



sex workers' rights advocacy network

## RULES OF ORGANIZATION AND OPERATION

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Approved by SWAN Management and Steering Committees on 9 May 2016

## 1 Membership

SWAN is a network, which promotes and grows its membership in the countries of Central and Eastern Europe and Central Asia among sex workers' rights advocates. This includes sex worker-led groups and individual sex workers, as well as civil society organizations providing services with and for sex workers or engaged in sex work advocacy, such as organizations working on human rights, LGBTI, sexual and reproductive health and rights, gender equality, harm reduction and other fields.

Membership Application can be found in Annex 1

### 1.1 Membership Criteria

Membership is restricted to sex worker-led organisations, civil society organisations and individual sex workers, who endorse SWAN values and who advocate for the human rights of sex workers in line with NSWP consensus statement on Sex Work, Human Rights and the Law. Sex worker-led organisations do not need to be registered as a legal entity to apply for SWAN membership.

SWAN's values are:

- Recognition of the right of sex workers to take agency in their lives, health and decision-making
- Commitment to actively involve sex workers in all aspects of SWAN's work and to the protection of their human rights
- Recognition of sex work as work, which involves the sale of sexual services between consenting female, male and transgender adults.

All members:

- commit to actively involve sex workers in all levels of SWAN
- commit to actively engage sex workers to determine the approaches and ensure sex workers involvement in actions taken to protect their human rights
- recognise the rights of sex workers to take agency in their lives, health and decision making, including the right to associate and self-organise.
- oppose the criminalisation and other legal oppression of sex work
- recognise sex work as work, which involves consenting female, male and transgender adults
- value mutual support and information sharing and respect our differences

### 1.2 Membership Criteria and Voting Rights

Organizations that are sex worker led or meaningfully engage sex workers can apply for **full membership** with voting rights; organizations that do not yet meaningfully engage sex workers can apply for **associate membership** and individual sex workers can apply for **individual membership** without voting rights.

**Full membership:** sex worker-led organisations and civil society organisations who work directly with and for sex workers and who have policies and approaches that respect sex workers' rights; who commit to building the capacity of sex workers to form independent groups; who do not accept funding for activities that contradict SWAN values; and who meet **all** of SWAN's criteria for meaningful involvement of sex workers as follows:

- clear organizational policy on meaningful involvement of sex workers
- organizations should publicly campaign for sex workers' rights
- sex worker advisory group is involved in the development of strategic plans and the design, implementation, monitoring and evaluation of advocacy and programming
- recruitment policy that encourages sex workers to apply for staff positions
- outreach teams include sex workers
- provide a safe environment for sex workers to come out if they chose to; ensuring non-discrimination between sex workers and non sex workers within staff team and across the organization

- research should be participatory, involving sex workers in the design, implementation and analysis of data
- organisations should build capacity of sex workers through developing and providing training with and for sex workers, nominating sex workers to attend external conferences, trainings and workshops, and supporting sex workers to participate in exchange programmes with sex worker-led organisations
- nominate sex workers to represent the organisation at national and international policy programme forums
- provide technical assistance to sex workers who want to establish their own organizations

Sex worker-led organizations must meet two out of three of the following criteria and aspire to meet all three to qualify as sex worker led organizations within SWAN:

- **Decision-making body:** 51% or more of the decision-making body must be sex workers (former or current - with an aspiration to always include current sex workers). The President or Chairperson must be a sex worker.
- **Spokespeople:** 51% or more of the spokespeople must be sex workers.
- **Staff:** 33% or more of the staff are sex workers and have the same contracts and working conditions as other staff in the organization – e.g. sex workers are not only employed as peer educators on minimal pay. The senior staff member must be a sex worker.

**Note:** For both safety and security SWAN does not publicly identify which members are sex worker-led on our website, and members can choose not to be listed on the public website.

**Associate membership:** civil society organisation who work directly with and for sex workers, but do not yet have transparent mechanism for meaningful involvement of sex workers in the organisation, as listed above in full membership criteria, and who do not publicly advocate for the protection of sex workers' human rights. Civil society organisations who do not directly work with and for sex workers but who share SWAN's values and publicly advocate for the protection of sex workers' human rights.

**Individual membership:** individual sex workers who are committed to building the sex workers rights movement and want to establish a sex worker-led organisation.

#### **Membership Approval Process:**

Membership Application Forms will be reviewed by the Secretariat and validated and approved or rejected by the **Membership Committee** comprised of SWAN Program Officer and 2 Management Committee members. If an application is deemed incomplete or there are clarifications needed, the Secretariat will contact the applicant. Membership Applications will be processed by the Administrative Assistant who will communicate with the applicants.

If there is no consensus on the application being accepted in the Membership Committee, it will be referred to the full MC.

If the application is reject by the Membership Committee the applicant can appeal to the full Management Committee.

## [2 SWAN Foundation Steering Committee](#)

The SWAN Steering Committee is the legal governing body of SWAN, it delegates decision making around strategic direction and operational management to the SWAN Management Committee

Hungarian Foundation regulations require a steering committee of a maximum of three people, two of whom are required to be Hungarian residents. The SWAN Steering Committee is comprised of the Founder and one other permanent Hungarian resident and the Chair of the SWAN Management

Committee. The SWAN Steering Committee members will serve two year terms and will be reappointed by the SWAN Foundation Founder who will be a permanent member of the Steering Committee.

The SWAN Steering Committee:

- Ensures the SWAN Management Committee respects the legal obligations and regulations of the Foundation in Hungary and European Union.
- Delegates authority to the Executive Director to make decisions and enter into contracts of 500,000 HUF and authorise bank transactions up to 2,500,000HUF in line with approved annual workplan and budget.
- Authorises contracts over 500,000HUF, and bank transactions over 2,500,000HUF which must be countersigned by SWAN Executive Director before any funds can be transferred.

### 3 SWAN Management Committee

The SWAN Steering Committee delegates decision making for strategic direction and operational management to the SWAN Management Committee elected by SWAN members.

The SWAN Management Committee make decisions in consultation with and on behalf of SWAN members. Members of the SWAN Management Committee are required to represent the network in line with SWAN mission, vision and values.

SWAN Management Committee members cannot be paid for services or work undertaken on behalf of SWAN, but will be reimbursed for any expenses incurred while undertaking the duties on behalf of the SWAN Management Committee.

SWAN Management Committee members are elected for 2 year terms, and may be nominated for a second term, with a mandatory break of 2 years before they can stand for re-election for a further two terms. If a Management Committee member resigns an election will be held, the new Management Committee member will serve the remainder of that member's term, and will be required to stand for election at the end of that term. Management Committee members can serve a maximum of 8 years in total.

SWAN Management Committee elections will be held every year, with a minimum of 40% of Management Committee members rotating off each year. The rotation system ensures knowledge transfer and continuity within the SWAN Management Committee.

#### 3.1 SWAN Management Committee Composition

- A minimum of 80% of the SWAN Management Committee must be sex workers, with an aspiration to achieve 100%.
- SWAN strives to ensure gender balance within its Management Committee.
- SWAN strives to ensure representation from sex workers who use drugs, sex workers living with HIV, and a diversity of sex work experiences. While there is no requirement for SWAN Management Committee members to be public about their status, the power of being open about one's status and experiences with stakeholders and donors and the encouragement and support it gives to community members should be recognized.
- SWAN strives to ensure representation from diverse sex work legal frameworks.
- SWAN strives to ensure geographic balance across the five SWAN sub-regions, with a maximum of one committee member from any single country within the Management Committee. SWAN sub-regions are:
  - Central Asia
  - Central CEECA<sup>1</sup> region

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<sup>1</sup> Central and Eastern Europe and Central Asia

- Northern CEECA region
- Russia
- Southern CEECA region

### 3.2 *SWAN Management Committee Criteria*

Management Committee members:

- Must come from and have an ongoing connection with a member organization
- Must have reliable and regular access to Internet to enable communication by email and skype, and be able to respond to urgent emails within 2 working days and regular emails within 5 working days
- Able to work at least 16 hours each month
- Attend one face to face meeting a year to approve Annual Accounts and Report
- Must be able to communicate in English and/or Russian
- Must have experience of national or regional sex work activism
- Must have excellent interpersonal and advocacy skills
- Must have a willingness to learn

### 3.3 *SWAN Management Committee Elections*

Elections will be organised by the Secretariat, the returning officer will be the Communication Officer. The election process is approved by the SWAN Management Committee and requires members to be sent four reminders to vote SWAN members with voting rights to participate in the election prior to the election deadline. SWAN Management Committee elections are held annually in February, and the Chairperson is elected at the Management Committee meeting.

Given the requirement for 80% of the SWAN Management Committee must be sex workers, all members are encouraged to nominate sex workers, preference should be given to sex workers who are open about their sex work. Member organisations are required to support the individual in their role as a member of the SWAN Management Committee. Nominees who are not sex workers must have experience of working with and for sex workers within a member organisation and have additional expertise and knowledge in SWAN's area of work, such as human rights, legislation, etc

The Chairperson of the MC will validate that the 80% requirement has been reached. If it has not been reached, then the next sex worker candidate will be deemed to have been elected in place of the non sex worker to ensure the 80% requirement.

If there are no sex workers elected another election will be held.

In order to protect confidentiality of sex workers who chose not to be public, SWAN will not provide the number of votes for each candidate in the election results announcement.

Full details of the election process can be found in Annex 2

### 3.4 *SWAN Management Committee Responsibilities*

The Management Committee:

- Ensures the SWAN Steering Committee receives regular updates on SWAN operations and finances
- ensures SWAN promotes meaningful involvement of sex workers in all its own processes and promote sex worker involvement at all levels within its members
- ensures appropriate consultation processes are implemented to gather member's opinions to inform SWAN's strategic planning and related activities
- approves SWAN's strategic plan, ensures its implementation in line with resources available and approves extraordinary activities falling outside of the strategic plan
- ensures members are informed about decisions made by the SWAN Management Committee

- Reviews and approves annual accounts
- Reviews, comments and approves annual report and ensures members receive it
- Approves annual workplans – ensuring alignment with current strategic plan
- Shares responsibility with the Executive Director for staff recruitment
- Reviews and approves operational policies and protocols
- Ensures that the Executive Director receives support and supervision
- Reviews and approves membership applications through a delegated Membership Committee
- Reports to the Secretariat and members when representing SWAN at meetings and conferences
- Is visible and accountable to members

### 3.5 *The Chairperson of the SWAN Management Committee*

The Chairperson must be a sex worker and publicly open as a sex worker. The Chairperson does not represent their own organization or national interests, but speaks on behalf of SWAN and represents the interests of all SWAN countries

Criteria for the Chairperson are:

- Good communication skills
- Must speak English and/or Russian, if they only speak Russian they commit to share responsibility for translation with SWAN Executive Director
- Prepared to check e-mails and messages once a day and respond to urgent communications within 24 hours

Chairperson responsibilities:

- Update the other SWAN Steering Committee members following each quarterly Management Committee teleconference
- Public Spokesperson for SWAN in line with network consensus positions
- Weekly teleconferences with Executive Director
- Discuss content of funding proposals with Executive Director and approve funding proposals and budgets
- Oversee the implementation of workplans
- Provide support and supervision to the Executive Director

### 3.6 *The Vice-Chairperson of the SWAN Management Committee*

The criteria for the Vice-Chairperson are the same as for the Chair. The Vice-Chairperson takes on the responsibilities of the Chairperson if the chairperson is not available. If the Chairperson steps down then they will assume the full responsibility of the Chairperson.

## 4 *The SWAN Secretariat*

The Secretariat is responsible for:

- Ensuring that the SWAN Management Committee are made aware if any of their decisions breach Hungarian or European regulations and that the SWAN Management Committee and Steering Committee are kept informed and up to date on Hungarian and European regulations and legal requirements
- Drafting operational policies and protocols for approval by Management Committee
- Implementing SWAN strategic plan, by preparing funding applications and proposals for discussion with and approval by the Chairperson
- Informing the Management Committee of any extraordinary activities (not in line with SWAN strategic plan) proposed by donors, members or other stakeholders
- Drafting annual budgets and workplans for approval by Management Committee

- Ensuring the SWAN Steering Committee receive and approve the annual budgets and workplans
- Maintaining accurate financial management records, including record of SWAN assets
- Preparing quarterly financial management reports for review and approval by the SWAN Steering and Management Committees
- Preparing and submitting donor reports
- Preparing annual accounts for approval by SWAN Management and Steering Committees
- Drafting annual report for approval by SWAN Management and Steering Committees
- Maintaining SWAN Foundation archives
- Implementing recruitment policy, with SWAN Management Committee members
- Induction and management of SWAN staff and consultants
- Project management
- Providing technical support to sex worker-led members
- Communication with members and coordination of network activities
- Facilitating communications between members and SWAN Management Committee
- Public and other representation of SWAN, in line with representation and nomination principles and criteria.

## 5 Decision Making Responsibilities

### Members

Strategy review and revision

Governance and membership

Regional funding proposals (such as Global Fund)

Election of Management Committee

### Management Committee

Guardians of SWAN's values - approves policies and protocols

Approve strategic plans and annual workplans

Receives summaries of funding proposals submitted

Strives for consensus, but if no consensus majority vote for decisions

### Chair

Spokesperson for SWAN, in line with network consensus positions

Discusses proposal activities and budgets with Executive Director

Oversees implementation of workplans

Provides support and supervision for Executive Director

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# Executive Director

Spokesperson for SWAN, in line with network consensus positions

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Identify donors, draft proposals and budgets in line with strategic plan

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Drafts annual workplan for Secretariat

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Management of Secretariat personnel

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Implementation of the annual workplan

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## 6 Conflict of Interest

SWAN members, Management Committee members, Steering Committee members, consultants and staff are required to inform the Secretariat of any conflict of interest they may have with SWAN.

Conflict of interest may arise in situations where:

- A Management Committee member's organisation also is seeking or has agreements with a SWAN partner or donor and can find themselves in a position where it is difficult to balance the interests of their organization and SWAN.
- A Management Committee member, consultant or staff member has a competing financial interest when offered or applies for consultancy work that falls within SWAN's remit and find it difficult to balance SWAN's interests and their own.
- A Management Committee member, consultant or staff member has multiple affiliations and roles and is unable to separate interests and loyalties.
- A member organization seeks funding to establish a sub-regional network or transnational programme that duplicates the work of SWAN.

Full details of the Conflict of Interest procedures can be found in Annex 3

## 7 SWAN Code of Conduct

All SWAN members, Management Committee members, Steering Committee members, consultants and staff are required to respect SWAN's code of conduct.

- Respect confidentiality of organizations and individuals within SWAN
- Obtain authorization for using resources and images produced by SWAN or SWAN members
- Respect diverse opinions
- Protect the reputation of SWAN<sup>2</sup>
- Timely disclosure of any conflict of interest with SWAN or SWAN members
- Obtain authorization from SWAN Secretariat prior to accepting any invitations to represent SWAN and provide a report on the meeting/event that can be shared with SWAN members
- Notify SWAN Secretariat if resigning from SWAN
- Respect SWAN's operational guidelines

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<sup>2</sup> SWAN does not consider engaging in sex work, drug use or criminalized sexual and gender expression as bringing the organisation into disrepute, but individuals should be present and actively engaging in the events at which they are representing SWAN and respect any guidelines issued by the meeting organisers

- Provide accurate expenses claims and trip reports when representing SWAN
- Do not cross post from SWAN listserv without authorization unless the information is already public
- Do not use offensive language in SWAN communications
- Do not display any violent or abusive behaviour (public and private), towards SWAN member organizations, staff, consultants, Management and Steering committee members and participants in any SWAN activity. This includes physical, verbal and 'written' abuse, persistent messaging, the improper use of grievance procedures or other operational procedures or any other form of harassment.

## 8 Grievance and Complaints Procedure

SWAN respects the independence of its members, however, if representatives of members disrespect the values and consensus positions agreed within SWAN then members will be challenged and informed of the potential consequences, including potential expulsion from the network.

SWAN Communications Officer will monitor and moderate the SWAN listservs and other social media platforms and will liaise with the SWAN Secretariat and Management Committee in making decisions about enforcing the code of conduct online.

Members and external stakeholders who want to lodge complaints or grievances must use the formal grievance and complaints procedure.

Gross misconduct, such as violating sex workers' human rights or severe breach of confidentiality (i.e. revealing someone's HIV status) will result in expulsion from the network or communications platform without warning.

Breaches of the code of conduct, that fall short of gross misconduct, that are found to be intentional, the members shall be given one warning prior to expulsion from the network or communications platform.

Breaches of the code of conduct, that fall short of gross misconduct, that are found to be unintentional, the member shall be given two warnings prior to expulsion from the network or communications platform.

SWAN does not investigate rumours or mediate in external conflicts between members or investigate members or complaints against individuals within member organizations.

Full details of the grievance and complaints procedures can be found in Annex 4.

## 9 Member consultations and meaningful involvement of sex workers

SWAN is committed to consultation with members and the meaningful involvement of sex workers in consultation processes. To achieve this SWAN will strive to ensure that all sex worker-led members are supported in engaging in the consultation processes and hope to achieve a 100% response rate from them with an overall response rate of 66%.

A SWAN Programme Officer will be allocated to work on the consultation and an Advisory Group formed consisting of two SWAN Management Committee members and the Executive Director who will work with the Programme Officer in establishing SWAN's consensus position.

All members will be informed of the development of SWAN position papers and be given the opportunity to participate in its development. The SWAN Secretariat will prepare a roadmap, with a clear timeframe for the consultation, and a simple questionnaire. The announcement will make it clear that all members are expected to organise a focus group or interviews with as many sex

workers as possible in the timeframe before responding to the questionnaire. The Secretariat will seek to encourage at least one member in each country responds to the questionnaire, through targeted reminders. During follow-up interviews priority will be given to key informants in sex worker led organisations.

All members will receive a first draft of the position paper and be given an opportunity to comment, before the production of a final draft that will be sent to all members for endorsement. A 'silence procedure' is used for the endorsement of the final draft - members are given 30 days to raise objections (and may request more time to consult within their organisation as long as it's not excessive). If objections are raised then a further draft will be produced and circulated for endorsement using the same silence procedure.

## 10 SWAN Representation: Nomination Principles and Criteria

### 10.1 Representing SWAN

SWAN is committed to ensuring that sex worker voices are heard and that new and emerging sex worker leaders are provided with opportunities to attend regional and international events. This commitment will be realised through the meaningful engagement of sex workers during conferences, consultations, events, meetings and workshops.

### 10.2 Nomination principles and criteria

SWAN Executive Director and SWAN Management Committee will determine who out of the SWAN membership, Management Committee or Secretariat should represent SWAN at different events based on the type of event:

For meetings related to **proposal development and work planning** SWAN Executive Director or delegated staff members will be nominated.

For events and meetings related to **alliance building and regional strategic direction**, SWAN Management Committee members and/or staff will be nominated.

**Dependent upon the donor/organiser criteria, focus, issue, learning opportunities and potential impact:**

- **capacity building workshops**, sex workers from SWAN members and Management Committee members can be nominated as both facilitators/trainers or as participants
- **regional expert group meetings**, SWAN Management Committee members and/or staff will be nominated
- **regional or international/global policy and program meetings**, SWAN members, Management Committee members or staff will be nominated

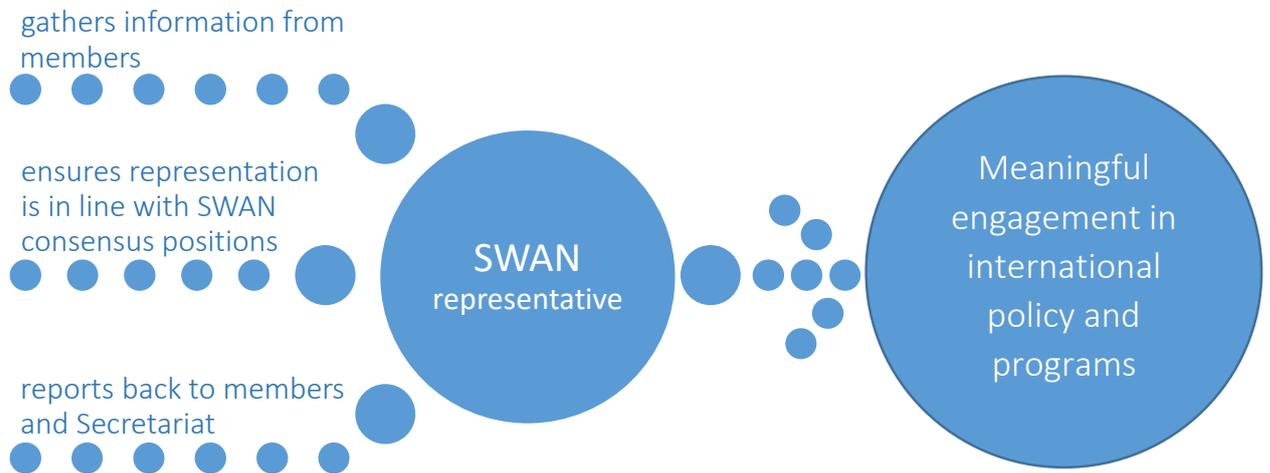
The following criteria will be taken into account when identifying SWAN representatives:

- Geographic balance
- Gender balance
- Relevant experience
- Knowledge appropriate to the activity/event
- Ability to present the network
- Commitment to mentoring new people
- Commitment to report back to the network

Potential representatives will be identified by the Executive Director who will send recommendations to the Management Committee, including a deadline for the decision. If the

Executive Director's recommendation is endorsed by two Management Committee members then the nomination will be approved, if no endorsement has been received by the deadline then the Chairperson will make the decision. Management Committee members who fail to respond by the deadline will accept the decision of their peers and will not challenge the nomination.

### 10.3 Representation Responsibilities:

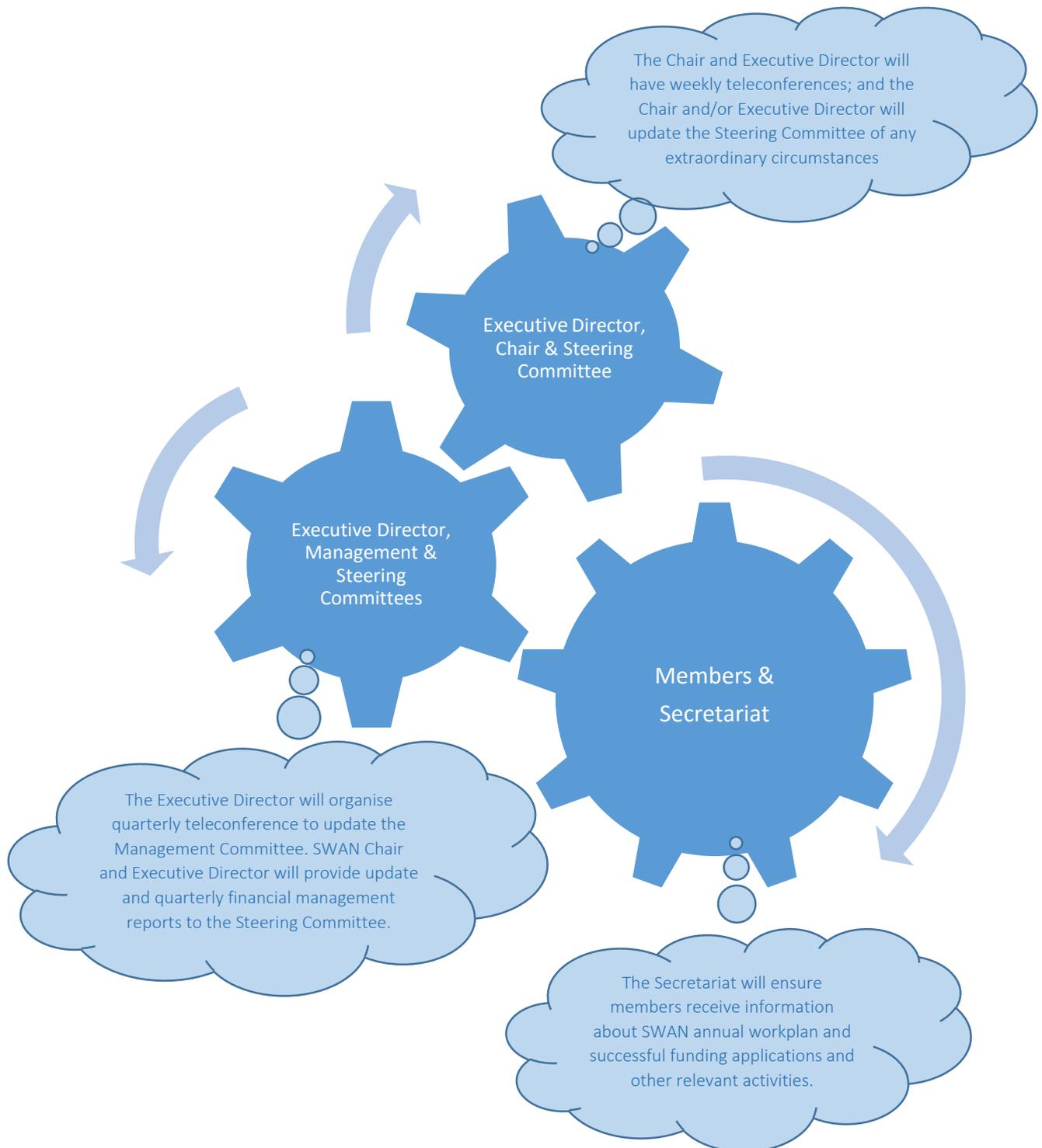


## 11 Communications

SWAN communication and information sharing is the responsibility of members, Management Committee and staff. Different individuals will play different roles depending on their position and their strengths. For example, Management Committee members might concentrate on promoting SWAN to external stakeholders or on playing a leadership role in external events. The Executive Director will play a leadership role in representing SWAN and overseeing the implementation of SWAN's Strategic Plan. The Communications Officer will be instrumental to internal communications and to the timely exchange of information on international policy processes and positions. Members will be responsible for disseminating information about their organisation's work and engaging in consultations and the development of SWAN positions. They also play a proactive role in sharing information within the broader sex worker community.

The objectives, principles, key messages, key audiences and communication platforms are set out in SWAN's Communication Strategy (Annex 5)

### 11.1 Communication Responsibilities:



## 12 Operations

### 12.1 Recruitment Policy: Principles and Practice

SWAN commits to sex worker involvement at all levels including within SWAN consultants and staff.

SWAN commits to upholding equal opportunities for all to access paid employment, however SWAN has an affirmative action policy to employ sex workers where they meet the professional requirements of the position, or are believed to be capable of learning within a reasonable timeframe, when they are deemed to be the best fit for SWAN.

The selection panel for recruitment consists of: the Executive Director and 2 Management Committee members. A call will be put out to the SWAN Management Committee asking for volunteers to join the selection panel; preference will always be given to sex workers on the Management Committee. While consensus is desired the Executive Director has the right to decide whether the Secretariat has the capacity to take on the preferred applicant and if they are the best fit for SWAN.

SWAN commits to encouraging applicants from across the region to apply for employment. The Secretariat will assess each new Terms of Reference to determine whether the post requires to be based in the Secretariat or can be worked remotely to allow equal opportunities for employment across the SWAN region. Where a post can be worked remotely, applications from all countries within the SWAN network will be encouraged. However, where it is deemed a post must be based in the Secretariat applicants must be able to demonstrate a right to live and work within the European Union.

All announcements must explicitly encourage applications from sex workers.

SWAN commits to providing appropriate induction, mentoring and supervision to staff.