

Terms of Reference: Consultancy to Develop a Strategy for a Donor Collaboration on Sex Worker Rights

Managed by: Open Society Institute/SHARP

Background on Sex Worker Rights

Sex workers from around the world report a shocking range of human rights violations, often stemming from the very laws, policies, and practices of governments who are responsible for safeguarding their rights. In most contexts, sex workers are a criminalized population who has little access to legal redress when rights violations occur. Entrenched stigmatization and discrimination against sex workers and their families present serious challenges both to ensuring equal access to social and legal services, as well as to sex workers demanding accountability for those who violate their rights.

Debates on prostitution and/or sex work have raged for hundreds of years. Yet, there has been little dialogue and attention to protecting and promoting the basic human rights of sex workers. For example, legislation that criminalizes the purchase of sex, the so-called Swedish model, has been increasingly adopted as a radical approach to combating the global problem of trafficking in persons. Yet, there is no credible data supporting claims that this model reduces trafficking into the sex industry. On the other hand, sex workers continually point out that this legal framework puts them at increased risk of violence, and reduces their access to health care, among other rights violations.

Sex workers report police violence and harassment as a primary concern. Officials charged with enforcing anti-prostitution laws routinely extort bribes, confessions, testimony, and sexual favors from male, female and transgender sex workers. Police face little or no accountability for their actions because of sex workers' relative powerlessness and marginalized status. In 2007, members of the Sex Worker Rights Advocacy Network of Central and Eastern Europe and Central Asia (SWAN) interviewed 238 male, female and transgender sex workers from 12 countries and found that in the previous year 41.7% (86/206) had experienced physical violence, and 36.5% (77/211) sexual violence, at the hands of police.¹ A recent 3-country assessment in Southern Africa reported that sex workers face routine violence from police, including rape, physical assault and abuses such as the spraying of their genitals with pepper-spray.²

Sex workers also face a wide range of abuses in health care settings including pressure to terminate pregnancies, lack of confidentiality, abusive care, and denial of basic services. Stigma and discrimination against sex workers in health care has the effect of deterring sex workers from engaging with the health-care system. In some situations police have been given the authority to control or participate in ill-advised public health interventions leading to rights abuses such as mandatory HIV testing, the monitoring of health certificates that must be carried by sex workers, and the confiscation of condoms for use as evidence of prostitution, frequently in areas hardest hit by HIV/AIDS.

Attempts to forcibly "rescue trafficking victims" from the sex trade can create or compound human rights abuses against sex workers. Sex workers face eviction from homes and communities, repatriation to unsafe environments and detention in "rehabilitation centers" without access to due process. These human rights violations not only pose an affront to basic dignity, but also fuel HIV/AIDS and other health risks among sex

¹ Presentation by Anna-Louise Crago at the International AIDS Conference, Mexico City, August 2008. SWAN Publication forthcoming.

² Rights Not Rescue: A Report on Female, Trans, and Male Sex Workers' Human Rights in Botswana, Namibia, and South Africa. November 2008. Open Society Institute. Available at http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/rights_20081114.

workers and their families and communities.

Sex workers from across the globe have responded to these rights violations by organizing and demanding that others understand their reality and respect their rights. Many of these groups are nascent and small, in countries where sex work is illegal and the voices of sex workers largely unheard. In other countries, sex worker rights groups have decades of experience in effective organizing and have achieved a place in national policy making bodies. To date, there has been a notable absence of many traditional human rights and women's rights groups in any of these organizing efforts to call attention to the egregious rights abuses faced by sex workers.

These positive advances in sex worker rights have been gained with relatively little support from the international donor community. A June 2006 report by the Open Society Institute highlighted the fact that funding has not kept pace with the burgeoning number of effective sex worker rights organizations.³ The most funded issue for sex workers is HIV/AIDS, while the next largest source of money is from anti-trafficking efforts.⁴ While this funding is critical to reduce sex workers' vulnerability to HIV/AIDS, sex worker rights activists have identified numerous concerns about the impact on sex worker rights and the ability of sex workers to self-organize. Most sex worker-led groups and organizations are severely under-funded and rely on one or two donors for survival.

Donor Collaboration

While donor collaboration has always been a funding ideal, the current economic crisis makes it a necessity. Through the present initiative, a core donor committee aims to establish a formal collaboration mechanism that would be both operational on key advocacy issues affecting sex worker rights where a donor voice could make a difference, and a co-funding mechanism to support networks, groups and organizations advancing sex worker rights and health. The collaboration also aims to bring in new donors and increase the amount of funding available for sex worker organizing.

The donor committee will work as a team to strategize on and finalize the strategic plan.

Donor Committee

- AIDS Fonds
- Global Fund for Women
- HIVOS
- Mama Cash
- Oak Foundation
- Open Society Institute

Scope of the Consultancy

The consultant will be tasked with developing a strategic plan for a donor collaboration aimed at advancing sex worker rights and health. The plan will be based on desk research as well as interviews with key stake-holders, including sex worker rights groups. The plan will provide the framework for discussions at a donor meeting in Amsterdam in November, 2009. The plan should be no longer than 50 pages and should address these components:

- Provide general background on the legal context and policy environment for sex work (understanding that this will not be able to thoroughly address regional and national specificities and contexts).
- Give general background on the human rights violations facing sex workers, as well as the available mechanisms nationally, regionally and internationally to address these violations (a global review of national laws is not expected, but rather information on the range of redress mechanisms that are available). Highlighting examples that have been successful would be useful.
- Present an overview of the range and scope of organizations working to address sex worker rights issues. This information should be based on a survey of national and international sex worker groups.
- Identify the kind of interventions that effectively promote rights of sex workers and/or access to legal, health and social services.
- Identify existing funding gaps and opportunities for a donor collaboration.

³ Sex Worker Health and Rights: Where is the Funding? June 2006. Open Society Institute. Available at http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/where_20060719.

⁴ Ibid.

- Identify the critical and prioritized global and/or regional advocacy issues on sex worker rights and venues where the voice of donors would have an impact on policy formation and/or implementation.
- Recommend core principles to drive the funding collaboration.
- Recommend a process and structure for a feasible operational and governance structure;
- Recommend specific objectives and activities for the donor collaboration.

All recommendations, particularly as regards effective interventions and donors' role, should be based on the voices of sex work communities and activists.

Deliverables and Time line of the Consultancy

The deliverables include:

- draft and finalized report outline and research methodology;
- draft strategic plan by the agreed-to dates;
- final strategic plan by the agreed-to dates, incorporating the feed-back from the committee of donors;
- feed-back into the draft agenda for the November donor meeting;
- presentation on the strategic plan at the November meeting.

Time Line

Timeline	Task
April/May	<ul style="list-style-type: none"> • Participate in a conference call with the donor committee to review the scope and goals of the consultancy. • Develop a proposed report outline and draft research methodology to submit to donor committee.
May/July	<ul style="list-style-type: none"> • Conduct the research
July/August	<ul style="list-style-type: none"> • Draft report and submit to Donor committee. Draft plan deadline: August 31, 2009
September	<ul style="list-style-type: none"> • Donor committee to give feed-back on the plan by September 30, 2009
October	<ul style="list-style-type: none"> • Incorporate feed-back into final plan. Final plan deadline: October 20, 2009
November	<ul style="list-style-type: none"> • Presentation at Donor meeting in Amsterdam

Qualifications

- In-depth knowledge on human rights, particularly sexual and health-related rights, and knowledge on the sex worker rights movement.
- Extensive experience with funding mechanisms, principles and strategies, particularly as relates to advancing human rights of marginalized and/or criminalized populations.
- Extensive experience in strategic planning processes.
- Experience working with nascent civil society, community-based groups, preferably related to sexual rights, women and human rights.
- Strong written and verbal communication skills (English).

The consultant will work from April to November 2009 and will be supervised by Heather Doyle at OSI/SHARP.

To Apply

If interested, please send a CV, a letter outlining your relevant experience, two references from organizations for which you have provided strategic planning services, and daily rate to Heather Doyle at hdoyle@sorosny.org by **April 22nd, 2009**. OSI does not pay overhead expenses associated with any consultancy.