



## Working Group on Sex Work and Human Rights

### 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. It 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.

## ***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.

### ***For More Information:***

***The Anti-Prostitution Loyalty Oath: Undermining HIV/AIDS Prevention and U.S. Foreign Policy***, Pathfinder International, [http://www.pathfind.org/site/PageServer?pagename=Priorities\\_Advocacy\\_Fact\\_Sheets\\_AntiProstitutionLoyaltyOath](http://www.pathfind.org/site/PageServer?pagename=Priorities_Advocacy_Fact_Sheets_AntiProstitutionLoyaltyOath)

***Implications of U.S. Policy Restrictions for Programs Aimed at Commercial Sex Workers and Victims of Trafficking Worldwide***, Center for Gender Health and Equity, <http://www.genderhealth.org/pubs/ProstitutionOathImplications.pdf>

***Taking the Pledge***, Network of Sex Work Projects, a 13-minute video in which sex workers and activists explain the negative impact of the Anti-Prostitution Pledge, <http://sexworkerspresent.blip.tv>