institute of Hygiene and Public Health and named for Kolkata’s largest red-light district. Rather than seeing sex workers as delinquents, fallen women, or victims, the Sonagachi Project considered them knowledgeable advocates for their own health and rights.

“This very concept played a pivotal role in unleashing the long suppressed energy and creativity of sex workers,” the DMSC stated. “It has resulted in enormous and spontaneous participation of members of the community, including male and female sex workers, their children, regular clients, and transgendered sex workers.”

First started as a forum for sex workers, the DMSC became involved in running Sonagachi’s projects in 1995 and took over complete control from the All India Institute of Hygiene and Public Health in 1999. The DMSC bases its work on three principles: respect, reliance, and recognition. Or as elaborated in the organization’s charter: “Respect towards sex workers, reliance on the knowledge and wisdom of the community of sex workers, and recognition of sex work as an occupation and of sex workers’ occupational and human rights.”

According to Bharati Dey, a sex worker and the current program director of DMSC: “We now run 49 clinics and 33 self-regulatory boards to address trafficking of women. We run 15 adult literacy centers for sex workers; 16 literacy centers and two residential homes for our children; two libraries; a cultural wing for self-expression through music, dance, theater, drawing-painting, and photography; and a cooperative society that runs a micro-credit program.”²⁵

In 2006, the DMSC participated in a march on parliament organized by the Indian Network of Sex Workers. Six thousand sex workers from 16 states in India demanded

“Ever since we got organized and had our protests, the goons in the brothel area now think five times before ever slapping a sex worker. That violence is no longer prevalent in the area.”

—Swapna Gayen, sex worker and DMSC member

professional recognition as workers and the repeal of the Immoral Trafficking Prevention Action, which, despite its misleading name, criminalizes all sex work and is routinely used to arrest sex workers and extort money from them. For Gayen, the march was a grand achievement. “It is really a matter of great pride for me. Presently we can demonstrate our strength. Before, we did not even dream of an event like the parliament march.”

INNOVATIVE ACTIONS

A Rights-based Initiative against Trafficking

The sex workers of the DMSC are staunch in their opposition to trafficking and underage youth in the sex trade. Sex workers are often the best placed to respond to these problems in a rights-based way. For many years, sex workers and members of the DMSC informally assisted underage girls or women who were in the sex trade against their will to leave safely. The police response to trafficking in women and girls, on the other hand, was rife with serious problems. Police themselves often extorted money and sex from trafficked persons; raids on brothels rarely distinguished between voluntary sex workers and those trafficked against their will; and sex workers taken from brothels in raids were usually sent to government homes where abuse is reportedly rampant.

In 1997, the DMSC undertook a groundbreaking, large-scale initiative to prevent and respond to human rights violations in the sex trade. In a number of red-light districts they began organizing self-regulatory boards of DMSC staff, doctors, advocates, national human rights commissioners, local politicians and officials, and sex workers working in the streets and brothels.

There are now 33 self-regulatory boards in West Bengal, out of a total of 40 sex work areas. Each board is responsible for patrolling its red-light district and coming to the immediate assistance of girls who are underage or of those coerced into the sex trade. The boards provide safe exit from the red-light district, temporary shelter, medical care, and a companion/mentor for returning home or finding long-term shelter and skills training, depending on which the woman or girl chooses.

The success of the boards relies on the fact that sex workers in brothels are often the first to come into contact with a new person entering the trade. Since 1996, the self-regulatory boards have assisted 456 women and girls, which makes them far more successful than most antitrafficking projects. Of those 456 people, 387 were underage and

69 had been trafficked. By taking decisive action and by working to sensitize madams and brothel owners to the importance of stopping coercion and the employment of minors, the boards have shifted the median age of people in the red-light districts from 22 to 28.

By creating an opportunity for sex workers to interact with local officials, the boards have also helped sex workers fight against extortion or bad conditions in a brothel. A 2003 report from the United Nations Development Program (UNDP) stated: “Sex workers in Domjur say that the existence of the Self-Regulatory Board in the red-light area and the links between Board members and the Panchayat (local government council) have not only curbed trafficking but also brought them other benefits—like piped water and sanitation facilities.”²⁶

Creating a Union of Entertainment Workers

Since 1998, DMSC members have rallied every May 1 in support of one of its most important goals: workers’ rights. The organization’s charter states: “(We) maintain that prostitution is not a moral condition but an occupation and as sex workers we are working women and men, who like many other working people are engaged in a marginal, sexist, exploitative, and low-status job. For most sex workers, working in the sex industry is not an irrational act of desperation, but a rational choice made from the very limited options available, particularly to poor, unskilled women, and poor gay men, in a capitalist and patriarchal society.”²⁷

In order to enhance their ability to negotiate better working conditions, the DMSC has applied to register its own labor union, the Binodini Srameek Union. In 2007, the group organized a large conference to unite workers in the entertainment sector from across India. The conference set out to “unite all the traditional and modern entertainers of our land: all the folk and classical dancers and singers, all musicians, all actors and actresses, the circus artists, sex workers, film and TV workers in a union of entertainment workers.” Many of them found common cause in fighting stigma. Over 5,000 people attended, 3,000 of whom were from the sex worker community.

A Collective of Sex Workers’ Partners and Clients

In 2006, the DMSC recruited 200 regular clients and *babus* (nonpaying regular partners) of sex workers to form the Saathi Sangathan or Companions’ Collective in support of the rights of sex workers and their children. The men help sensitize other clients to the importance of safer sex, so far providing information on HIV prevention and testing to 5,000 clients and partners.

“There are also thousands of men who come to Sonagachi (red-light district) and refuse to wear a condom and that is where we step in,”²⁸ explained Deepak Bhattacharya,

one of the men participating in the Companions' Collective. The men also help patrol the red-light district for minors or women coerced into the sex trade who can be assisted through the self-regulatory boards.

A Sex Workers' Bank

Despite threats and intimidation from moneylenders and hired thugs, the DMSC established a sex workers' cooperative bank, called the Usha Multipurpose Cooperative Society. The bank provides sex workers with a safe place to save their money and a means to get low-interest credit. "Before, we were at the mercy of moneylenders who used to charge interest rates as high as 600 percent to 1200 percent per year," Dey said. They even used violence to keep their hold. Bombs were hurled at us."²⁹

The cooperative bank, which is managed entirely by sex workers, has 12 branches and provides 8,500 sex workers with a place to deposit their savings or apply for a loan. For Dey, the impact is huge: "This has helped many sex workers buy their own house, put their children in better schools, and support their parents for hospital treatment, even open heart surgery."³⁰

The cooperative has also begun projects to support other income-earning activities for sex workers who are having a hard time making ends meet or would like to retire from sex work. However, the coop is in no way meant to force people out of sex work or serve as a substitute for workers' rights.

As Durbar members wrote in a report on the cooperative bank: "We, members of Usha are very emphatic that the cooperative is not meant for economic *rehabilitation* of sex workers who are in the trade, but is designed to provide a financial support for us to fall back on in moments of crisis, and to minimize our economic desperation by creating a space for negotiation."³¹ The Department and Ministry of Cooperatives has registered the cooperative and recognized sex workers as professionals. According to the DMSC, this recognition has helped their efforts to have other state departments recognize sex work as labor.

LASTING CHANGE

The DMSC has become famous for its uncompromising commitment to the idea that for sex workers "only rights can stop the wrongs." They do not assume that violence is an inherent and unchangeable component of sex work. They have shown, in fact,

that support for sex workers' rights can dramatically reduce, and potentially eliminate, violent incidents.

Dey sees improvement. "Our condition is a hundred times better than before. Before Durbar, the police would treat us like dirt. Arrest, beat, rape, abuse us, and call us filthy names. Now when I go to the police station, they say: 'Have a seat.' Can you imagine—the police saying 'have a seat' to me! Yes, life has changed for us."³²

Life has changed for sex workers in more ways than one. Fighting for the recognition of sex workers' rights has also reinforced sex workers' pride and power over their own health. When the Sonagachi Project of the DMSC began in 1992, the frequency of sex workers' condom use with clients was only 1.11 percent in Kolkata. By 1998, it had reached over 90 percent.³³ The Sonagachi Project of the DMSC is largely credited with the fact that sex workers in Kolkata have a relatively stable HIV-prevalence rate of 5.17 percent compared to rates as high as 54 percent among sex workers in Mumbai and 49 percent among sex workers in Pune.³⁴

These behavior changes, achieved through community empowerment efforts, have helped to slow the escalation of the HIV epidemic in the region as a whole. As Debashish Chowdhury, a DMSC employee, explained, "Different scientific studies undertaken by national and international agencies have corroborated that aggressive condom promotion among female sex workers notably in Sonagachi has resulted in the stabilization of HIV prevalence at less than 1 percent of the population in the whole state."

Through the building of a large and peaceful social justice movement, the sex workers of DMSC have shown they are truly unstoppable, and all of West Bengal is reaping the benefits.

THE LAW AND SEX WORK

India

1. Soliciting clients and living on the avails of prostitution are illegal.
2. An antisodomy law is used to arrest and detain male and transgender sex workers. Police also use antivagrancy laws to arrest street sex workers.
3. The state of Maharashtra has banned the employment of “bar girls,” who dance clothed in bars for tips.
4. A study found that 70 percent of sex workers had been beaten by police and 80 percent arrested unlawfully.

Humanitarian Action

“We understand the problems from the inside.”

As it comes to a halt along the paved shoulder, the small bus is quickly spotted by the women who line the side of the road. The bus is really a van with a few benches, cupboards, and a table. It belongs to Humanitarian Action, but the sex workers think of it as their bus. They wait for it every week, just as they wait for customers, along this stretch of highway in St. Petersburg.

Inside the bus, Irina welcomes the waiting women and invites them to sit and stay a while. Irina, whose hair is bright red, has been a sex worker for many years, and a peer outreach worker for Humanitarian Action for the past year. On this night in November 2006, dressed in jeans and a sweatshirt, she is dispensing condoms, handing out clean needles in exchange for used ones, and offering advice and assistance.

Twenty sex workers visit the van. They ask for condoms and clean syringes, and they also request help getting identification papers, referrals to the hospital detoxification program, and assistance regaining custody of children. One sex worker stops to inquire about another sex worker who is due to give birth; Humanitarian Action had found emergency housing for the mother-to-be. Two sex workers come by to thank the peer educator for accompanying them to court where charges against them were dropped because a confession they signed was coerced by the police.

Like many other groups in the world, Humanitarian Action has found that peer outreach is crucial to successfully connecting with sex workers. “No one can protect our rights as well as we can ourselves,” Irina said. “We understand the problems from the inside and know how to change them. You encourage others because you are not

frightened of the reality they face. You work together, and the reality begins to change.”

Irina and Alliona, a homeless sex worker, described the importance of securing their rights, and the obstacles that must be overcome. “Most sex workers don’t know they have rights as citizens,” Irina said. “They know their work is illegal, so they live in fear of the police, of clients, of everybody who passes on the street. It means they cannot defend themselves or struggle for their rights.”

“The police force us to pay money to them every day,” Alliona added. “If you have no money, they hold you in the police station for two days and force you to clean the station. Some policemen will only let you go if you have sex with them. A cop tried this on me, but I started yelling that I would sue him, and they let me go.”

“Sometimes if they have arrest quotas or think they can get someone higher up, the police will plant drugs on sex workers to arrest them. The laws against sex work are a big part of the problem,” explained Irina, referring to how sex work is penalized as an administrative offense and brothel-keeping is criminalized in Russia. “The police feel the laws give them cover to get away with extorting and using us. This is why it is so important that we tell sex workers that they have human rights like anyone else, and that we will support them in defending those rights.”

Of the street-based sex workers who use Humanitarian Action’s services, 95 percent are injecting drug users. In Russia, sex workers who inject drugs have been hard hit by the HIV epidemic and by the repressive policies that have allowed the epidemic to flourish. Russia has one of the fastest growing HIV epidemics in the world; over 80 percent of new infections come from sharing needles, with most of these occurring in young people under the age of 30. The government has hindered the provision of basic life-saving services, however, by banning methadone and buprenorphine — medications that reduce cravings for heroin and other opioid drugs. In certain instances, government officials have also turned a blind eye to police harassment of people trying to access syringe exchanges.

Humanitarian Action began in 1995 as a Médecins du Monde outreach project for street children in St. Petersburg. It expanded to provide HIV-prevention services to injecting drug users, and in 2000 it developed an outreach program for sex workers. In 2003, Humanitarian Action became an independent organization with its core mission remaining the provision of accessible and nonjudgmental health services. The largest of its three buses has a private room in which sex workers and injecting drug users can get tested for HIV, hepatitis B and C, and syphilis pre- and post-test counseling. In 2006, the sex worker project made contact with 1,792 sex workers on the street. The project has expanded to do outreach in brothels. A gynecologist, a lawyer, and a peer outreach worker visit sex workers who work indoors, offering consultations and information.

“The seminar I attended organized by Humanitarian Action was very important. Four hundred people participated. We worked together: people from the medical world, the social services world, and sex workers. We realized that working with sex workers is the right thing to do. We must break down stigma so women know they will be treated well when they look for medical care.” —Nikolai Lobzer, MD, Dermatovenearological City Dispensary

In recognition of the many ways that Humanitarian Action has helped to improve the lives of sex workers, street children, drug users, and HIV-positive people, the organization received the AIDS Action Award from Human Rights Watch and the Canadian HIV/AIDS Legal Network in 2005.

INNOVATIVE ACTION

Institutional Partnerships

Workers at Humanitarian Action confront many obstacles as they try to give sex workers access to high quality health care. Many health care providers are prejudiced against sex workers, particularly if they are also injecting drug users or HIV-positive. For their part, many sex workers are suspicious of doctors and the health care system, which operates “narcological units” in hospitals that are notorious for poor conditions. During the night of December 8, 2006, for instance, a fire overtook a Moscow hospital and 45 women undergoing drug detoxification died. Locked in a narcological unit, they were unable to escape the blaze.³⁵ A second fire one week later at a hospital for drug users in the Siberian town of Taiga took more lives.

Humanitarian Action has created partnerships with 12 governmental medical institutions and is preparing partnerships with 10 more. The medical institutions belong to a network of “friendly clinics and trusted doctors” ready to offer free-of-charge anonymous medical and social services to sex workers.

Ongoing Social and Psychological Support

In addition to offering support to sex workers who are seeking medical care, Humanitarian Action helps with social issues, such as finding housing and obtaining identification documents or residency registration documents. Humanitarian Action also fills a crucial void by providing social and psychological services to sex workers after medical detoxification or during HIV treatment. Through a partnership with the Botkin Hospital, a psychologist from Humanitarian Action offers support on the maternity wing for HIV-positive mothers under age 25, many of whom have recently learned of their HIV status. HIV-positive peer educators also visit people dealing with their HIV status.

“With Humanitarian Action, we built a staircase between the street and antiretrovirals,” said Vladimir Musatov, MD, of Botkin Hospital. “The first step is the outreach bus where people get information and testing. The next step is the easily accessible center run in partnership with Humanitarian Action at the hospital, where people can go even if they don’t yet have their city registration documents. It is not intimidating, doctors don’t wear uniforms. The center can bring people to further steps if needed.”

Preventing Sexual Exploitation of Minors

Humanitarian Action runs a drop-in center, an alternative school, and an outreach program for homeless young people between the ages of 12 and 24. Such activities allow it to provide social and psychological support to homeless youth, some of whom trade sexual services for shelter, drugs, food, or money. There are, however, substantial barriers to offering care, support, and safety to these children and youth.

“In 2006, we participated in a special committee organized by the city authority to prevent sexual exploitation of children,” said Anastasiya Kapustina, coordinator of the street youth project. “But they strategize and strategize and do nothing. I reported one case of a man sexually exploiting street children to the police, but they didn’t look into it. We don’t have a witness protection program so it can be very dangerous for the children and social workers to come forward. Street children are scared to report abuse. They run away from the police because the police are regularly physically or psychologically violent to them.”

Providing safe shelter is an essential way of preventing children or youth from being coerced into the sex trade. It is also an important means of assisting those who are or have been in the sex trade to attain greater stability. For homeless youth who trade sex for money or goods, shelter can represent added control over their lives and a means to protect their health and well-being. And yet, according to Kapustina, “State-run shelters will not accept kids who use drugs, and almost all of the kids we see use drugs. The state shelters look down on street youth and often treat them terribly. They have so much disdain for them that they will only give them food through a window with gloves on.

There is one decent shelter, but it only accepts 12 boys in a city with 15 to 20,000 street kids.”

Humanitarian Action opened a night shelter for street children and youth only to have it closed down by the local authorities in 2006 due to complaints by local residents who feared disturbances in their neighborhood. The street youth project is hoping to reopen its night shelter.

Even though most street youth are sexually active and many inject drugs, law enforcement agencies and ministerial authorities often prohibit provision of condoms and clean needles to anyone under 18 despite the lack of clarity in the law on these matters. The consequences of such prohibitions are dire. In 2006, 45 percent of street youth tested at Humanitarian Action were HIV-positive. In a few years, a new crisis will arise when many of these youth will need antiretroviral treatment and Humanitarian Action will be faced with the difficulty of obtaining treatment for people still living on the street.

LASTING CHANGE

Humanitarian Action has succeeded in increasing access to medical, social, and psychological services for sex workers, injecting drug users, and street youth. It has been able to pursue its work thanks to a city ordinance recognizing harm reduction as an HIV-prevention strategy, the result of a sustained campaign by Humanitarian Action and others. The importance of its work connecting people with medical services has increased now that antiretroviral treatment is more readily available through the assistance of the Global Fund for AIDS, Tuberculosis and Malaria.

Humanitarian Action is in the process of opening a drop-in center for sex workers. A small center has opened for women who are pregnant or have just given birth and have nowhere else to go. The sex worker project is also seeking to expand service delivery to indoor sex workers, who represent a large portion of the sex trade and who have different needs since few of them are injecting drug users. At the same time, the group is strategizing about how to reach out to male sex workers on the street, many of whom are injecting drug users. And, of course, the bus continues to make its rounds to sex workers, who eagerly wait for condoms, clean needles, and a friendly word.

THE LAW AND SEX WORK

Russia

1. Keeping a brothel and receiving money from prostitution are illegal.
2. Police use city ordinances to arrest street sex workers.
3. Sex workers report that police regularly extort money from them and they face violence or detention if they do not comply.

SLOVAKIA

Odyseus

“I filed the complaint. The three police officers were suspended.”

In a small room located in a pedestrian underpass below a street, Maria chats with a friend, drinks some soup, and takes a break from her work. She is in Klub Podchod, a drop-in space for sex workers run by Odyseus. The drop-in center is near one of the main streets for sex work in Bratislava, the capital of Slovakia.

Bratislava is a small city of 500,000 people. An estimated 450 men and women work in the sex trade. On any given night between 10 and 30 women work selling sex on the street or along the highway. Sex workers’ biggest challenge on the streets is a recent wave of violence. In the past four years, at least nine sex workers have been murdered. The sex worker community is so small that most sex workers know at least one of the women killed.

“My friend was killed,” Maria said. “She was really nice, a very good friend, and only 19. About two months ago, a man pulled a knife on me and tried to stab me. I got away and I reported him to the police but they released him two days later.” As a sex worker and injecting drug user, Maria is all too familiar with the way discrimination reinforces violence. “I knew a prostitute who was raped by a policeman, and when she went to the police to report it they said they would first check and see if she was a druggie or not,” she said. Ingrid, a Roma sex worker who is a peer educator with Odyseus, added: “I knew a girl a few years ago who was killed by a client. The police don’t help Roma women when there is violence but they always come and inspect us for our papers or give us a fine.”³⁶

Prostitution is penalized by a fine under municipal bylaws, but in an important distinction, it is not criminalized. Thus sex workers can report crimes against them with-

out fear of arrest. Maria believes in the importance of reporting violence as a way of preventing more violence: “It is important not to be apathetic. It is important to name it. To call the police and to resolve it.” Odysseus has provided emotional and advocacy support to women who press charges.

Such a service is the key to enabling sex workers like Rozka, who works on a highway where two murders occurred in 2006, to challenge the climate of impunity in which violence occurs. “At the end of November, my colleague was raped by a man. We stopped a police car to get help. The police officers said, ‘You are dirty whores and junkies. We could take you in the car and beat you unconscious, and nobody would ever know.’ They wouldn’t help us. I called the police station and said, ‘Where do I go to make a complaint?’ You know, we are not zeroes. We are people. I filed the complaint. The three police officers were suspended and it goes to trial next month.”

In light of this violence, Klub Podchod plays a crucial role, giving sex workers a place to obtain support, relax, talk to each other, and help protect one another. “Sex workers need to talk to each other,” said Maria. “We need to discuss the problems: the prices going down, the bad clients, the violence. At first, we didn’t think we needed to talk to each other. Competition among us is a big problem. Now we are starting to see how important it is to be one group together and not divided.”

Since 1997, Odysseus has focused on obtaining equal rights for the people with whom it works: street-based sex workers, injecting drug users, children, and youth in disadvantaged communities or housing settlements. A number of these groups overlap and many of their members face further marginalization for being Roma, homeless, or recently migrated from rural communities.

Although Odysseus’ services were initially aimed at injecting drug users, it quickly became apparent that many women injecting drug users also sell sex. The project evolved to meet the needs of these women and other women working on the street. In addition to Klub Podchod, a mobile van goes out on the streets and highways where women work. The van offers a place to talk and get support, condoms, syringes, and free testing for HIV, hepatitis, and syphilis. Though rates of hepatitis C are quite high among sex workers who inject drugs, the HIV epidemic is small in Slovakia, including among

“It is so important to have a safe place where we can talk to each other over soup and warm tea.” —Ingrid, a sex worker from the Roma community and a peer educator with Odysseus

sex workers. Groups like Odysseus believe that harm reduction programs are crucial to keeping the epidemic in check. Danica Staneková, MD, of the national reference center for HIV/AIDS, gives Odysseus credit: “Thanks to the work of groups like Odysseus, the HIV prevalence and incidence among sex workers in Slovakia is very, very low.”

Sex workers who inject drugs, however, face tremendous barriers accessing basic health services or obtaining HIV testing through a medical establishment. They often lack needed medical insurance and identity documents. “The state is more prohibitionist now,” said Katarina Jiresova, director of Odysseus. “There are fewer social programs, and this has eroded solidarity. We have even had patient groups denouncing the fact that drug users get any kind of health care at all.”

To respond to such stigma, Odysseus has made a commitment to support sex workers as they join forces to improve their health and rights. One goal is to develop a network of sex worker–friendly doctors and institutions. Currently, free HIV tests are only available at one hospital two days a week from 1:00 p.m. to 3:00 p.m. or at public health institutions daily between 7:30 a.m. and 9:00 a.m. These limited times are a major barrier for sex workers.

Another goal is to expand the hours of the sex worker drop-in center and offer services to indoor sex workers. “There are issues faced by indoor sex workers that are different,” Jiresova said. “We know how to get in. We have contacts. Indoor sex workers have told us how we can support their needs but we lack resources. We work out of a falling-apart basement with no light and, right now, an out-of-order bathroom. I am not able to provide a decent wage to employees. After investing months and years in training highly competent people, I lose them to higher-paying jobs.”

INNOVATIVE ACTION

Unique Outreach Tools

Odysseus has produced materials on self-defense, rights, health, and safety for female and male sex workers. The pamphlets are not text heavy. They use color cartoons that are highly realistic, edgy, and popular.

They also produce a monthly newsletter by and for sex workers and drug users called *Intoxi*, which includes a list of customers that sex workers have reported as violent or disrespectful. “The bad customer list is very useful to me,” Rozda said. “I get every new issue of the magazine that includes the list, and I have saved all of them.”

Networking with Others

A major challenge to Odyseus is being the only group that offers services to sex workers in Bratislava from a rights-based perspective. “It is not easy without more people who share our view that sex workers, as well as drug users, people living with HIV, and Roma, are equal members of society,” Jiresova said. “Our biggest victory is that the group is still alive. Foreign support has been very important to our survival.”

Sex workers in Slovakia are highly mobile; many go to Austria, the Czech Republic, or Germany to work. Male sex workers, as well as transsexual or transgender sex workers, often find a much larger and more accepting community in countries near Slovakia. Odyseus now distributes pamphlets informing sex workers about legal, health, and safety issues in countries where they may travel.

Participation in the Sex Workers Advocacy Network of Eastern Europe and Central Asia (SWAN Network) has allowed Odyseus to break its small-country isolation through sharing information and strategies with others. “International support has meant that we can be independent from Slovak moralism or prejudice,” Jiresova said. “It allows us the freedom to be unafraid to take on issues publicly.” In turn, Odyseus has shared its experiences working for sex workers’ health and rights with others in the harm reduction movement.

Public Advocacy from a Rights-based Perspective

Odyseus’s participation in public debates and the coverage of its activities by the media help dispel prejudices against sex workers. “Our presence in the media also has been very important in terms of building trust with sex workers on the street,” Jiresova said. “When they see that what we say in our outreach work about the rights of sex workers is the same as what we say in the media, they know they can trust us.”

Odyseus’s advocacy gets results. During a syphilis outbreak in eastern Slovakia, officials blamed Roma settlements and sex workers and required anyone affected to agree to a lengthy and expensive stay in the hospital. Odyseus condemned the scapegoating of Roma communities and sex workers and demanded that outpatient treatment be made available. Officials compromised by making outpatient services available to people referred by Odyseus.

[Editor’s note: The Roma, often called “Gypsies” in English, a term considered pejorative, are one of the largest ethnic minority groups in Europe. They have long experienced institutionalized stigma and discrimination.]

Odyseus has participated in news conferences and public forums, published opinion pieces that address myths and realities about the sex trade, and issued press releases to highlight International AIDS Day, the Day to End Violence Against Sex Workers, and the anniversary of the opening of Klub Podchod.

LASTING CHANGE

Odyseus's most important achievement, according to Jiresova, is that it has increased sex workers' self-esteem. Sex workers like Rozka now believe they deserve equal treatment and protection from violence and are willing to take a stand.

Jiresova wants to see sex workers in decision-making positions. "The social workers cannot be the ones to lead," she said. "We support people achieving their freedom and power. We don't believe in offering services to communities without their involvement. This is true whether we are targeting services to mothers or to sex workers."

Odyseus has started training sex workers to be project staff in order to turn this vision into a reality. "It can be a very long-term process that can involve investing a lot of time in supporting and empowering someone to take the lead," Jiresova said. "But it is an important goal and crucial to any meaningful change."

THE LAW AND SEX WORK

Slovakia

1. No laws govern prostitution.
2. City by-laws are often used to fine street sex workers and their clients.
3. Street sex workers report that police frequently extort money from them and their clients.
4. Roma sex workers report that they are often asked for their identity papers and forced to pay off police.

SOUTH AFRICA

Sex Worker Education and Advocacy Taskforce

“I can no longer walk in the area where I live for fear of arrest.”

The sex workers in the room are dancing. They are snapping their fingers and jubilantly singing the lyrics. They are performing the sex worker anthem with its traditional South African melody. The song was written for Sisonke, the South African National Sex Workers’ Network.

The creation of Sisonke was encouraged by the Sex Worker Education and Advocacy Taskforce (SWEAT), which supports the self-organization of sex workers. Sisonke fit perfectly into SWEAT’s mandate of outreach and advocacy for sex workers’ rights. Founded by a male sex worker and a social worker in 1994, SWEAT began as a project of AIDS Support Education and Training (ASET) in South Africa before becoming its own organization in 1996.

Beyond provision of safer sex education, SWEAT’s mandate grew over the years to include crisis counseling, skills training, legal advice, and advocacy for and by sex workers. The only human rights group of its kind in South Africa, SWEAT is devoted to changing the public’s perception of sex workers and ensuring that policies on sex work promote the recognition of sex work as work. Since 2000, SWEAT has actively lobbied for the decriminalization of the sex trade.

As Vivienne Lalu, coordinator of SWEAT, points out, however, the obstacles facing sex workers in South Africa go far beyond sex work issues alone. Most of the men, women, and transgender sex workers with whom SWEAT works are from poor townships

with adequate basic services, such as affordable housing or electricity. “I know there has been research indicating that poor people are worse off now than before independence,” Lalu said. “This is largely due to globalization. Because sex workers are part of the informal economy, I think that we can safely assume that many sex workers are struggling to eke out a living.”

Sex workers empowered by learning their own rights often advocate around issues faced by their community as a whole. “Over the last few years,” Lalu noted, “we have seen individual sex workers come forward to challenge the police or join other social movements dealing with issues of poverty and poor state service delivery.”

SWEAT continues to press the government of South Africa to reform laws against sex work, and it routinely submits advocacy briefs. Its research, policy papers, and presence in the media have brought significant attention to its campaign to decriminalize sex work. Through *SWEATscene*, a newsletter for sex workers, SWEAT shares information on policy and law changes, health issues, and other news of interest to sex workers.

Despite its efforts and many positive developments, SWEAT still faces huge challenges. “We have been frustrated by the difficulty of organizing sex workers in the indoor sector,” Lalu said. “We have made only slow progress in dealing with the ongoing harassment and abuse sex workers face from law enforcement officials. We have felt completely powerless at times when assisting HIV-positive sex workers to access treatment and support.”

Even in the face of setbacks, the exuberant and committed partnership between SWEAT and Sisonke holds the promise of bringing more justice to the sex workers of South Africa.

INNOVATIVE ACTION

Supporting Sisonke

SWEAT hosted national meetings of 70 sex workers of all genders from across South Africa in 2002 and 2003. At the second meeting the sex workers decided to create their own national association, which they named Sisonke, meaning “togetherness.” In 2004, with support from SWEAT, 10 Sisonke representatives from six different provinces met to strategize about the organization’s development.

They also met with women farm workers’ organizations to learn about their expert organizational strategies. Since then, supporting Sisonke has become a core project for

SWEAT. They helped to develop the leadership skills of eight sex workers from different regions elected by the membership as Sisonke leaders, as well as to support the 30 sex worker members of Cape Town's local Sisonke chapter.

Sensitizing Sex Workers' Clients

Two years ago, sex workers challenged SWEAT to target clients as part of its HIV-prevention efforts. "They felt that it was not good enough to teach safer sex only to sex workers when in fact it was their clients who were refusing to use condoms," Lalu said. "They felt that if we were serious about making a difference in their lives we needed to target their clients as well. Since their clients were largely truck drivers who gathered at truck stops, we started conducting workshops emphasizing pleasurable safer sex. The sex workers immediately reported an improvement in their clients' behavior."

South Africa's HIV epidemic is one of the most severe in the world, with 71 percent of deaths in people 15 to 49 years old caused by AIDS. Violence against women and poverty have fueled the epidemic, which has hit women disproportionately hard. Making women responsible for preventing HIV, Lalu said, is not limited to sex work. "This trend is ironically a national one. Women in general take responsibility for birth control and treatment of STDs, and they are the ones who visit health centers with sick children. The Department of Health now wants to look at how to make their health facilities accessible to men."

Suing the State for Arbitrarily Arresting Sex Workers

In April 2007, in a lawsuit filed in the Cape High Court against the South African Police Service (SAPS) in the Cape Metropolitan Area and the Cape Town City Police, SWEAT demanded that police stop the arbitrary, unlawful arrest of sex workers. The lawsuit, which is still awaiting a trial date, is based on affidavits by sex workers who stated that they were unfairly detained by police and then threatened and harassed.

SWEAT issued the following statement about the lawsuit: "(We have) identified patterns consisting of sex workers being arrested, detained overnight or for the duration of a weekend, and released without prosecution." Based on the evidence they have collected, SWEAT has concluded that the arrests are occurring in order to clear the streets of sex workers, at least temporarily, and to punish sex workers without recourse to the full

“I know that what I am doing is illegal but at the same time, I would like to be treated like a human being as well.”

—Sex worker interviewed in a SWEAT report on violence in 2005

requirements of the criminal justice system. As one sex worker interviewed by SWEAT stated, “I can no longer walk in the area where I live for fear of being arrested.”³⁷

SWEAT believes that selling sex and soliciting should not be criminal offenses. The law in South Africa, however, criminalizes various acts relating to sex work, and sex workers are liable to be arrested and prosecuted for these acts.

Still, according to SWEAT’s statement about the lawsuit, “No one can be arrested and detained simply for ‘being’ a sex worker, arrested and harassed when there is no evidence that they have committed an offense, or arrested for nonexistent offenses to placate community members who complain about having sex workers in their neighborhood. These actions are all unlawful, and prohibited in terms of the Constitution that guarantees everyone’s rights—including those of sex workers. And it is these police actions that we are asking the High Court to stop.”

LASTING CHANGE

SWEAT has helped many sex workers recognize that their views are valuable and powerful both collectively, through Sisonke, and as individuals. “I know a sex worker involved with SWEAT for six or seven years who was quiet and reserved at first,” said Lalu. “But over the years, working with SWEAT and Sisonke, she has emerged as a strong sex worker leader. The lesson to be learned is that it can take years for leaders to emerge and therefore patience and commitment is required from organizations trying to develop this.”

Through its advocacy, SWEAT has succeeded in getting many other groups, including nurses, police, activists, and union members, to change their opinions about sex workers.³⁸

In March 2007, SWEAT and Sisonke gained a victory through their advocacy work on HIV issues. A new government plan to prevent HIV described the criminalization of sex work as a “hindrance to the curbing of the pandemic” and recommended that laws criminalizing prostitution be reformed “to ensure non-discrimination and harm-reduction in sex workers.”

THE LAW AND SEX WORK

South Africa

1. Keeping a brothel and receiving money from prostitution are illegal. Prostitution is illegal for the sex worker but not for the client.
2. Police use municipal by-laws to arrest street sex workers. In Cape Town, sex workers are often detained for 48 hours to extort money from them—and then released without charges.
3. Forty-one percent of street sex workers in one study had experienced physical violence from police.

Sex Workers Project, Urban Justice Center

“How long can the police keep me in detention?”

The sex trade in New York is as diverse as the city itself. The men, women, and transgender individuals who sell sexual services on the street, in massage parlors, and through escort agencies hail from around the corner, two states over, or halfway around the world. In a report documenting the health and human rights concerns of indoor sex workers, the Sex Workers Project found that almost half of the sex workers interviewed were immigrants.³⁹

“I am from an immigrant background, so working with immigrant women, including immigrant sex workers, has always been important to me,” said Juhu Thukral, a lawyer and the founder of the Sex Workers Project at the Urban Justice Center. “There are so many immigrant sex workers, and rather than having access to their rights, they are all just seen as victims of trafficking.”

“Immigrant sex workers come from diverse backgrounds,” she said. “Some have no immigration documents, some have false documents. Some, who are trafficked, have had their documents taken away. Most want to stay in the country, but some want to go home. Some prefer to work in prostitution and others want to do something else.”

Thukral and her team of two staff and three outreach workers have operated out of a small office in the Urban Justice Center since 2001. The Sex Workers Project offers legal advocacy and assistance to sex workers in New York City to defend their rights, whether they are immigrants or born in the United States, whether they are men, women, or transgender, whether they are doing sex work out of choice, circumstance, or coercion.

Thukral reported that when sex workers contact the project, they often express concerns about the criminalization of their work. There are calls from people like Javier, who is scared of being arrested, “doing time, and not being able to be there for my kids.”⁴⁰ Or Louise, who worries that “I see all this stuff about job training, and this arrest would eliminate all the jobs you could want if you ever do want to leave [sex work].”⁴¹

The questions they ask are often similar: “Is what I’m doing illegal?” “Will I be deported right away?” “How long can the police keep me in detention?” In addition to giving out information, the Sex Workers Project collaborates with defense lawyers and prosecutors to ensure sex workers get the best possible legal outcomes. Staff also work with case managers and social workers to help sex workers obtain other forms of support.

From the outset, the Sex Workers Project has made it a priority to pursue sex worker rights and antitrafficking work as mutually reinforcing and equally crucial to empowering people in the sex trade. The project’s success has prompted law enforcement officials and service providers to frequently call the Sex Workers Project and request assistance for people involved in trafficking cases.

People who have been trafficked must collaborate with law enforcement officials in order to receive a visa to stay in the United States. However, many trafficked people are unaware of their rights and are desperately afraid of the police and immigration authorities, especially in the anti-immigrant climate that has prevailed since the events of September 11.

“Early on, we would have to fight over the right to accompany clients who are trafficked to interviews with law enforcement,” Thukral said. “Now, it is a more standard process. Their right to counsel is recognized. This is an important advance. Before, we had situations in which agents would ask a client to talk to her traffickers’ associates wearing a wire. This is totally unreasonable and can jeopardize people’s safety.”

Police raids on brothels or massage parlors are increasing as a means to combat trafficking. “The raids are an incredibly traumatic, dehumanizing process,” Thukral said.

“Thank u very much ɿ being my lawyer You helped me a lot of problems with my cases, I just can pray ɿ your life and everything is going well, God bless u, thanks again ɿ everything that you’ve gave me.” —From a holiday card sent by a client

“Even trafficked individuals who are glad to escape their situation are totally traumatized by police raids. Sometimes they are held in immigration detention in federal prison for several months. There are far less invasive ways of assisting individuals who are trafficked.”

Thukral knows that many more individuals trafficked into sex work escape their traffickers through assistance from other sex workers or brothel workers than through police raids. “You would assist far more people,” she said, “by working with immigrant communities on this issue, and by putting out information and posters about trafficking in neighborhood stores. That way, when a trafficked individual is allowed out to buy milk or food, she knows who she can call for help.”

Speaking out against the harms done by brothel raids is one of the ways in which the Sex Workers Project ties its direct service work to its public advocacy. “Day in and day out we talk to sex workers,” Thukral said. “We see the problems in many policies. We use that knowledge to inform public debate and create trust between us and the sex workers we work with. They are willing to talk to us because we are giving something back to them, not just taking from them.”

INNOVATIVE ACTION

The Sex Workers Project offers legal training to both sex workers and service providers on the laws around sex work and trafficking. The project also reaches out to sex workers on the street, offering information on their basic legal rights. The Sex Workers Project keeps a Client Transition Fund to assist people who need financial support in emergencies or for legal cases.

The project has made the voices and needs of sex workers accessible to the public and to policymakers through two major reports on the sex trade in New York.⁴² It has also produced fact sheets and analyses of laws and policies related to sex work and trafficking.

The Sex Workers Project actively works with migrant rights groups and immigrant communities as part of its antitrafficking work. The project confronts practices that make a trafficked person’s safety and well-being secondary to prosecuting a trafficker, or that deny the victim a voice and role in defining how he or she wants to be treated.

LASTING CHANGE

The Sex Workers Project has worked to integrate rights-based perspectives into the implementation of the federal Trafficking Victims Protection Act, by advocating for resources to be focused on people who have been trafficked and creating better opportunities for trafficked people to come forward.

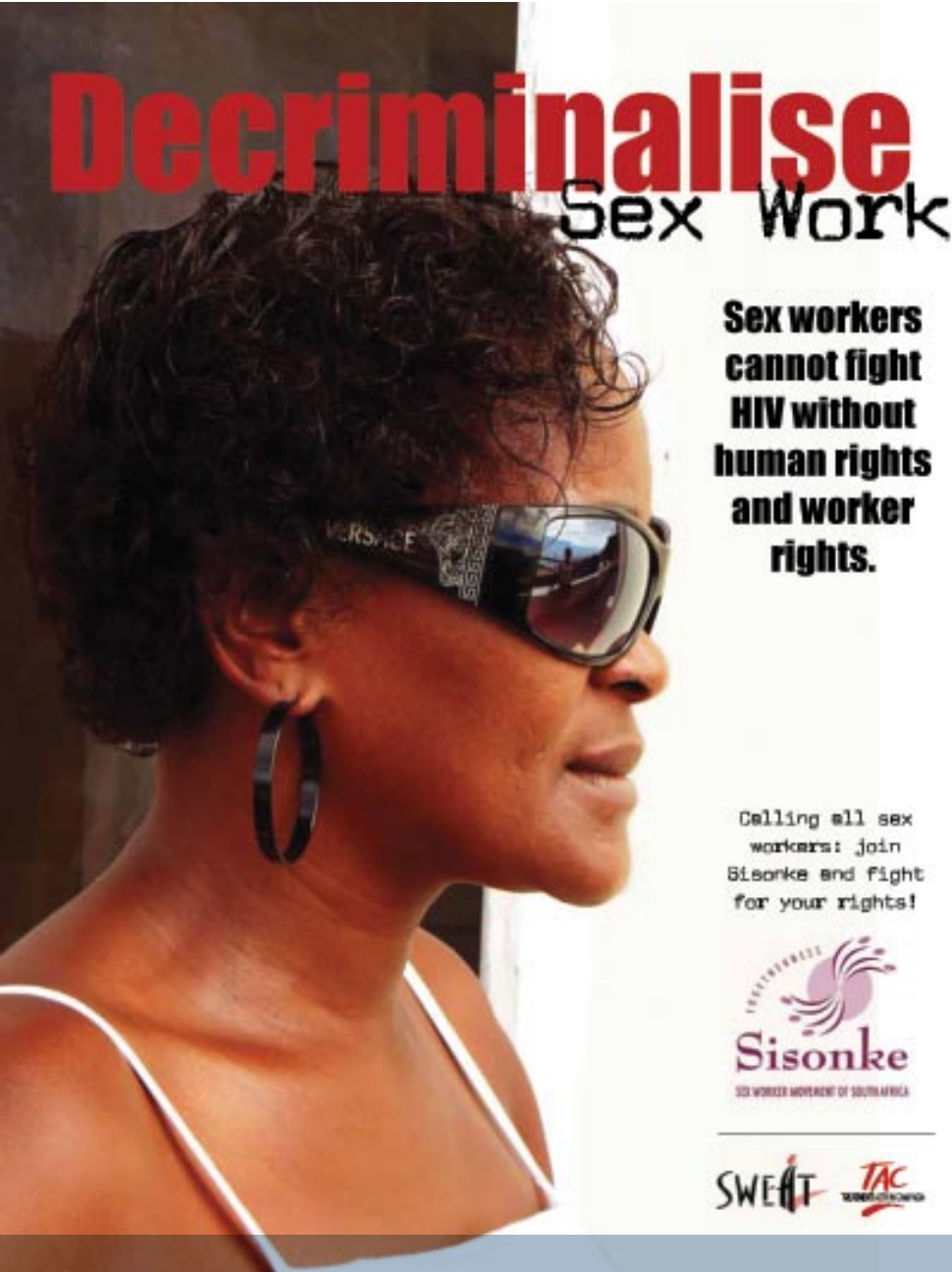
In 2005, the Sex Workers Project was legal counsel to many of the women who cooperated in the prosecution of the Carreto⁴³ family of traffickers who victimized women by assault, forced abortion, and threats to their children. The tremendous bravery of these women was rewarded when the judge handed down one of the harshest sentences for trafficking ever seen in the American criminal justice system.

The Sex Workers Project is a founding member of New York's Anti-Trafficking Network. Despite its persistent and courageous work in this arena, the Sex Workers Project would not consider applying for antitrafficking funding from the U.S. government because grantees are required to sign an antiprostitution pledge. As a result, the Sex Workers Project has very little funding for its important advocacy and service work. By remaining independent, the Sex Workers Project is one of the few antitrafficking groups that still speaks out on the importance of sex workers' rights.

THE LAW AND SEX WORK

United States

1. Keeping a brothel and prostitution, for both the sex worker and the client, are illegal throughout most of the country.
2. Migrant sex workers are detained for up to two months before being deported.
3. Twenty-seven percent of New York City sex workers interviewed in a study had experienced physical violence at the hands of the police.



A sex workers' rights poster produced by SWEAT, Sisonke, and the Treatment Action Campaign in South Africa

Conclusion

Despite severe and, in some cases, life-threatening stigma, sex workers in many parts of the world have begun to step out of the shadows to claim the rights that are inherently theirs.

In some countries, despite a lack of resources and the daunting challenge of starting a movement, sex workers' health and rights groups have effected changes that are small yet significant, such as the chance for sex workers to get together and be heard, or the opportunity to get respectful medical treatment. Elsewhere, the sex workers' movement has grown in size and momentum and achieved changes that have altered the lives of sex workers and their loved ones in defining ways, such as the recognition of sex workers' right to have their children go to school or the right to be free of police violence.

In settings where the sex workers' health and rights movement has gathered strength, the changes that occur can ripple out to affect whole cities or countries. When, for instance, sex workers in Kolkata promote safer sex, they contribute to reducing HIV rates in the West Bengal region as a whole. When sex workers in Bangladesh stand up against segregation and defend their right to wear shoes in public, they force their country to confront not only social justice for sex workers but social justice more broadly.

Sex workers and sex worker rights organizations have become leaders in the fight against HIV; outspoken advocates to end violence against women and the persecu-

tion of transgender people; and strong voices for the rights of migrants and people in prison. In many countries, male and transgender sex worker leaders have provided visibility and a voice to the struggle of poor and marginalized gay and transgender communities.

Some governments and advocacy groups have given increased attention in recent years to the link between fighting HIV and defending human rights, opening up opportunities for sex workers to be heard and to find allies. Many sex worker health and rights groups have joined with HIV organizations and gay, lesbian, bisexual, and, especially, transgender groups. By working together with a shared vision for human rights, they have found that they can often achieve more in coalition than alone. Similarly, given that sex workers' rights are also workers' rights, groups like the DMSC are forging new links with the labor movement as a means of gathering strength.

All of the groups in this report have sought to strengthen themselves and each other through participation in international networks. Sex worker groups are increasingly finding ways to work across borders, across languages, and across differences. Formal and informal networks have allowed groups to share information and support, compare strategies, and come together to address international policies that affect them all.

To successfully impact the HIV/AIDS epidemic, major policymakers and funders, including UNFPA, UNAIDS, WHO, USAID, and other bilateral donors, and private foundations such as the Gates Foundation and the Open Society Institute must heed the experiences of sex workers' health and rights groups. An effective scaling up of HIV-prevention efforts among sex workers demands more financial resources; full support for sex worker involvement and leadership; and an end to the stigma, discrimination, and repressive laws and policies that impede sex workers' rights. Global HIV-prevention programs based on ideological and moral grounds rather than on scientific evidence and human rights-based approaches are doomed to failure.

Recommendations to Policymakers and Funders

1. **Support Sex Worker Involvement and Leadership**

Sex worker involvement and leadership are key to the success that groups in this report achieved in improved health and human rights for sex workers. For sex workers, collective action is the only proven way of attaining equality. Policies that fail to include sex workers' input in every aspect of planning and implementation risk being ineffective or, worse, damaging and misguided.

Politicians and policymakers must ensure that sex worker groups are included in a meaningful way in the design of laws, policies, and programs that impact their lives.

2. **Fund Projects for Sex Workers' Health and Human Rights**

Many groups report difficulty in obtaining funding for projects that explicitly advocate for, support, or recognize sex workers' health and human rights. Important and successful sex worker health and rights organizations must cope with very little financial resources. This situation is aggravated by the chilling effect on funding that is created by measures condemning prostitution and

conflating it with sex trafficking, such as the United States' current restrictions on aid to groups unless they adopt a policy opposing prostitution or the 2007 UNAIDS Guidance Note on Sex Work and HIV.

Private and public funders must deliberately support projects that advocate for sex workers' health and human rights.

3. Recognize the Rights of Male and Transgender Sex Workers

Many policy approaches and programs ignore completely the existence and realities faced by male and transgender sex workers (whether they identify as transgender or transsexual women) serving male or female clients. Male sex workers with a male clientele and transgender sex workers are often the target of police harassment as well as public humiliation and hate crimes. Transgender sex workers in many countries are imprisoned in men's prisons in situations that put them at high risk of battery and sexual assault, and consequently HIV.

Services need to be developed with and for male and transgender sex workers to respond to their specific HIV-prevention needs. For many transsexual sex workers this includes: developing access to respectful medical care; provision of water-based lubricant; access to sterile injection equipment where injectable hormones are already used; making information available on correct hormone combination and dosage; and including information about any contraindications for those taking hormones and antiretroviral medication (ARVs).

Policy approaches and funding must recognize and support the specific health and rights needs of male and transgender sex workers.

4. Reform Laws and Stop Police Repression

The police harassment and arrest of sex workers, sex workers' clients, and brothel owners lead to greater violence and worse working conditions for sex workers, thereby fueling the HIV epidemic. Sex workers' rights groups point to criminalization of sex work and police repression as forms of violence in and of themselves, which are often compounded by other discrimination. When arrest leads to imprisonment, public shaming, homelessness, compulsory "rehabilitation," or deportation, sex workers are particularly vulnerable to further human rights abuses and contracting HIV.

Where laws, policies, or policing practices negatively impact sex workers' health and rights through criminalization or other means, support must be given to sex worker-led legal and policy reform initiatives premised on sex workers' human rights and workers' rights.

5. Stop Raids and Involuntary “Rescues”

Raids on brothels by police, antiprostitution groups, religious groups, NGOs or vigilantes, whether to rescue trafficked women and girls or to enforce antiprostitution laws, are a dangerous, often violent, and ultimately ineffective tactic. In some cases, “rehabilitation” of the women who are swept up in the raids means putting them in prison in unsafe conditions and forcing them to do unpaid labor. In other cases, it can mean repatriation to a home country which places the person in danger. These antiprostitution (or so-called abolitionist) measures are harmful both to sex workers and to those who have been trafficked into the sex trade. These interventions present additional negative consequences for those living with HIV who may miss doses of antiretrovirals (ARVs) as a result of being caught in a raid. Sex workers and sex workers’ rights groups are now faced with the daunting challenge of opposing not only the violence inherent in this approach but also the stigma and discrimination such policies generate from the public at large.

Laws, policies, and funding must be scrupulous in distinguishing between sex work and trafficking in persons. Support must be given to rights-based approaches to fighting trafficking, such as those implemented with great success by sex worker groups. Policymakers and funders must show strong opposition to initiatives predicated on arrest, property destruction, detention, forced “rehabilitation” or forced labor of sex workers or of people who have been trafficked in the sex trade.

6. Include Sex Workers in the Fight against HIV

Sex workers’ health and rights groups have demonstrated they can be very effective at promoting safer sex and reducing HIV infection, not only among themselves, but in the general population as well. They have also shown that freedom from violence, including state violence, is key to ensuring that sex workers can protect their health. Sex workers need access to affordable and respectful health services, including free condoms and lubricant, and where needed, access to drug-related harm reduction programming, such as sterile injection equipment and opiate substitution treatment. Targeting sex workers’ clients as well as the general population with health messages about the importance of condoms is a crucial way of supporting the ability of sex workers to enforce safer sex and of stemming the HIV epidemic.

Financial and policy support must be given to peer-led sex worker health projects that include HIV-prevention and treatment initiatives and to safer-sex education directed at clients. Where peer-led projects are not yet possible, sex workers’ views’ and opinions

need to be taken into account, and sex worker involvement should remain as a goal.

7. Stop Mandatory Testing and Police-Enforced Public Health Measures

Policies are often implemented in ways that impede sex workers' access to health care and violate their human rights through measures such as mandatory HIV and STI testing. Yet, "WHO and UNAIDS do not support mandatory or compulsory testing of individuals on public health grounds."⁴⁴ Moreover, sex workers lack control of the conditions under which HIV and STI testing occur.⁴⁵ Often, sex workers find there is little concern for their confidentiality, a lack of pre- and post-test counseling, and no access to support services and treatment.

In countries such as Cambodia, a 100% condom use policy (CUP) has been implemented so that the onus for condom use rests with sex workers and largely ignores the clients' responsibility. Yet, in a harsh inconsistency, the same policy does not support sex workers' control over their working conditions, discourages safer non-penetrative sex acts, and often does not provide for free condoms. In such circumstances, the 100% CUP fails to protect sex workers' health, because it does not protect their rights overall.

Health measures geared toward sex workers need to respect their human rights and support their control over working conditions. Policymakers should oppose forced or mandatory HIV or STI testing of sex workers.

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Notes

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15. Ibid.
16. Maimie Pinzer, (Ruth Rosen and Sue Davidson, eds.), *The Maimie Papers* (Bloomington, IN: Indiana University Press and Old Westbury, NY: The Feminist Press, 1985).
17. *Exxxpressions: Proceedings from the Forum XXX* (Montreal: Stella, March 2006).
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21. John Lowman, "Violence and the Outlaw Status of Street Prostitution in Canada," *Violence Against Women* 6, no. 9 (September 2000): 987-1011.
22. This peak in violence is apparently due to at least one serial killer of sex workers. A man suspected of killing more than 60 sex workers in the Vancouver area over more than a decade is currently standing trial for 27 of those murders.
23. Under the province of Quebec's Crime Victim Compensation Act, victims of a crime are allowed to apply for financial assistance for psychosocial and physical therapy to assist in their recovery and to cover lost wages for the period they cannot work.
25. DMSC's website: www.durbar.org.
26. "Self-Regulatory Boards: Kolkata's Sex Workers Show the Way," in *Responses to Trafficking and HIV/AIDS in South Asia* (UNDP, December 2003).

27. *Introduction to Durbar* (DMSC, 2006).
28. Buppa Majumdar, "Clients Give Lessons on AIDS in India's Brothels," *Reuters*, October 25, 2006.
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30. Ibid.
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44. UNAIDS, *Guidance on Provider-initiated HIV testing and Counseling in Health Facilities*, 2007, p. 6.
45. A report emerged that "equipment used in vaginal examinations was re-used, without proper cleaning" at an STI-testing site that was part of 100% CUP in Cambodia. See Lowe, David, *100% Condom-Use Policy in Cambodia: Documenting the Experiences of Sex Workers*, Policy Project, 2002 available at <http://apnsw.org/r/cup2003.pdf>

Open Society Institute

The Open Society Institute (OSI), a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal, and social reform. On a local level, OSI implements a range of initiatives to support the rule of law, education, public health, and independent media. At the same time, OSI works to build alliances across borders and continents on issues such as combating corruption and rights abuses. OSI was created in 1993 by investor and philanthropist George Soros to support his foundations in Central and Eastern Europe and the former Soviet Union. Those foundations were established, starting in 1984, to help countries make the transition from communism. OSI has expanded the activities of the Soros foundations network to other areas of the world where the transition to democracy is of particular concern. The Soros foundations network encompasses more than 60 countries, including the United States.

www.soros.org

Public Health Program

The Open Society Institute's Public Health Program aims to promote health policies based on social inclusion, human rights, justice, and scientific evidence. The program works with civil society organizations to promote the participation and interests of socially marginalized groups in public health policy and foster greater government accountability and transparency through civil society monitoring and advocacy, with a particular emphasis on HIV and AIDS. Program areas focus on addressing the human rights and health needs of marginalized persons and advocating for a strong civil society role in public health policy and practice.

The Public Health Program's **Sexual Health and Rights Project (SHARP)** was launched in 2005 with an aim to increase access to health care and advance the health-related rights of those who are marginalized because of their sexual practices, sexual orientation, or gender identity. This includes work with sex workers and sexual minorities, such as gay, lesbian, bisexual, intersex, and transgender persons. SHARP works towards this mission by building the capacity of civil society leaders and groups to effectively address the health of these populations, and advocating for accountability and a strong civil society role in the design and implementation of rights-based policies and practices that have the most impact on the health of sex workers and sexual minorities.

www.soros.org/health

Rigorous antiprostitution laws and policies around the globe lead to the imposition of harsh and repressive measures against sex workers. Intolerance and stigma make it difficult for sex workers to safeguard their health and lives. Despite these challenges, sex workers have organized to defend their human rights with creativity and wisdom.

They have protested to be free from incarceration, violence, extortion, eviction, and humiliation. They have fought for equal access to health care services. And they have called for sex work to be officially recognized as work, a policy shift already taking hold in some countries that has significant implications for securing the benefits to which sex workers are entitled.

This report highlights the innovative contributions of advocates and sex worker groups from different parts of the world, from Bangladesh to Brazil, Slovakia to South Africa. These groups, like countless others, are energetic and resourceful leaders in the fight for sex workers' health and rights. What they hold in common is an uncompromising commitment to the right of all sex workers to live full and free lives. Their efforts demonstrate how that goal can be realized.



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