



## **Taking the Pledge**

### ***Facts about the Anti-Prostitution Pledge***

Among the Bush administration's restrictions on U.S. humanitarian and development assistance is one that requires all organizations receiving U.S. assistance for programs combating HIV/AIDS to formally pledge their opposition to prostitution and trafficking into sex work. Another restriction bars the use of federal monies toward activities that "promote or support the legalization or practice of prostitution."

Similar restrictions also affect U.S. funding (both domestic and international) of anti-trafficking programs.

Introduced in 2003 by conservative anti-choice legislator Rep. Chris Smith (R-NJ), the pledge originally applied only to organizations based outside the United States. Since early 2005, however, domestic groups working internationally which receive HIV/AIDS funds have also been required to certify that they have a policy opposing prostitution and trafficking into sex work.

These policies run contrary to best practices in public health and are undermining efforts to stem the spread of HIV and human trafficking. The restrictions preclude recipients of U.S. funds from using proven effective practices to prevent the spread of HIV among marginalized populations, and undermine efforts to promote the fundamental human rights of all persons.

The organizations with the most effective HIV-prevention programs build their efforts on a sophisticated understanding of the social and personal dynamics faced by marginalized populations, and start by building trust and credibility among these populations. They recognize that it is necessary to provide social, legal and health services to men and women in sex work without judging them.

Basically, these restrictions require groups to express the government's viewpoint on a controversial subject in order to remain eligible for grants. The restriction requiring groups to oppose prostitution even restricts the way organizations use their own private funds. The language is so confusing that organizations are unsure how to comply with it and government officials are unsure how to enforce it.

### ***The Anti-Prostitution Pledge is Counter-Productive***

- Sex workers are at high risk for contracting and transmitting HIV, so empowering them to lead HIV programs is essential to HIV-prevention efforts. But stigma, discrimination, and fear of fines and/or jail time make them reluctant to get involved with programs and prevent them from receiving information on how to protect themselves and others.
- The pledge does not address any of these issues, and sex workers cannot be expected to partner with groups that denounce them.
- The United States spends billions of dollars to support democratic principles and human rights, including freedom of speech, in developing countries. The anti-prostitution pledge undermines those principles.
- The pledge compels groups to discontinue effective and innovative programs and strategies to avoid being seen as "pro-prostitution" and losing critical funding.

### ***Taking the Pledge: The video***

***Taking the Pledge*** is a thirteen-minute video featuring interviews with sex workers from Asia, Africa and Latin America. They talk about their experiences after the U.S. imposed funding restrictions on aid. The

restrictions include an anti-prostitution loyalty oath, by which grantees promise not to use their U.S. funding or any other money to promote prostitution. None of the public health programs have ever promoted prostitution, but the pledge precludes, at minimum, any kind of empowerment programs for sex workers, some of the people most vulnerable to HIV due to violence, abuse, and in some places a lack of condoms necessary to prevent the virus. The consequences go beyond having less money for public health programs that question the legal status of sex workers, but directly affect the lives of thousands of sex workers in poor countries.

Gabriela Leite describes the Brazilian government's rejection of U.S. aid because of this restriction and the way it is counter to all their successful HIV-prevention programs to date, which work with vulnerable groups, including sex workers, to design and implement HIV-prevention programs. Leite said, "Our groups now use money from Brazil's health ministry. It's not as much as the USAID money, but it is money that does not impose conditionality on our work as sex workers struggling for rights."

Hazera Bagum, from Bangladesh, describes the closing of drop-in centers that offered homeless sex workers their only place to rest, to nap, to bathe, to use the toilet and to learn about HIV-prevention. The 16 drop-in centers were closed when the organization that sponsored them signed the anti-prostitution pledge. "Closing the centers is like losing their homes, their meeting places, losing their health clinic, school, losing everything."

Andrew Hunter, the coordinator of the Asia Pacific Network of Sex Workers describes the pledge being used to discriminate against gay people and sex workers in Cambodia. Gay male sex workers who attended a U.S. funded clinic asked questions about anal sex. Hunter said, "They asked the doctors and counselors at the clinic and were told, 'We can't answer that it is against the USAID anti-prostitution pledge.'"

The video is called *Taking the Pledge* and can be viewed online at <http://sexworkerspresent.blip.tv>. Interviews with the people in the video and others affected by the pledge may be arranged upon request.

## ***Frequently Asked Questions***

This section answers some of the most common questions asked about sex work and the implementation of this policy.

### **What is the pledge and what does it really mean?**

The anti-prostitution pledge requires organizations to adopt a formal policy against prostitution and trafficking into sex work. This affects everything the organization does, and is not limited to U.S. funded work. It also prohibits spending any U.S. funds on activities that "promote or support the legalization or practice of prostitution."

One reason for the difficulty is that the language of the pledge itself is vague and there is no clear guidance on what this means in practice. The lack of guidance forces organizations and USAID staff in country offices to interpret the pledge themselves. Non-governmental organizations do not promote prostitution or trafficking in any form, but the lack of guidance on the meaning of the pledge has led some organizations to go beyond what is actually required by the pledge for fear of losing funding. Some organizations simply avoid sex workers in order not to run afoul of the restrictions. Furthermore, the pledge has been used to discriminate against sex workers by organizations and staff members who are uncomfortable with prostitution or who disapprove of sex work.

### **The pledge seems to say that you have to sign something saying that you won't promote prostitution. No one wants to "promote prostitution," so what is the harm in requiring organizations to sign the pledge? Does this really mean that you have to change the way that you work with sex workers and avoid them or denounce them?**

It is easy to declare that one is "against traffic in women" or "anti-prostitution" but immensely more difficult to determine what would be helpful to those deemed in need of help. These policies exclude the people and programs most able to identify trafficked persons in the sex industry from U.S.-sponsored

funding. Activists and community-based organizations addressing HIV/AIDS, trafficking and sex work, and many other issues including family planning and drug use, have been and continue to be severely restricted by these fiscal limitations.

Projects that involve sex workers directly are the most successful at combating abuses within the sex industry around the world, but because such projects often advocate empowerment of sex workers, they have found themselves cut off from U.S. federal funding. The people who are hurt by the loss of funding are not policy makers, lobbyists, or activists: they are members of poor communities far from the U.S. politicians, people whose voices and needs were not considered when these decisions were made.

### **Don't sex workers transmit HIV? Don't we want to protect them and everyone else from HIV and trafficking?**

Sex workers are part of the solution, not part of the problem! Sex workers are often more knowledgeable about sexual health – and practice safe sex more often – than the general population. They often act as sexual health educators for their clients and should be mobilized, not demonized, in the struggle to control HIV/AIDS. An approach that recognizes sex workers' human rights, addresses their needs, promotes safer behavior and improves their access to health and social services can empower them to overcome stigma and discrimination so they can insist upon condom use by clients and also fight for safer working conditions. This approach will attract sex workers' support and achieve the goal of helping to curb the spread of HIV/AIDS.

### ***What Can You Do?***

- Hold a screening of *Taking the Pledge*. You can use this curriculum as a guide for the screening.
- Learn more about the human rights needs and concerns of sex workers so that you can educate people in your community.
- Learn more about trafficking in persons and advocate for recognition of trafficking into all industries. This is important because the lurid focus on trafficking into sex work obscures real abuses in the workplace.
- Advocate for solutions to the problem of trafficking in persons that focus on the real problems behind trafficking: workplace abuses, migration policy and economic policy.

### ***People featured in Taking the Pledge***

**Hazera Bagum** is the director of Bangladesh's Durjoy Nari Shangho, a UNAIDS best practices program that was de-funded when the international NGO that had granted money to them signed onto the U.S. anti-prostitution pledge.

**Awa Dembele** is a sex worker from Mali who works with Danaya So, an organization that provides services to sex workers.

**Andrew Hunter** is a coordinator of the Asia Pacific Network of Sex Workers. Many of its members have been isolated from former partners because of US funding policies.

**Gabriela Leite**, director of Davida, a sex workers organization in Rio de Janeiro, was instrumental in Brazil's rejecting U.S. funding based on the anti-prostitution pledge.

**Pick Sokchea** is a member of the Secretariat of Women's Network for Unity (WNU), a 5,000-member union of sex workers in Cambodia. WNU has been isolated from its former partner allies since the introduction of the U.S. funding requirement of an anti-prostitution policy.

**Meena Seshu** worked with sex workers in Sangli, India, for fourteen years. Sex workers throughout India have marched in protest of the USAID funding restrictions.

**Arpha Nota** is a member of Empower, a sex workers organization in Thailand.

**Pranom Somwong** works with the Migrants Assistance Program (MAP Foundation) in Thailand.