

NO TURNING BACK

EXAMINING SEX WORKER-LED PROGRAMS THAT PROTECT HEALTH AND RIGHTS

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Stigma, criminal laws, and punitive policing practices

harm sex workers, including their health.¹ In response, a growing number of authorities across the world have called for the decriminalization of sex work and support to sex worker-led organizations. However, the way sex worker groups engage with law enforcement, health providers, and their own communities to address these concerns has received much less attention. The case studies in this report offer a look at real-life sex worker-led programming that has reduced police abuse, health risks, and other adverse impacts of bad laws and law enforcement on sex workers.

¹ Sex workers are female, male, or transgender adults, 18 years of age or older, who receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasionally.

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In many countries, sex work is illegal as a result of criminal or administrative laws targeting sex workers, their clients, or other people involved in the sex industry. Even where selling sex is not a crime, police frequently arrest sex workers, charging them with offenses like “disturbing the public” or “loitering”

This criminalization drives sex workers into hiding, makes it harder for them to access services, and increases their risk of violence. Sex workers’ fear of arrest means they often negotiate with clients in seclusion and lack time to screen them or agree to terms. This makes it harder for sex workers to identify dangerous situations and refuse unwanted services.

In many places, law enforcement uses unethical tactics on sex workers, including profiling them based on their clothing, location, or past sex work. Police follow outreach workers who distribute condoms, and stake out drop-in centers and health clinics to arrest sex workers as they attempt to access services. In some jurisdictions, police confiscate and destroy sex workers’ condoms, and use them as evidence of a crime. This forces sex workers to choose between protecting their health and avoiding conflict with the law.²

The criminalization of sex work also fosters a power dynamic in which officers can more easily abuse their authority, harassing and intimidating sex workers, extorting their money, and physically and sexually assaulting them. Sex workers are often afraid to report crimes; when they do, they risk being ridiculed, charged, exposed to their families, or abused. Substantial evidence shows the pervasiveness of these abuses and their harms.^{3, 4, 5, 6, 7}

In recent years, leading human rights organizations like Human Rights Watch, the Global Alliance Against Traffic in Women, and Amnesty International have supported the decriminalization of sex work.⁸ As Amnesty explains, its decision to do so was based on two years of extensive consultations, “evidence and the real-life experience of sex workers themselves that criminalization makes them less safe.”⁹

International bodies like the World Health Organization,¹⁰ UNAIDS,¹¹ and the Global Commission on HIV and the Law¹² also recognize the structural factors like criminal laws that increase sex workers’ risk of abuse and leave them disproportionately affected by HIV. UNAIDS asserts, “stigma and discrimination, violence and punitive legal and social environments are key determinants of this increased HIV vulnerability”¹³ and says sex work should be “decriminalized and punitive laws that make it a crime to carry condoms ended.”¹⁴ A 2014 study published in the *Lancet* medical journal found decriminalization to be the single most effective way to reduce HIV infections among female sex workers over the next decade.¹⁵ The authors assert, “Multipronged structural and community-led interventions are crucial to increase access to prevention and treatment and to promote human rights for [female sex workers] worldwide.”¹⁶ It is a huge victory for sex workers, human rights principles, and effective health programming that mainstream institutions are calling for sex worker programs that address issues like stigma, discrimination, and criminalization, and meaningfully engage sex workers in their design and leadership.

But—What does this look like in practice?

- 2 Open Society Foundations, *Criminalizing Condoms: How Policing Practices Put Sex Workers and HIV Services At Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe* (New York: Open Society Foundations, 2012).
- 3 The Lancet Series, “HIV and Sex Workers,” Volume 385, no. 9962 and 9963 (2015).
- 4 Chi Adanna Mgbako, *To Live Freely in This World: Sex Worker Activism in Africa* (New York: New York University Press: 2016).
- 5 Anna-Louise Crago, *Arrest the Violence: Human Rights Abuses Against Sex workers in Central and Eastern Europe and Central Asia* (Budapest: Sex Workers’ Rights Advocacy Network in Central and Eastern Europe and Central Asia, 2009).
- 6 A Krüsi, K Pacey, L Bird, C Taylor, J Chettiar, S Allan, D Bennett, J S Montaner, T Kerr, and K Shannon, “Criminalisation of Clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study,” *BMJ Open* 4, no. 6 (June 2014), doi:10.1136/bmjopen-2014-005191
- 7 Jay Levy and Pye Jakobsson, “Sweden’s Abolitionist Discourse and Law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers,” *Criminology & Criminal Justice* 14, no. 5 (2014): 593–607.
- 8 Human Rights Watch, *World Report 2014* (New York: Human Rights Watch, 2014), 47.
- 9 Catherine Murphy, “Sex Workers Rights are Human Rights,” Amnesty International, August 14, 2015, <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>
- 10 World Health Organization, United Nations Population Fund, UNAIDS, Global Network of Sex Work Projects, and The World Bank. *Implementing Comprehensive HIV/STI Programmes with Sex Workers: practical approaches from collaborative interventions* (Geneva: World Health Organization, 2013).
- 11 UNAIDS, “UNAIDS Guidance Note on HIV and Sex Work,” Revised Edition 2012, http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf
- 12 The Global Commission on HIV and the Law. *Risks, Rights and Health* (New York: UNDP, July 2012).
- 13 UNAIDS, *The GAP Report* (Geneva: UNAIDS, 2014), 189.
- 14 *Ibid.*, 197.
- 15 Kate Shannon, Steffanie A Strathdee, Shira M Goldenberg, Putu Duff, Peninah Mwangi, Maia Rusakova, Sushena Reza-Paul, Joseph Lau, Kathleen Deering, Michael R Pickles, and Marie-Claude Boily, “Global Epidemiology of HIV among Female Sex Workers: influence of structural determinants,” *The Lancet* 385, no. 9962 (January 2015): 55-71, doi: [http://dx.doi.org/10.1016/S0140-6736\(14\)60931-4](http://dx.doi.org/10.1016/S0140-6736(14)60931-4)
- 16 *Ibid.*, 55-71.

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Sex worker rights organizations globally are implementing successful projects to address abuses and obstacles that sex workers face. Much of their work has not been publicly documented—and nor have their achievements. What has been documented tends to focus on separate themes like peer education or access to justice, rather than holistic bodies of work. Yet, sex workers’ multifaceted approaches to meeting the needs of their communities are more than the sum of their parts. Understanding the ways such programs interplay is important to developing effective strategies.

The six case studies presented in this publication—in Kenya, Kyrgyzstan, Ukraine, South Africa, and Zimbabwe—capture a variety of approaches supported by the Open Society Foundations for nearly ten years that have achieved positive changes. Though they are not exhaustive, these studies highlight accomplishments and ongoing challenges. The full impact may be difficult to measure, but sex workers in each context describe changes that make their lives better.

In particular, we identify nine key program areas that have been recommended and executed by sex workers to reduce abuses and increase access to services. These strategies require sustained funding to result in meaningful change.

Key Program Areas

HEALTH AND WELLNESS

Most organizations profiled in this report began by engaging with sex workers on safer sex education and HIV prevention. This was an important need within sex worker communities, a good entry point for building trust, and the main source of funding available. These projects include establishing peer education programs in which sex workers distribute condoms and health information to peers in the community, sensitizing health providers to reduce stigma and discrimination, setting up referral networks to other services, and administering home-based care to meet the needs of sex workers who are ill. Tais Plus Two in Kyrgyzstan signs memoranda of understanding with health facilities to solidify collaborations. Bar Hostess Empowerment and Support Programme (BHESP) in Kenya organizes an annual cleanup of a local clinic, and places peer educators in hospitals to foster trust and facilitate referrals. BHESP and the Kenyan group Survivors have also both established their own clinics to treat sexually transmitted infections, offer family planning, and provide medications directly.

MOBILIZATION AND SKILLS BUILDING

While people who identify as sex workers direct several of the organizations, others are led by allies committed to supporting sex workers to organize. Providing a safe, informal space to gather has been key to these mobilization efforts, as has offering informal community building activities like coffee hours. Many of the groups run intensive empowerment programs to build sex workers’ knowledge and skills in things like leadership, public speaking, and human rights. They also support sex workers to participate in external meetings and events related to sex work. Groups that are not sex worker-led look for ways to include sex workers among staff and in decision making—like Tais Plus Two in Kyrgyzstan whose drop-in center is run by sex workers, and the Sexual Rights Centre in Zimbabwe, which established a Sex Worker Advisory Committee to guide its sex work-related projects. Several organizations have helped form sex worker-led groups and provided mentoring and administrative support for their development.

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ECONOMIC EMPOWERMENT

Where sex work is part of the informal economy, sex workers often cannot access bank accounts, loans, or pensions. Economic empowerment programs can improve sex workers' living and working conditions by providing greater financial security and more flexibility to turn down clients' requests for sex without a condom or avoid situations that feel unsafe. In Kenya, the organization Survivors has established programs to help sex workers save for large purchases, cover emergency medical costs, and set up pensions. Survivors has also launched its own tailoring and catering businesses to sustain its programs, supplement sex workers' incomes, and provide exit strategies for those who wish to retire. In addition to economic empowerment, these projects have reduced stigma toward sex workers by engaging with the broader community.

DOCUMENTATION AND LEGAL SERVICES

To confront human rights abuses, sex workers must learn to recognize rights violations and to take action. The sex worker rights groups profiled in this report all work with lawyers, and many have trained sex workers to be paralegals who provide legal aid to their peers. They perform a range of tasks, like collecting evidence of human rights violations, helping sex workers who have experienced abuse to get medical treatment and counseling, and visiting sex workers who have been arrested to ensure they are safe and secure their release. Through their legal interventions, these organizations have stopped landlords from evicting sex workers in Kenya, prompted a newspaper to apologize to sex workers in South Africa, and gotten police stripped of their bonuses in Ukraine. In all six contexts, sex workers have reported improvements in how they are treated once people realize they know their rights.

USING THE COURTS TO CHALLENGE LAWS AND CHANGE PRACTICES

Sex worker groups have used the courts to challenge laws and practices that negatively impact the sex worker community. Several of the organizations have helped sex workers win cases against people who have mistreated them, and say these victories have had a broader impact in the way they discourage further violations once people understand that sex workers have rights and they can be held accountable for violating them. In South Africa, activists have used the courts to win labor protections for sex workers, and prohibit police from repeatedly detaining and arresting them with no intention to charge them or take them to court. Though barriers like lack of a phone or fixed address, or having an inherent fear of the justice system, can make it difficult for sex workers to follow through with litigation, regular contact from the paralegals and supportive rallies at court have helped.

COLLABORATION WITH POLICE

In addition to holding police accountable for misconduct, a number of organizations work collaboratively with police to reduce and respond to abuse. Some groups sensitize officers and have developed detailed training curricula. Most have established informal relationships with individual officers they call for help and who have begun referring sex workers to services. High-level allies have been particularly instrumental, like the police chief in Osh, Kyrgyzstan who stopped raids, or South Africa's Deputy Minister of Police who instructed her subordinates to take steps to end police misconduct. Police-community partnerships have been formalized through official policies and agreements. In Kyrgyzstan, for example, the Ministry of Interior issued an order that prohibits officers from obstructing sex workers' access to drop-in centers and other community services.

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POLICY ADVOCACY

Sex worker rights groups are also working to influence national policies and programs to ensure sex workers' needs are met and their rights protected. BHESP, for example, pushed for a place in early AIDS-related dialogues in Kenya, and its advocacy helped get programs for sex workers prioritized in Kenya's national HIV/AIDS strategies and influence how funding was spent. In Kyrgyzstan, groups have used international mechanisms like the United Nations Committee on the Elimination of Discrimination against Women to pressure the government to improve services for sex workers and address police misconduct. Several of the organizations have also taken steps to challenge punitive laws on sex work in their countries, including in South Africa, where activists have launched a national coalition to push for decriminalization.

SHIFTING PUBLIC PERCEPTIONS

Changing public opinion about sex work and sex workers is an important step toward reducing stigma and discrimination. The organizations profiled in this report organize trainings for diverse audiences, and attend a range of events and meetings—from town council meetings to street marches—to ensure sex work-related concerns are raised. They also look for ways to support sex workers themselves to participate in such events and share their stories in order to counter stereotypes and help people see sex workers for more than just their work. Many groups have found opportunities for sex workers to engage with the public in informal ways that break down barriers and build relationships. For example, sex workers in Kenya have entered a team in a football league, formed dance and drama groups that perform at local events, and organized community service projects like cleaning hospitals and sweeping roads. Some organizations have made considerable inroads with the media, improving how sex workers are portrayed and encouraging ongoing dialogue.

SAFETY AND SECURITY

There are risks to promoting sexual rights and challenging abuses. Staff members of these projects have been persecuted by the public, harassed and arrested by police, and threatened with criminal charges for "promoting prostitution." Sex workers who try to take legal action against abusers may face threats or retaliation. Organizations do their best to incorporate security protocols into their work, establishing safe houses in Ukraine and fostering prominent allies in Kyrgyzstan, but sometimes the only option is for sex workers to let their cases go. Vast need and limited resources can take a toll on program staff, who may require support to handle stress and avoid burnout. The Sexual Rights Centre in Zimbabwe has deliberately integrated staff support into its work, dedicating 10 percent of staff time to wellness-related activities like counseling.

These nine program areas are woven into the following six case studies. The cases provide concrete illustrations of this work in practice and examine interventions that have reduced abuse, increased access to services, and made sex workers' lives better.

The groups profiled have much to teach us about effective collaboration with sex workers. We hope learning from their challenges and achievements will encourage and inspire program implementers and donors to do more and do better to support sex workers, their human rights, and their safety.

SAFETY AND CARE IN KENYA



The Bar Hostess Empowerment and Support Programme established two “wellness centers” that offer an array of services to sex workers free of charge.

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In 1998, 100 sex workers and bar hostesses gathered and agreed to work together to fight AIDS, stop violence, and lobby for increased pay.

In the late 1990s, a group of women working in Nairobi’s bars came together to protest. They were disillusioned by the “corruption, tribalism, and poor leadership” in Kenya, that “translated to extreme poverty, violence, and desperation” and prompted many women to work and sell sex in bars.¹⁷

When the HIV pandemic hit, “homes were wiped out, and almost the entire country was losing loved ones.”¹⁸ As Peninah Mwangi, a former bar hostess, recalls, “We spoke of HIV/AIDS in whispers and with fear. Everybody suspected themselves and each other as having the then ‘death virus.’”¹⁹ While researchers studied sex work, and posters were produced warning men to stay away, there was no funding for programs to protect bar hostesses and sex workers from HIV infection, or provide those who tested positive with treatment and care.^{20, 21}

At the same time, women working in bars faced rampant harassment and violence from bar owners, clients, and the general public. Bar owners demanded sex in exchange for employment, while members of the public beat, raped, robbed, and even killed them with impunity. Police were equally abusive, arresting sex workers on unfounded charges, performing strip-searches, and demanding sex or money in exchange for release. Peninah remembers a “lean constable” named Jimmy, who routinely physically and sexually assaulted the bar hostesses where she worked and refused to pay his bills. When a bar hostess was docked part of her salary because of his debts and confronted him, Jimmy’s response was swift. He blackened her eye, threw her screaming into his trunk, and arrested her for robbery—outraging the other bar hostesses. They reacted en masse, closing the bar, marching to the police station, and demanding to speak to the commander. Disgusted by the abuses the bar hostesses described, the commander made Jimmy and five others pay every bill they owed.²²

Buoyed by this success, Peninah floated the idea to her peers to form their own organization, and Bar Hostess Empowerment and Support Programme (BHESP) was born.²³ Peninah remembers the early hurdles. When she went to register BHESP as a non-governmental organization, she felt “ashamed, small, and inadequate,” and could not afford the \$50 dollar registration fee. She reached out to academics, international organizations, and businesses to seek advice and funding, but few responded. In the end, it was Kenya Breweries, the main supplier of alcohol for local bars, who provided money for BHESP to hold its first meeting. In 1998, 100 sex workers and bar hostesses gathered and agreed to work together to fight AIDS, stop violence, and lobby for increased pay. They went to Kenya’s National AIDS Control Council to describe how AIDS was impacting their community, and the Council helped them write a proposal, register as a community-based organization, and secure funding to start teaching bar hostesses and sex workers in Nairobi’s bars about HIV.²⁴

Peninah says BHESP missed opportunities in its early years due to lack of structures and focus. It had no strategic plan, and much of the organizational knowledge and responsibility sat with Peninah who was swamped with day-to-day administration and had little time to step back from the work and

17 Communication with Peninah Mwangi, BHESP executive director, September 14, 2015.

18 Ibid.

19 Ibid.

20 Though not all bar hostesses are involved in sex work, there is some overlap, particularly in low income areas.

21 Communication with Peninah Mwangi, BHESP executive director, September 14, 2015.

22 Communication with Peninah Mwangi, BHESP executive director, February 7, 2016.

23 When it first formed, BHESP was briefly called “Kenya Bar Maids Group.” Kenya Breweries helped BHESP with its branding, including the new name.

24 Peninah wishes to acknowledge the work of Professor Elizabeth Ngugi, from the University of Nairobi, who was also involved in starting early initiatives with sex workers in Kenya, and helped draw attention to the need for HIV programs targeting sex workers.

{SAFETY AND CARE IN KENYA}

think about strategy. BHESP had no policies, so “employed who [it] wished, when [it] wished, and how [it] wished, putting [it] at risk of lawsuits and poor performance of staff.” When it became clear BHESP did not have the capacity to undertake a project funded by the Open Society Foundations in 2008, the donor agreed it could use the money to work with an organizational development firm to rethink its structure, develop job descriptions for staff, and prepare manuals outlining policies and procedures.²⁵ Peninah says these steps were critical, enabling it to strengthen and expand its work.

Small Groups, Peer Education, and Home-Based Care

For its first several years, BHESP remained primarily focused on HIV. In 2005, it was selected as a partner for the Global Fund to Fight AIDS, Tuberculosis and Malaria. This allowed it to reach more of Nairobi’s estimated 27,620 female sex workers²⁶ and expand to other towns, distributing condoms and hosting small group meetings to talk about safer sex. In the meetings, BHESP would ask participants if they were interested in working together to address local needs. This process helped establish 42 sex worker groups in four counties, ranging in size from 25 to 200 plus members.²⁷ Thirty of the groups have since registered as community-based organizations, and some are now mentoring others. These groups have become the foundation of BHESP’s work.

BHESP went on to train many of the group leaders who emerged as peer educators.²⁸ Each of its 48 peer educators is responsible for bringing together 25 sex workers per quarter for a series of meetings to discuss work safety and health. The rationale is that, after three months, participants will be comfortable accessing services on their own and may even wish to form new permanent groups. Peninah says, “That simple act of reaching out really changes the lives of many of those 25.” Some go on to be peer educators themselves, or get into activism, or go back to school. This was true for Mary Mugure who remembers that her struggle to find condoms first brought her to BHESP, and that she became a peer educator soon after.²⁹ BHESP has three drop-in centers where the peer educators can host meetings. They are modest rooms with little more than chairs and a table, but BHESP says their “safe and caring atmosphere” helps “dispel [sex workers’] sense of isolation and promote solidarity.”³⁰

BHESP also runs a home-based care program to improve the health and quality of life of people who are sick as a result of AIDS-related illnesses. Its 104 community health workers live with HIV themselves,³¹ and care for approximately 20 patients each, providing medicines and first aid for AIDS-related conditions. They offer counseling to patients and families, connect them to support groups, and help with daily chores. The community health workers also help to identify pregnant women in the community to refer them to health services and ensure those living with HIV get the care they need to avoid transmission to their babies.³²

BHESP’s

→ 104

community health workers live with HIV themselves and provide home-based care to community members who are ill.

²⁵ The organizational development firm Steps Ahead assisted BHESP to produce manuals on monitoring and evaluation, internal audit, finance and procurement, human resources, and board policy.

²⁶ Willis Omondi Odek, George N. Githuka, Lisa Avery, Peter K. Njoroge, Lombe Kasonde, Marelize Gorgens, Joshua Kimani, Lawrence Gelmon, Gloria Gakii, Shajy Isac, Emmanuel Faran, Helgar Musyoki, William Maina, James F. Blanchard, and Stephen Moses, “Estimating the Size of the Female Sex Worker Population in Kenya to Inform HIV Prevention Programming,” *PLoS One* 9, no. 3 (2014), doi: 10.1371/journal.pone.0089180

²⁷ Kenya is divided into 47 counties and BHESP works in four of them: Kiambu, Machakos, Nairobi, and Nakuru.

²⁸ The peer educators receive 3,500 Kenyan shillings per month (approximately \$35 USD) to cover transportation and communication costs. They complete a form each week to track their activities, and meet once a month to discuss the work and trouble shoot problems.

²⁹ Communication with Mary Mugure, BHESP paralegal, December 22, 2015.

³⁰ BHESP grant report to the Open Society Initiative for Eastern Africa, October 2013.

³¹ Approximately one third of the community health workers identify as sex workers.

³² BHESP grant report to the Kenya Red Cross Society regarding Global Fund Round 10, June 2015.

**THIS PROCESS
HELPED
ESTABLISH**

42 | **4** | **25 to 200** plus members.
sex worker groups | counties | ranging in size from

{SAFETY AND CARE IN KENYA}

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→ 2,000

in the surrounding areas.

Health Facilities and Medical Research

Because sex workers often face stigma and discrimination when they attempt to access clinics and hospitals,³³ BHESP looked for ways to engage health providers to improve sex workers' access to care. It says its initial attempts to organize trainings did not go well because it was "regarded with suspicion" and its members were "seen as busy bodies" with no value to add.³⁴ However, this changed after Peninah met a senior government official during a meeting convened by the National AIDS and STI Control Programme and explained the problem. The official insisted BHESP was doing a service by bringing sex workers into the health system and he called a local STI clinic and hospital to inform them BHESP would be visiting. This time, the conversation was much better: sex workers explained their difficulty seeking treatment, they discussed myths and assumptions that complicate care,³⁵ and doctors and nurses promised to do better. Trainings for health providers are now a regular part of BHESP's work, and it has built relationships with clinic directors and health officials so it can contact them directly when sex workers raise concerns. It has also placed two peer educators in hospitals to facilitate referrals, and organizes an annual cleanup of a local clinic on World AIDS Day to break down barriers between sex workers and clinic staff.

BHESP realized that sex workers also have trouble paying for health services, and often put off doctors' visits.³⁶ With Global Fund support, it established two "wellness centers" that offer an array of services to sex workers free of charge, including testing and treatment for sexually transmitted infections (STIs), cervical cancer screening, and family planning.³⁷ The centers are staffed by a doctor, a nurse, and by sex worker peer educators who have been certified to perform HIV testing and counseling. BHESP says this is important because sex workers often feel more comfortable seeking care from peers who understand their context and share a common bond. Since the centers are donor funded, BHESP knows they may not last forever, but hopes they meet sex workers' immediate needs and get them used to seeking care. Between July 2014 and June 2015, one wellness center alone performed 687 HIV tests, diagnosed 22 HIV cases, and treated 731 patients for STIs.³⁸ Through its various health interventions, BHESP estimates it reaches approximately 8,000 sex workers in Nairobi, and an additional 2,000 in the surrounding areas.³⁹

Kenya's sex workers are a frequent target of medical research. BHESP has needed to keep watch to ensure sex workers' rights are not violated and they are not exposed to risk. In 2013, it refused to take part in a study to assess the merits of Pre-Exposure Prophylaxis (PrEP) in HIV prevention, due to concerns that the study had no plan for providing PrEP to participants after it ended, and that sex workers did not want to start taking the drug Truvada and deal with its initial side effects if they could not be guaranteed long-term access.⁴⁰ In collaboration with partners, BHESP lobbied the Kenya Medical Research Institute and the study was stopped. Today, BHESP is part of a new PrEP pilot program, but this time it is administered through health clinics where broader services are available, a longer-term plan for PrEP access is in place, and a Community Advisory Board composed of sex workers has been established to oversee the work.⁴¹

33 For example, women are encouraged to bring their husbands when seeking reproductive health services or treatment for STIs, and those who do may get bumped to the front of the waiting list. This leaves sex workers who are unable or unwilling to produce their sexual partners at a disadvantage.

34 Communication with Peninah Mwangi, BHESP executive director, September 29, 2015.

35 For example, some sex workers thought ARVs were making HIV "grow faster" because of side effects like headaches and nausea, or believed an over-the-counter sleep aid could help protect against HIV infection.

36 Communication with Peninah Mwangi, BHESP executive director, September 29, 2015.

37 BHESP also works to recruit specialists, like dentists, to offer periodic clinics free of charge.

38 During this period the center served 2540 sex workers and 330 men who have sex with men (MSM). BHESP grant report to the Kenya Red Cross Society regarding Global Fund Round 10, June 2015.

39 Communication with Peninah Mwangi, BHESP executive director, October 16, 2015.

40 BHESP also felt researchers were not offering adequate services apart from PrEP, such as counseling or care if sex workers tested positive for HIV or other STIs.

41 The program is a collaboration between BHESP, Liverpool VCT Care and Treatment (LVCT), and the Sex Workers Outreach Programme (SWOP). It was launched in October 2015 with funding from the Bill and Melinda Gates Foundation and will include 600 sex workers.

Documentation and Legal Services

BHESP was acutely aware that many sex worker concerns were unmet by its health-focused programs—concerns like violence, arbitrary arrests, and legal issues.

In 2006, when a group leader was sexually assaulted in a bar, BHESP members used their personal resources to pursue a case. Peninah remembers the woman “was very brave and did not falter when they made fun of her in court.” But BHESP had little help and no lawyer. In the end they lost the case, the man was released, and the woman was blamed for having slandered her attacker.

A turning point came in 2007 when the Federation of Women Lawyers asked BHESP to take part in a research project documenting violence against sex workers.⁴² The research process and resulting report and launch helped BHESP articulate the scope of abuses sex workers were experiencing and introduced them to new allies. When the bodies of four sex workers were later discovered in the town of Thika, and skeptical police arrested the 14 sex workers who went to the station to report the murders, BHESP sprang into action. It organized a demonstration of over 100 sex workers, called in the media, and contacted partners, including lawyers from the Centre for Rights Education and Awareness. CREAW agreed to defend the women and, in the end, the charges were dropped and the murderer caught.⁴³ Peninah says the representation from lawyers—the first of its kind for sex workers in Kenya—gave sex workers new confidence in BHESP and their rights.

In 2010, BHESP secured funding to launch a legal aid program and train sex workers as paralegals. It identified 18 peer educators who had demonstrated leadership—including Mary—and partnered with CREAW to train them on laws related to sex work, police arrest procedures, and guidelines for responding to and collecting evidence of abuse. The paralegals are always on call, serving as the first point of contact for sex workers who need legal help.⁴⁴ As BHESP explains, “If a sex worker is raped, the paralegal runs to her, counsels her, makes sure she goes to the hospital to get treatment and a medical report, keeps her records, helps her file a report at the police station, and follows up on the arrest.” Mary says the work is challenging, but that she is “very proud of being a paralegal” because it has empowered her to support other sex workers.⁴⁵

The paralegals conduct trainings to make sure sex workers know their rights and teach them to recognize arbitrary arrests and illegal detention. A week after one training, a sex worker in custody demanded police tell her why she was being held, and asked for her three phone calls. BHESP says the officer “was shocked on learning that she knew her rights and released her immediately, since he did not have anything to charge her with.”⁴⁶ Though many sex workers contact the paralegals directly when they need help, BHESP has established an emergency mobile phone alert system sex workers can text.⁴⁷ The messages are received by an administrator who connects sex workers to medical services, or notifies the nearest paralegal. In addition to broadening its reach, the system allows BHESP to monitor the frequency and types of abuses occurring in specific neighborhoods and disseminate information to sex workers en masse about dangerous people or areas, condom shortages, or events. On average, BHESP receives 10 text messages a day.⁴⁸

**BHESP sprang into action.
It organized a demonstration of over**

→ **100**

**sex workers, called in the media,
and contacted partners.**

⁴² The FIDA-Kenya report is available here: https://www.opensocietyfoundations.org/sites/default/files/fida_20081201.pdf

⁴³ “Kenya police hunt for ‘serial killer cult leaders,’” *BBC News*, June 10, 2010, <http://www.bbc.com/news/10284299>

⁴⁴ The role is largely volunteer, but paralegals receive 5,000 Kenya shillings a month (approximately \$50 USD) to cover transportation and communication costs. They submit monthly reports documenting their work, and meet every other month with BHESP staff and lawyers to discuss emerging issues, trouble shoot problems, and share updates about pending cases.

⁴⁵ Communication with Mary Mugure, BHESP paralegal, December 22, 2015.

⁴⁶ BHESP grant report to the Open Society Initiative For Eastern Africa, October 2012.

⁴⁷ BHESP advertises the number in bars and other key locations. The system uses FrontlineSMS, a free open source software used to distribute and collect information through text messages, and was launched in collaboration with CREAW and the Social Development Network (SODNET).

⁴⁸ Communication with Peninah Mwangi, BHESP executive director, November 2, 2015.

{SAFETY AND CARE IN KENYA}

BHESP also helps sex workers use the courts to take action against those who violate their rights.

BHESP also organizes quarterly legal aid clinics where sex workers can speak with lawyers directly about other concerns, like being disinherited, negotiating a divorce, or securing child support. BHESP says these clinics are important because they address sex workers' needs as a whole, and "demystify the law and make it accessible." BHESP explains that, when it first started its legal program, it was important to partner with an organization like CREAM, because CREAM was already working with communities, understood activism, and had experience training paralegals. However, now that BHESP knows the ropes, it has started contracting lawyers directly, which gives it more control over their work.⁴⁹

Though BHESP remains committed to using the law to hold police accountable for misconduct, in recent years it has also looked for ways to build bridges with law enforcement to prevent violence and harassment. It has organized a series of forums bringing police and sex workers together to foster mutual understanding and identify ways to reduce abuse. Police officers who have taken part in the trainings have started calling to warn paralegals of police operations in particular areas, referring sex workers to BHESP for services, and responding to sex workers' requests for help.⁵⁰

Using the Courts to Challenge Laws and Change Practices

BHESP says when sex workers were confronted by police in the past, they would plead for mercy and pay extortion, or plead guilty and pay a fine—whether or not they had actually committed an offense. Now, with paralegals to advise them and pay their bail,⁵¹ many sex workers contest the charges. The process can take anywhere from three to six months, and often involves multiple trips to court and postponements, which BHESP believes is to deliberately discourage sex workers from pleading not guilty. Yet, with their peers in court to cheer them on,⁵² many sex workers see their cases through. Since 2010, sex workers have successfully challenged loitering and other municipal charges on more than 60 occasions, winning because police fail to produce sufficient evidence.⁵³ These challenges are taking a toll on prosecutors and arresting officers who must also appear in court each time. In many jurisdictions now, BHESP says that when police realize sex workers will plead not guilty they just let them go because they know they have no case against them. For police to do otherwise "wastes their time and embarrasses them when sex workers are released." Though the process is also a hassle for sex workers, many see longer term benefit: police stop unlawfully arresting them when they see they know their rights.⁵⁴

BHESP also helps sex workers use the courts to take action against those who violate their rights. In 2013, staff at a local hospital took newborn twins away from their mother because they believed, as a poor sex worker, she was unfit to raise them. CREAM represented the woman in court, and the judge ruled for the babies' return. In 2014, a sex worker was severely beaten and left unconscious by a man who, for years, had demanded regular payments from sex workers in exchange for his protection. A paralegal responded, taking the woman to the hospital, getting the required medical forms, and filing a case with police. In the end, the man was arrested and jailed for three months, which BHESP says sent a clear message to the community: sex workers are no longer at the mercy of abusers.⁵⁵

49 Communication with Peninah Mwangi, BHESP executive director, October 16, 2015.

50 CREAM grant report to the Open Society Initiative for Eastern Africa, September 2012.

51 BHESP has a "revolving fund" for bail through which it provides bail when sex workers are arrested, and the court returns the funding when the charges are dropped.

52 In the early days, BHESP would mobilize large groups of up to 60 sex workers to go to court, and they would do celebratory dances outside when they won. BHESP says this encouraged more sex workers to plead not guilty, and take cases forward themselves.

53 Although the sale of sex itself is not illegal under Kenyan national law, sex work is criminalised through provisions related to "living off the earnings of prostitution" and "soliciting or importuning for immoral purposes." Across the country a variety of municipal bylaws are also used to target sex workers. In Nairobi, these include things like loitering with intent to commit prostitution, and drunk and disorderly conduct. More information is available here: Federation of Women Lawyers Kenya, *Documenting Human Rights Violations of Sex Workers in Kenya* (Nairobi: FIDA Kenya, 2008).

54 Communication with Peninah Mwangi, BHESP executive director, October 16, 2015.

55 Communication with Peninah Mwangi, BHESP executive director, November 2, 2015.

Sex workers have also pursued cases against police, including two in 2014 on behalf of women who were killed. Though one officer is in custody awaiting trial, police have been slow to act in the other case, prompting BHESP to organize a demonstration with three bus loads of sex workers who went to the mortuary where the body was held and to the Independent Policing Oversight Authority to demand justice. Peninah admits taking on police can be a security concern and says officers, or their family and friends, sometimes try to intimidate sex workers into dropping charges. They have even threatened her directly. BHESP offers support and counseling, but has no way to hide sex workers or fully ensure their safety. As Peninah explains, “We try within our limitations, but you have to balance. It’s a life at risk, and sometimes you just let the case go.”⁵⁶

Policy Advocacy

In addition to helping sex workers and bar hostesses defend their rights using the law, BHESP also advocates for national policies and programs related to sex work. Peninah remembers what it was like in BHESP’s early years, when most of the funding for HIV was going toward prevention for the general public and programs promoting abstinence. Sex workers were “a forgotten lot.” Even when sex workers were the focus, it was large-scale NGOs, not community groups, who received the grants. BHESP pushed for a place in AIDS-related dialogues. Its advocacy helped get programs for sex workers prioritized in Kenya’s second National HIV/AIDS Strategic Plan, influence how funding was spent, and make discourse about sex workers less stigmatizing.⁵⁷ When sex workers had trouble accessing condoms from government facilities for example, BHESP did a mapping to show where condoms were needed and how many, and got health officials to start bringing cartons of them to bars. It also helped develop guidelines for peer educators to standardize their role, establishing how much they should be paid and setting realistic targets for their outreach.

In 2014, Peninah was elected to serve as the Key Populations Representative on the Global Fund’s Country Coordinating Mechanism (CCM),⁵⁸ which has provided another opportunity to influence Kenya’s HIV programming. She says putting sex work-related issues on the table at that level—with government ministers and United Nations heads—is powerful. She has seen the impacts. Through the CCM, Peninah takes part in field visits to assess HIV-related needs around the country, and see how Global Fund resources are being used. She says, “Wherever we go, the first thing I ask is where are the sex workers in this town? Where are the key populations?” When she learned during one visit that sex workers and men who have sex with men had not received any condoms from the organization funded to reach them, she brought these concerns back to the funder. She has also advocated for Global Fund resources to be used for interventions like police training and legal aid for marginalized groups.

Putting sex work-related issues on the table at that level—with government ministers and United Nations heads—is powerful.

⁵⁶ Ibid.

⁵⁷ Communication with Peninah Mwangi, BHESP executive director, November 12, 2015.

⁵⁸ Country Coordinating Mechanisms are the national-level decision making bodies that develop proposals to the Global Fund and oversee Global Fund grant implementation.

All of these years of advocacy have given us so much courage.

Challenges and Future Directions

BHESP has learned through its experiences. Peninah says when sex workers and bar hostesses first formed the organization, they didn't realize there were allies interested in working with them. She says by stigmatizing herself, and thinking "I can't do this I'm a sex worker," she missed opportunities, and wonders how much further the work would be if she had more confidence then, and had reached out for support and mentoring earlier. She also wishes BHESP had listened less to international groups who, though often well meaning, sometimes stifled the work by discouraging local ideas. If BHESP could do it again, it would be more confident that Kenya's sex workers know what is best for Kenya's sex worker movement. It would also have documented more of BHESP's early days, including its accomplishments and struggles. Peninah says, "We were losing sex workers in the 10s, in the 100s, in all bars. They were my friends, and I never got to write their stories. I didn't know that I could do that."⁵⁹

BHESP continues to face challenges. It still struggles with how to protect sex workers who bring cases against police. It constantly battles sensational media that reinforces negative stereotypes. At any given time, it may face shortages of condoms or medicines to treat STIs. Mary says frequent police transfers are a major hurdle: just as police begin to understand and accept sex workers, they are replaced by new officers "who don't know who we are or how to handle us."⁶⁰ There are also many competing demands on staff time, including external strategy discussions and organizations who wish to collaborate, and it is sometimes hard to say no. Peninah is relieved more sex worker organizations and leaders are emerging in Kenya to spread out the work, raise more voices, and make a bigger impact.

Despite ongoing challenges, BHESP has accomplished much. Approximately 15 of the CBOs it helped to form have secured small grants of their own for things like peer education, human rights trainings, and income generating activities to support their groups or members. BHESP has also made inroads with journalists, and Peninah has become a regular guest on KISS FM, speaking once a month on a morning talk show about issues affecting sex workers. BHESP credits the organizational capacity building it undertook in 2008 with providing the structures necessary for it to expand its staff, manage its projects, and increase its budget from approximately \$70,000 in 2009 to over \$500,000 in 2014.⁶¹ Today, 80 percent of its board, and almost half of its 16 employees, identify as sex workers.

Last October, BHESP found itself in an all too familiar situation when the bodies of 10 sex workers were found in five towns in central Kenya.⁶² Though horrible abuses like these still happen, today they are not so easily dismissed. Peninah explains that now, "We do not fear to go to the commandants, ask the policemen, put it on the TV and demand an investigation. All of these years of advocacy have given us so much courage." She says her hope is that, within the next few years, "criminalization and violence against sex workers will be things of the past, their human rights will be respected," and she can retire knowing Kenya's growing sex worker movement is in good hands.⁶³

59 Communication with Peninah Mwangi, BHESP executive director, November 6, 2015.

60 Communication with Mary Mugure, BHESP paralegal, December 22, 2015.

61 BHESP grant proposal to the Open Society Initiative for Eastern Africa, March 2014.

62 Ilya Gridneff, "Kenya police fear serial killer targeting sex workers after 10 deaths in one month," *The Guardian*, October 30, 2015, <http://www.theguardian.com/world/2015/oct/30/kenya-serial-killer-sex-workers-murder>

63 Communication with Peninah Mwangi, BHESP executive director, October 12, 2015.



Legalife-Ukraine does on the spot training for police where, after observing officers incorrectly executing their duties, it explains why their actions are problematic.

{AGAINST IMPUNITY IN UKRAINE}



AGAINST IMPUNITY IN UKRAINE

Local activists in Kirovograd, in central Ukraine, say Yulia was one of the first sex workers to take a public stand against ongoing police abuse. When she refused to pay bribes, officers verbally harassed her, and told other sex workers they would be arrested if they associated with her.⁶⁴

In August 2008, Yulia argued with several officers before setting off for work. Soon after she was seen crying in a bar where she told the bartender she had just been raped by police. Later that night she jumped from a bridge. Though her death was ruled a suicide, the sex worker community believes she was driven to it by police.⁶⁵

Yulia's story is not an isolated incident. Despite reform efforts, police abuse of power is widespread in Ukraine; physical violence, psychological abuse, extortion, torture and other cruel treatment are employed by law enforcement with impunity. Natalia Isaeva, director of the sex worker group Legalife-Ukraine, explains that police abuse is especially widespread and severe toward sex workers, because police see them as "easy targets with no protection!"

⁶⁴ Communication with Natalia Isaeva, Legalife-Ukraine director, February 1, 2016.

⁶⁵ Communication with Natalia Isaeva, Legalife-Ukraine director, March 17, 2015.

Nataliia's own traumatic experience with police prompted her to seek help and discover a regional network of sex workers ready to offer support. In 2007, she and other Ukrainian sex workers became members of the Sex Workers' Rights Advocacy Network (SWAN) of Central and Eastern Europe and Central Asia, and the following year brought sex workers together from across Ukraine to form a national network. Today the All-Ukrainian League Legalife has active sex worker-led groups in six cities. In 2009, Nataliia and her peers started a grassroots branch in Kirovograd, the administrative center of Kirovograd Oblast,⁶⁶ and in 2015 registered it as a separate organization called Legalife-Ukraine.⁶⁷

Legalife-Ukraine believes the laws on sex work fuel police abuse, especially when officers have arrest quotas to meet. Under Ukraine's Code on Administrative Offenses, prostitution is punishable by a warning or fine of \$3 to \$7 dollars for a first offense, and \$5 to \$10 dollars for repeated offenses within a year, which is a significant burden when street-based sex workers earn only around \$2 to \$6 dollars per client.⁶⁸ Though police must show an offense has transpired,⁶⁹ Legalife-Ukraine says officers frequently charge women without evidence.⁷⁰ Police detain them for several hours solely because they are registered as prostitutes in the police database or are found in an area known for sex work—even when they are sitting at a bus stop “having some sandwiches and reading the newspaper with job announcements.”⁷¹ According to Legalife-Ukraine, police fabricate witnesses to support the charges and sometimes force the women they detain to sign several confessions at once so they can use them in the future.⁷²

Many sex workers make weekly extortion payments to police to avoid conflicts but nonetheless say officers continue to harass and abuse them, periodically charging them.⁷³ Police may disclose confidential information about sex workers' work, HIV status, or drug and alcohol use,⁷⁴ or use the threat of doing so as leverage. Police also charge sex workers with crimes they have not committed, like pimping, or arms or drug possession (after planting items on them), or they use the threat of prosecution as a means for further extortion or sexual abuse. In Ukraine, sexual violence against sex workers from law enforcement is so widespread that rapes by one or more officers have become known as “subbotnik,” a term originally used to describe volunteer labor expected from citizens during Soviet times.⁷⁵ Nataliia says “those sex workers who dare to complain are repressed psychologically and abused physically, both by police directly and through other sex workers.” Police pressure them to drop their claims while other sex workers ostracize them for rocking the boat and making the situation with police worse, forcing them out of the areas where they work.

In September 2009, Nataliia herself was arrested and threatened by three Kirovograd police officers. Over several hours they verbally abused her, refusing to tell her why she was being held, allow her to call a lawyer, or let her sit. They searched her bags and phone, calling people whose numbers were written in her notebooks and pressuring her to disclose information about other sex workers.⁷⁶ When Nataliia refused to sign a document confessing to prostitution, the officers threatened to charge her with pimping, a criminal offense punishable by two to seven years in prison.⁷⁷ In the end, police were unable to substantiate any charges against her, but one of the officers disclosed her private health information to his peers. Nataliia believes she was arrested and detained because of her first-hand

Police charge sex workers with crimes they have not committed ... or they use the threat of prosecution as a means for further extortion or sexual abuse.

66 An oblast is an administrative region in many countries of the former Soviet Union. Ukraine has 24 oblasts.

67 The full name of the organization is All-Ukrainian Charitable Organization “Legalife-Ukraine.”

68 The fines are 85-170 Ukrainian Hryvnia for a first offense, and 136-255 Hryvnia for repeated offenses within a year. Street-based sex workers generally charge between 60-80 Hryvnia for oral sex (approximately \$2-\$3 USD) and 100-150 Hryvnia for vaginal sex (approximately \$4-\$6 USD). Communication with Nataliia Isaeva, Legalife-Ukraine director, February 1, 2016.

69 Police can only detain sex workers under Article 181 Part 1 if they can show the following four criteria: a discussion about service took place, money changed hands, the service was provided, and a client makes a statement confirming he received the service.

70 While sex workers may be male, female, or transgender, Legalife-Ukraine works primarily with non-transgender women.

71 Statement from Nataliia Isaeva, Deputy Chair of the Board for the All-Ukrainian League Legalife to O.P. Levitsky, Prosecutor of Kirovograd Oblast and Police Colonel K. M. Pozhydayev, Chief of Police in Kirovograd Oblast, May 18, 2012.

72 In at least one instance, Legalife-Ukraine proved that a woman charged with Article 181 Part 1 was not even in Kirovograd at the time, and in another the woman was in a maternity hospital giving birth.

73 According to Legalife-Ukraine, payments to police for “permits to work” range from 100 to 500 Ukrainian Hryvnia (\$4-\$21 USD) per week depending on the region and location (e.g. road, sauna, apartment), and sex workers who pay are still charged under Article 181 Part 1 at least once every 3 months.

74 Nataliia estimates approximately one third of the sex workers in Kirovograd Oblast use intravenous drugs. Communication with Nataliia Isaeva, Legalife-Ukraine director, April 18, 2015.

75 Subbotnik is a Soviet era term that refers to “voluntary (but in fact obligatory) monthly civil service provided free of charge.” In the context of sex work, the term “refers to sex workers being obliged to provide free sexual services to the police in exchange for limiting harassment or avoiding arrests. One woman is often forced to service more than one person, often without condoms.” Central and Eastern European Harm Reduction Network, *Sex Work, HIV/AIDS and Human Rights in Central and Eastern Europe and Central Asia* (Vilnius, CEEHRN: July 2005), 22.

76 “Open letter to the Government of Ukraine Regarding Police Intimidation and Abuse of Sex Workers in Kirovograd, Ukraine and the Illegal Arrest and Detention of an Outreach Worker in Kirovograd, Ukraine in September 2009,” January 2010, https://www.hrw.org/sites/default/files/related_material/HHR_2010_UkraineSexWorkOpLett.pdf

77 Ibid.

Their work has catalyzed investigations into beatings and inhumane living conditions in at least two prisons and a pre-trial detention center.

knowledge about the officers' ongoing extortion and abuse of sex workers. They were the same officers who had argued with Yulia the day she died.⁷⁸

The All-Ukrainian League Legalife used Nataliia's experience to create a precedent, filing complaints with government bodies and prompting organizations around the world to call on the Ukrainian Government to investigate and punish police mistreatment of sex workers and re-examine sex work-related laws.⁷⁹ In response to the claims of widespread abuse, Ukraine's Minister of Interior asserted that sex workers had not submitted any previous complaints of police misconduct. His words propelled the All-Ukrainian League Legalife to make Kirovograd a pilot site for a project to systematically document police abuse.

Documentation

Ukrainian law stipulates that police are accountable to the public and their actions should be "open to the public eye."⁸⁰ In October 2011, the All-Ukrainian League Legalife sent a letter to the chief of police of Kirovograd Oblast informing him it would begin to monitor and record Kirovograd officers as they performed their duties. It explained how the documentation would help the chief in "strengthening police officers' discipline, preventing situations when they violate rights and freedoms of citizens, and enhancing transparency and accountability to the community."⁸¹ In his reply, the chief acknowledged Legalife's plans⁸² and confirmed officers in the region had been informed of the initiative.⁸³

Legalife-Ukraine began training sex workers to use mobile phones to capture their experiences with police. When officers approach, sex workers call Legalife-Ukraine staff members who record the interactions on their phones. One sex worker recalls how officers "tried to maintain better conduct than usual" when they saw her calling someone, and asked only for her name before leaving. Another sex worker believes it was the call she made to Legalife-Ukraine while exiting a bus that prompted police to leave her alone entirely. Legalife-Ukraine says the recordings are used mostly to prove "the innocence of the sex workers rather than the guiltiness of police. For example, when police say, 'She rushed at us with her fists and was rude,'" Legalife-Ukraine produces the real conversation.⁸⁴

Legalife-Ukraine's staff members also document the details not captured in the recordings, as well as rights violations they learn about during outreach. Between January and September 2013, they documented 33 rights violations committed against sex workers by police, including threats, intimidation or psychological pressure, extortion, and physical or sexual violence, like beating and rape.⁸⁵ Nataliia has recently become a member of a watchdog group that monitors police conduct around the country, known as the Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement. Nataliia serves as UMDPL's Kirovograd coordinator, tasked with organizing a team to visit state detention facilities to check whether their conditions and procedures are in compliance with human rights principles and Ukrainian laws.⁸⁶ In collaboration with the Ombudsman's office, Nataliia and other trained monitors enter the facilities, document violations, and make recommendations to the responsible institutions on behalf of the Ombudsman. Their work has catalyzed investigations into beatings and inhumane living

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Article 3 of Ukraine's Law on Militia #565-12, adopted on December 20, 1990, with amendments introduced on April 10, 2015.

⁸¹ Letter from Nataliia Isaeva, Deputy Chair of the Board for the All-Ukrainian League Legalife to Police Colonel K. M. Pozhydayev, Chief of Police in Kirovograd Oblast, October 4, 2011.

⁸² Letter from Police Colonel K. M. Pozhydayev, Chief of Police in Kirovograd Oblast to Nataliia Isaeva, Deputy Chair of the Board for the All-Ukrainian League Legalife, October 11, 2011.

⁸³ Letter from Police Colonel K. M. Pozhydayev, Chief of Police in Kirovograd Oblast to Nataliia Isaeva, Deputy Chair of the Board for the All-Ukrainian League Legalife, April 6, 2012.

⁸⁴ Communication with Nataliia Isaeva, Legalife-Ukraine director, April 7, 2015.

⁸⁵ All-Ukrainian League Legalife, *Study of Sex Workers Kirovograd Region on Human Rights Violations by Police Officers* (Kirovograd: Legalife, 2013).

⁸⁶ Monitors have access to a variety of state facilities, including foster homes, orphanages, mental health wards, detention centers, and prisons.

conditions in at least two prisons and a pre-trial detention center. Nataliia says her engagement with UMDPL has not only allowed her to help individuals in police custody, but has linked Legalife and sex workers to UMDPL's expert network, and given them more authority in engaging with police.⁸⁷

Nataliia believes "the power of the documentation cannot be overstated." It has allowed Legalife-Ukraine to do on the spot training for police where, after observing officers incorrectly executing their duties, it explains why their actions are problematic. It says many officers are now "well aware their misdeeds may be recorded" and they will be held accountable.⁸⁸

Legal Services

As its documentation grew, Legalife-Ukraine looked for a lawyer to help it take legal action to address the violations. Nataliia met Mikhail Chepil through his work with the All-Ukrainian Network of People Living with HIV/AIDS. He soon became a legal resource, working pro bono for Legalife-Ukraine until it secured funding for his services. Between 2009 and 2014, Chepil offered legal advice to Legalife-Ukraine's staff and legal services to the sex worker community by phone and on the roads where sex workers work. In 2013 alone, Chepil provided 168 consultations to sex workers on issues such as restoring identity documents, securing residence registration,⁸⁹ and reviewing legal forms like housing contracts.

One of Chepil's biggest contributions has been with police. A former police officer himself, Chepil understands how police operate and responded as soon as sex workers were taken into custody. According to Legalife-Ukraine, police often dropped cases when Chepil got involved, but only by responding immediately could he prevent police from having time to falsify evidence. Legalife-Ukraine and Chepil have encouraged sex workers to submit complaints of misconduct to the Prosecutor's Offices and Departments of Internal Affairs in Kirovograd City and Oblast, respectively, depending on where the violations occur.

In 2012, a group of sex workers contacted Legalife-Ukraine after several drunk officers tried to extort money from them, arresting them when they refused to pay. Legalife-Ukraine's staff members responded immediately, witnessed the officers' intoxication, and secured the sex workers' release when police were unable to clarify the grounds for detention. The women agreed to file a complaint and the Prosecutor's Office ruled in their favor. As a result, two of the officers were reprimanded and stripped of their bonuses.

Soon after, a group of drunk men that included an off-duty police officer began swearing at and threatening staff members from Legalife-Ukraine as they conducted outreach, hitting one woman in the face. They called the police, and when the nearest patrol unit responded it included one of the officers who had been previously stripped of his bonus. Nataliia recalls how the officers were incredulous when they arrived, saying "First you complain about us, and now you ask for our help?" However, when she told the officers that Legalife-Ukraine would file another complaint if they did not perform their duties appropriately, she says they "sprang into action" and arrested the abusive officer. He was fired from his post and barred from employment in any other police institution as a result.

Many officers are now "well aware their misdeeds may be recorded" and they will be held accountable.

⁸⁷ Communication with Nataliia Isaeva, Legalife-Ukraine director, February 25, 2016.

⁸⁸ Legalife-Ukraine grant report to the Open Society Foundations, September 2013.

⁸⁹ In Ukraine, residence registration is important for accessing social benefits like housing, pensions, medical care, and education.

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More than

sex workers actively monitor police.

When Chepil left the project in 2014, Legalife-Ukraine signed a contract with a team of nine lawyers from Kirovograd's Lawyers Bureau to provide ongoing legal support. In the past, few sex workers wanted to follow through with complaints against police because of the extensive paperwork and long processes they had to undergo in person. However, through the Lawyers Bureau agreement, lawyers can now represent Legalife-Ukraine members directly, interacting with government bodies on their behalf to file complaints and push investigations forward.⁹⁰ Legalife-Ukraine's staff members, meanwhile, have begun providing basic legal advice directly to sex workers, and supporting non-members who wish to pursue complaints.

Security

When sex workers began filing complaints against police, officers sometimes threatened to retaliate. Legalife-Ukraine worked preemptively with local partners to develop a strategy to protect sex workers. It rents a "crisis apartment," a secure place to stay where sex workers' basic needs are met, and it provides an escort if they fear going out. Legalife-Ukraine has rented apartments three times in three years, for approximately one month each time. It says this measure has been enough to dispel security concerns until it was safe for those being protected to returned home.

Nataliia says that in some instances publicizing cases of police misconduct has made officers back off and prevented further abuse. For this reason, Legalife-Ukraine has invested time in building relationships with the media, which has also helped to raise awareness about sex work among the general public. In March 2015, more than 20 Kirovograd journalists covered Legalife-Ukraine's demonstration to mark International Sex Worker Rights Day and were largely supportive, quoting Legalife-Ukraine's press release and using terms like "sex work" and "human rights."

Mobilization and Skills Building

When Legalife-Ukraine's documentation project first started, only staff members and three to five sex workers from the community were involved; now more than 15 sex workers actively monitor police. Legalife-Ukraine credits its ongoing outreach within the sex worker community with building sex workers' trust. In addition to distributing condoms and clean syringes it receives from partner organizations, Legalife-Ukraine trains sex workers on health and work safety, Ukrainian law, and how to report abuse. It says these efforts have helped sex workers learn how to better communicate, have faith in themselves, and assert their rights.

Sex workers understanding their rights in relation to law enforcement has been particularly empowering. In one audio recording, a sex worker prompts an officer to follow proper protocol, asking "How could I know you are police? It's not written on your forehead. Show me your documents. Introduce yourself as it is intended to be."⁹¹ Legalife-Ukraine says Kirovograd's sex workers are learning to control situations on their own without always relying on the organization to intervene. It sees this as a key achievement, critical to the long-term sustainability of its work.

⁹⁰ Legalife-Ukraine's membership model was discussed and adopted in 2014 at a meeting of interested sex workers. Sex workers can become members by either paying a membership fee of 20 Ukrainian Hryvnia per month (approximately \$0.90 USD) or working as volunteers to support Legalife-Ukraine's activities. Payments must be made by bank transfer, and members are encouraged to pay for a year at a time to reduce administrative burden. Legalife-Ukraine currently has 12 members.

⁹¹ Legalife-Ukraine audio recording, June 25, 2013.

Shifting Public Perceptions

Legalife-Ukraine also engages with leaders and other community members to establish allies who help it prevent abuses and respond to the problems it documents. It serves on Kirovograd's provincial and municipal coordination councils for HIV and tuberculosis, and has stressed to fellow council members the ways abusive policing practices place sex workers' health at risk. When it raised concerns about violence and extortion from a police unit, the Oblast Council contacted the unit's chief directly to demand he address it. Likewise, after struggling to gain official permission to hold workshops for police, Legalife-Ukraine encouraged the Council to make police trainings a part of the provincial HIV plan for 2015-2018 and put itself forward to conduct them. Legalife-Ukraine's contributions to the community have been recognized by the Kirovograd Oblast administration, which provides it with a subsidized office and free space to hold trainings.

Legalife-Ukraine also works with local health and social service providers to learn what services they offer, help them better understand sex workers' needs, and develop a system for referrals. In the past, many providers did not have convenient appointment times for sex workers, required them to fill out extensive paperwork, and charged fees they could not afford—all of which deterred sex workers from seeking services. Now providers ask sex workers about their needs and discuss options, rather than dictate what is best. Legalife-Ukraine also distributes information about the providers to sex workers in the community, escorts sex workers to services if they are uncomfortable going alone, and gathers feedback about service quality so it can intervene if needed. For example, when sex workers complained that an HIV and STI prevention program was failing to reach them, Legalife-Ukraine followed-up with the organization's director, who spoke to the program's outreach staff to make sure they covered their full routes.

Legalife-Ukraine says it has learned to talk about sex work in a way more people relate to and understand. For example, it highlights Ukraine's high unemployment rates and poverty, concerns that touch many Ukrainians, to illustrate why some women decide to earn money through sex work. It also frames the abuses sex workers experience as part of broader discussions of the marginalization, violence, and harassment many women in society face. It says helping people to see sex workers as individuals with diverse experiences, and linking their experiences to common struggles, promotes acceptance.

Legalife-Ukraine says it has learned to talk about sex work in a way more people relate to and understand.

SINCE LEGALIFE-UKRAINE STARTED ITS WORK

it has reached approximately

→ **70**

sex workers across Kirovograd Oblast who have become more confident and united in advocating for their rights.

Challenges and Future Directions

Legalife-Ukraine continues to face many challenges in its work. Though Kirovograd's police now largely refrain from harassing or arresting sex workers who participate in the documentation project, sex workers outside its reach are still subjected to police violence and abuse. At the same time, turnover among government officials and police personnel is high, making sensitization an ongoing effort. Political unrest in Ukraine has led to a crippling financial crisis, and diverted attention and resources to conflict areas. The crisis has prompted Legalife-Ukraine to expand its target group to include internally displaced people coming to Kirovograd who need assistance, to ensure they know their rights and have access to services. With the shifting exchange rate and widespread inflation, Legalife-Ukraine worries about stretching its budget to meet these growing needs.

Despite the challenges, Nataliia believes things in Kirovograd have improved. She says since Legalife-Ukraine started its work it has reached approximately 70 sex workers across Kirovograd Oblast who have become more confident and united in advocating for their rights, and who have better access to health and social services. She also points to a reduction in cases of misconduct by police who "have started to be very careful and a bit scared" of sex workers. She says, "Knowing complaints can be filed against them has made officers begin to treat sex workers more respectfully and respond to their appeals for help."

When asked about the future, Nataliia says Legalife-Ukraine has recently launched a 24-hour hotline sex workers can call, and has started working in other cities to establish documentation projects. Through these efforts it hopes to expand the number of sex workers under its protective reach, and eventually build enough evidence and allies to challenge the law penalizing sex workers. Nataliia considers how things might be different in the lives of sex workers with the law repealed: "If there was no administrative article, and voluntary prostitution was acknowledged by the state as an activity that enables sex workers to earn a living, then police would have less leverage over sex workers and they could come forward freely in cases of violence or misconduct." If that were the case, she says, "thousands of lives could be saved."⁹²

Lives like Yulia's.

Knowing complaints can be filed against them has made officers begin to treat sex workers more respectfully and respond to their appeals for help.

⁹² Communication with Nataliia Isaeva, Legalife-Ukraine director, March 18, 2015.

CLAIMING RIGHTS IN ZIMBABWE



In 2013, the Sexual Rights Centre organized a protest in response to harassment of women for the way they dress.

In Bulawayo, sex workers faced stigma, discrimination, and abuse at all levels of society.

President Robert Mugabe made international news in 1995 when he called for the arrests of gays and lesbians in Zimbabwe for their “unnatural” acts, saying they behave “worse than pigs and dogs.”⁹³

When Sian Maseko moved to Zimbabwe a decade later to work in women’s rights, she was struck by the ongoing attacks on sexual rights she saw throughout Zimbabwean society, culture, and law and their impact on women. Proscriptions on sexual rights touched everyone but people who did not fit social norms, like lesbian women or sex workers, felt them severely. To address stigma and encourage discussion, Sian began volunteering with Gays and Lesbians of Zimbabwe (GALZ) to develop a play about a bisexual man. As the play toured the country, Sian was surprised how many of the conversations it sparked “were more curious exploration of the issues rather than outrage.” It made her realize how few spaces there were in Zimbabwean society where people could openly discuss sexuality in a positive and constructive way.

In 2008, Sian launched the Sexual Rights Centre (SRC) in Bulawayo, Zimbabwe’s second largest city, and served as its director for seven years. The SRC was originally to have a broader sexual rights mandate, but ended up prioritizing work with groups who experience violations and oppression related to sexual rights, including women living with HIV and AIDS, women with disabilities, sex workers, and the lesbian, gay, bisexual, queer, transgender, and intersex (LGBTQI) community. Given the frequency and magnitude of the abuses these groups faced, Sian believed the organization could have a real impact.

While the initial “what” of the SRC was Sian’s idea, she says “it was inspired by lots of people.” She remembers hearing an “awesome and fierce” lesbian poet and rapper named Sam Ndlovu⁹⁴ at a Bulawayo poetry slam, and says their meeting and others like it “sparked conversations that shaped the SRC.” Sian, Sam, and a growing team engaged the SRC’s target communities, and Sian remembers it was especially hard to reach sex workers: “It took a lot of work, late nights sitting in toilets in bars, talking to people we knew with connections, talking to bar managers, sticking up posters in all the bars in Bulawayo, before we managed to identify a group—and establishing trust took even longer.”

In Bulawayo, sex workers faced stigma, discrimination, and abuse at all levels of society. High-ranking government officials, politicians, and religious leaders used hate speech against them, inciting and condoning abuse, while many churches encouraged congregations to expose them. Sex workers often led double lives in order to maintain family and community ties, living in fear their identities would be discovered. At the same time, the level of competition among sex workers was high, and sparked frequent arguments over territory and clients. Sam says when sex workers experienced abuse they had “no way to seek justice, as the stigma around sex work was intense—from communities, the police, as well as health workers.”⁹⁵ In a 2008 survey, a sex worker told the SRC that “[health workers] often laugh at us and tell us we are not to be treated because we are dirty.”⁹⁶ The stigma was often even greater toward the small community who identify as both sex workers and LGBTQI.

93 Chris Dunton and Mai Palmberg, “Human Rights and Homosexuality in Southern Africa,” *Current African Issues* 19, Second Expanded Edition (1996): 12.

94 Sam now identifies as a gender variant person. Gender variant refers to anyone whose gender identity and/or gender expression is different from traditional or stereotypical expectations of how a man or woman “should” appear or behave.

95 Communication with Sam Ndlovu, SRC programme officer, August 25, 2015.

96 Sexual Rights Centre grant proposal to the Open Society Initiative for Southern Africa, September 2010.

Law enforcement in Bulawayo was particularly brutal. Sex workers reported “being picked up by police and dumped far out of town at night ... being arrested and raped by multiple officers, being detained in cells with police dogs,” and being doused with water and denied medications.⁹⁷ One sex worker described her experience in custody: “The police officer called me a ‘filthy prostitute’ and asked the other detainees who were men if they wanted a free ride, as they could make the prostitutes bend over.”⁹⁸ Police also frequently confiscated and destroyed sex workers’ condoms, and used condom possession as grounds for arrest and evidence of a crime, making it harder for sex workers to carry and use them.⁹⁹ Some sex workers reported being arrested multiple times in a single night, having to pay a fine or extortion to police only to be re-arrested by different officers shortly after.¹⁰⁰

At the same time as the SRC built relationships with sex workers and other marginalized groups, it established high-level allies in order to provide a layer of protection and credibility for its work. It set up a five-member board made up of a prominent transgender activist and influential figures working in health, law, and counseling with whom it hoped to partner. Sam says that “each [board] members’ specialist services assisted the organization in various ways.” For example, when the police tried to intimidate the SRC, the lawyer was instrumental in asserting its rights. Likewise, the doctor provided non-discriminatory services to sex workers and helped recruit other health professionals for trainings.

Mobilization and Skills Building

From the moment the SRC identified sex workers as a target group, it looked for ways to actively engage them in conceptualizing and leading its work. As Sian explains, “The SRC was always supposed to be a facilitator, nurturing leadership and then supporting the groups that emerged to lead and take on their own struggles and advocate for their own rights.” She says sex workers were extremely suspicious of their overtures at first, but repeated, informal conversations asking how the SRC could best support them helped. So did Sam. Sam worked as the program officer for the SRC’s sex work project initially, and sex workers trust Sam. As a member of the LGBTQI community, Sam understood what it was like to be marginalized and excluded.

The presence of Sam and others from the LGBTQI community showed sex workers that the SRC office was an unconventional space in which people could be themselves. The SRC began hosting informal “coffee mornings” every other Wednesday that drew more than 70 attendees, and instituted an open door policy whereby staff members took turns making themselves available for a cup of tea anytime visitors dropped in. When it began to organize health and human rights trainings, the SRC first asked sex workers what they wanted to know and what time was convenient, then offered to provide childcare when it learned this was a need. Staff members recall hiccups, like forgetting to invite someone to an event or not having enough

Sex workers reported being picked up by police and dumped far out of town at night ... “being arrested and raped by multiple officers, being detained in cells with police dogs.”

The SRC office was an unconventional space in which people could be themselves.

⁹⁷ Sexual Rights Centre grant proposal to the Open Society Initiative for Southern Africa, August 2014.

⁹⁸ Sexual Rights Centre grant report to the Open Society Initiative for Southern Africa, November 2013.

⁹⁹ Open Society Foundations, *Criminalizing Condoms: How Policing Practices Put Sex Workers and HIV Services At Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe* (New York, Open Society Foundations: 2012), 10-11.

¹⁰⁰ Communication with Sharon Matshazi and Barbra Moyo, SRC paralegals, September 9, 2015.

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The paralegals provide legal advice and education to sex workers, document abuses, and advocate with police on sex workers' behalf.

food to go around, but they owned up to the mistakes and responded when they could, which they say went a long way toward building trust. The SRC also ordered condoms in bulk and distributed them liberally. This sent the message that condoms are tools sex workers need for their work.¹⁰¹ Barbra Moyo was one of the sex workers who first came to the SRC when she was invited for a coffee morning, and remembers she “felt comfortable in the space, as it felt safe.”¹⁰²

As the SRC's relationship with sex workers grew stronger, it established a 10-member Sex Worker Advisory Committee elected by sex workers, which meets monthly to more formally guide its work. The Advisory Committee serves as a bridge to the sex worker community, proposing ideas for workshops, suggesting what service providers need training, and mobilizing sex workers to get involved in activities. In 2012, when Sam wrote and recorded a song with sex workers about their rights, the SRC staff and Advisory Committee went to bars across Bulawayo, asking DJs to play it as they danced. The SRC says fun activities like these celebrate sexuality and encourage sex workers to seek support and services at the SRC.¹⁰³

As more sex worker leaders emerged, the SRC established new roles to engage them. It started a human rights defenders program in which sex workers elect to participate and define the scope of work themselves.¹⁰⁴ In general, they distribute condoms and health information, connect sex workers to services, and identify other sex workers who wish to get involved. It also launched a month-long mentorship program to provide more intensive training in leadership, human rights principles, advocacy, and social media skills.¹⁰⁵ Approximately 30 sex workers have participated since 2012, and many have gone on to become key facilitators in SRC trainings, speak out on community radio stations, and serve as resource people for future groups. The SRC estimates it has reached as many as 500 sex workers in and around Bulawayo through these community-building activities.¹⁰⁶

Documentation and Legal Services

In 2013, the Sexual Rights Centre expanded its work further by hiring four sex workers who had completed the mentorship program in order to train them to become paralegals. The organization recruited a lawyer to oversee their work. The paralegals provide legal advice and education to sex workers, document abuses, and advocate with police on sex workers' behalf.¹⁰⁷ Their official hours are nine to five, but in actuality they work much more, meeting with sex workers at the SRC office, on the streets, and in police stations, and staffing a 24-hour hotline. The paralegals assist sex workers who have been arrested, and handle several additional cases each week related to police harassment, client abuse, or personal issues like securing identity documents or child support.

Arrests usually happen late at night, so the paralegals go to the detention centers early in the morning when visitation is permitted, stopping when needed to pick up sex workers' medications on the way. They always respond in pairs, taking food and beverages, placing calls to relatives, offering emotional support, and documenting any rights violations that occur during the arrest or detention. In cases where many sex workers are arrested at once, or police are obstructive, the paralegals call the lawyer

¹⁰¹ Communication with Sian Maseko, former SRC director, July 31, 2015.

¹⁰² Communication with Sharon Matshazi and Barbra Moyo, SRC paralegals, September 9, 2015.

¹⁰³ Communication with Sian Maseko, former SRC director, October 7, 2015.

¹⁰⁴ The SRC does not pay human rights defenders because payments are difficult to sustain and are contrary to the policies of other local NGOs. However, it does provide a per diem for training days (\$10-\$15 USD per day), and gives small tokens of appreciation in recognition of their contributions, including things like phone airtime, hats, or bags.

¹⁰⁵ The course was originally spread over three months, but has been adapted to a more condensed period to make it easier for participants to commit to and complete. Participants apply by submitting a letter of motivation, though no one is ever turned away — just deferred to future cohorts if interest is too great.

¹⁰⁶ While the SRC's main focus is Bulawayo, it also works with sex workers in Beitbridge, Gwanda, Hwange, Plumtree, and Victoria Falls to provide health information and other support.

¹⁰⁷ The paralegals report that, without their intervention, police often reject sex workers' cases on the grounds they are sex workers. Communication with Sharon Matshazi and Barbra Moyo, September 9, 2015.

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for backup. Sam says sex workers' resilience upon arrest has increased as a result of the paralegal program, and many sex workers have stopped paying police extortion because they trust the paralegals will help them in custody and secure their release. In 2014, the SRC entered into a partnership with Abammeli, a network of human rights lawyers, to ensure ample legal support for the paralegals in responding to sex workers' growing legal demands.¹⁰⁸ Between August 2014 and August 2015, the paralegals responded to more than 700 sex worker arrests.¹⁰⁹

When the paralegal program first began, police were sometimes unresponsive to the paralegals' requests to see detained sex workers. Yet over time they have become known by police and the relationships have improved, especially at the stations they frequent most. Barbra is one of the paralegals, and says now that police have gotten used to her, they work well with her, contact her directly when sex workers have been arrested, and even introduce her to new officers, and those officers at other stations who deal with sex workers. She thinks police have begun to see the benefits of having a friendlier relationship with sex workers, since they sometimes request her help in reaching out to the sex worker community to ask for information about open investigations. Though arrests still occur, sex workers report an improvement in their treatment in custody as police have realized they know their rights.¹¹⁰

The SRC says getting the paralegal program up and running has been challenging, but is "the ultimate test of living the values we were promoting." Through the program it has hired sex worker staff, and reinforced its stance that sex work is work, supporting the paralegals in their desire to continue selling sexual services despite the conflict of interest this can cause when they are arrested. In addition, when some sex workers said they were uncomfortable sharing their personal concerns with paralegals who were part of their own community, the SRC recruited a gay man and lesbian woman to join the paralegal team, reinforcing its commitment to collective action and building solidarity across movements.

Using the Courts to Challenge Laws and Change Practices

The SRC's long-term goal for its legal program is to change policing practices and challenge the laws that criminalize sex work and infringe on sex workers' human rights.¹¹¹ It says sex workers have been hesitant to file formal complaints in response to abuse, in part because of the time required to pursue a case and in part because they may not see the benefit. However, this is changing as sex workers' trust in the SRC's legal services grows, and more cases are won and publicized.

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¹⁰⁸ Communication with Nqobani Nyathi, SRC lawyer, February 5, 2016.

¹⁰⁹ Communication with Sharon Matshazi, SRC paralegal, September 2, 2015.

¹¹⁰ Communication with Sharon Matshazi, SRC paralegal, September 10, 2015.

¹¹¹ Though the laws in Zimbabwe do not criminalize selling sex, conduct related to sex work such as publicly soliciting for clients and living off or facilitating prostitution are criminalized. Other criminal laws are also used to target sex workers, including criminal nuisance and public indecency. Sex workers usually pay a fine of \$5 dollars for solicitation, but could be charged up to \$200 dollars or serve six months in prison, or both.

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Sex workers often serve as facilitators in SRC events, challenging stereotypes and bringing their lived experience into the conversations.

In 2013, a sex worker from Bulawayo filed criminal charges against a police officer who had verbally, physically, and sexually assaulted her. Barbra accompanied the woman to the hospital and police station, and was present in court with a sizeable group of sex workers to provide support. The officer was found guilty and fired from the force, and the woman is now pursuing a civil case seeking damages. When asked about the outcome, the sex worker who won the case said it has made police more cautious in their interactions with sex workers, and that some officers have even begun apologizing to women they wronged in the past.¹¹²

The SRC says having documentation has allowed it to not only seek justice in individual cases, but to identify and confront systemic practices that violate sex workers' rights. In 2015, the SRC represented five women arrested for solicitation based on their "sexually appetizing clothing." The court found there was insufficient evidence and acquitted them.¹¹³ Zimbabwe's Constitutional Court later dismissed a similar case, sending a clear message that police must have evidence to arrest and prosecute sex workers.¹¹⁴ The SRC is currently pursuing a case on behalf of three women arrested and fined for "loitering for the purposes of prostitution," to challenge the way police continue to apply this law even though it was repealed in 2006.¹¹⁵

Shifting Public Perceptions

The SRC remains committed to providing safe spaces and opportunities for people to talk about sexual rights in Zimbabwe. It believes this is critical in order to reduce the stigma and discrimination sex workers and other marginalized communities face. It hosts trainings for a range of stakeholders, and works with sex workers to create "digital story" videos as a way for them to share their experiences on their own terms, including the option to do so anonymously.¹¹⁶ Sex workers often serve as facilitators in SRC events, challenging stereotypes and bringing their lived experience into the conversations. After one training, a healthcare provider said she had gained a better understanding of what it was like for sex workers when they tried to access health services, and she "would not want to be treated that way."¹¹⁷ In 2015, the SRC organized a campaign at the International Conference on AIDS and STIs in Africa to celebrate the health professionals in its network who provide non-discriminatory care to sex workers, and to give them a platform to share their personal journeys with other providers.¹¹⁸

One of the SRC's most successful engagements has been with religious leaders. Sex workers specifically asked the SRC to target clergy because of how influential the church is in creating negative perceptions of them. In essence, they were "sick and tired of being labeled whores when they came to church." The SRC organized trainings for 40-50 church leaders at a time, and identified 12 clergy who wanted to engage more deeply.¹¹⁹ The SRC recognized that if it wanted these individuals to step-up and champion sexual rights in Zimbabwe's conservative environment, it needed to support them. It started monthly meetings to allow clergy to discuss challenges and ask questions.¹²⁰ Since this work began, several clergy have spoken publicly to their congregations and at SRC events about sexual rights, and have provided support to parishioners whose children identify as lesbian or gay.

112 Communication with the plaintiff, March 3, 2014.

113 Communication with Nqobani Nyathi, SRC lawyer, September 7, 2015.

114 Zimbabwe Lawyers for Human Rights, "Import of the Ruling by the Constitutional Court in The Matter of Chipo Nyamanhidi and Eight Others CC 15/15," May 2015.

115 The law was repealed by the Criminal Law (Codification and Reform) Act of 2006.

116 Sex workers choose their words, images, and music for these "digital stories," editing their narratives until they are happy with the results. The SRC hosts screenings for those who wish to share their videos, and frequently incorporates them in trainings as a way to help sex workers who may not wish to speak publicly be heard.

117 Sexual Rights Centre grant report to the Open Society Initiative for Southern Africa, February 2012.

118 Communication with Humphrey Ndongu, SRC director, February 8, 2016.

119 The clergy encompass a variety of denominations, including Anglicans, Methodists, Baptists, and at least one Pentecostal.

120 Communication with Sian Maseko, former SRC director, July 31, 2015.

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The SRC has also organized creative stunts to get people talking about sexual rights. In 2011, it donated 20 pink trash bins to the city of Bulawayo, causing a public sensation. The mayor accepted the gift declaring, “Gays have the right to donate to [the city] council and we have the right to receive from them,”¹²¹ and vowing that anyone who vandalized the bins would be held accountable.¹²² While some citizens refused to use them, others expressed appreciation and said the donation was a noble gesture.¹²³ In 2013, the SRC organized a protest in response to harassment of women for the way they dressed, including an attack on a woman in short shorts who was stripped naked and paraded in front of the bus station—while police watched. The SRC rallied sex workers, members of the LGBTQI community, and feminists, who descended on the bus station clad in “bum shorts.” They cleaned tires, handed out pamphlets, won over drivers, and tried to make public spaces safer.

Staff Health and Wellness

From the beginning, the SRC knew there were risks in promoting sexual rights amidst Zimbabwe’s conservative environment. Foremost, it recognized the dangers for sex workers and those in the LGBTQI community whose identities were public. It held meetings to talk about safety, encouraged staff and stakeholders to travel in groups, instructed paralegals not to respond to cases at night, and built a relationship with Abammeli, a known team of human rights lawyers, to provide an added layer of protection. However in 2012, when Sam was detained and beaten by police officers while on outreach, the SRC vowed to do more.

It arranged for its staff members to undergo counseling together to come to terms with the assault and how helpless it made them feel. It also began to integrate the issue of health and wellness for staff more deliberately into its work, dedicating 10 percent of staff time to wellness-related activities. It made it compulsory for every staff member to take part in external supervision sessions as an opportunity to talk to someone unrelated to the SRC about frustrations and challenges at work. It also surveyed staff members about how to make the environment better and introduced flexible hours, gym memberships, and team building sessions in response. Sam says the wellness program helped staff members deal with trauma, handle stress, and feel like they are “an integral part of a unit that cares.” According to Sam, this has been especially important for staff who identify as LGBTQI or sex workers, whose lives the work touches personally and who have the added stress of feeling removed from their communities due to their staff responsibilities.

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In 2014

→ **18** sex workers

from Bulawayo launched a collective called Pow Wow, aimed at building a strong sex worker movement across Zimbabwe.

¹²¹ Ronald Moyo, “Gays in Colourful Donation to Bulawayo,” *Newsday*, December 7, 2011, 2.

¹²² Makhosi Sibanda and Nhlalwenhle Ncube, “Mixed Views over Pink Bins from Gay Pressure Group,” *Newsday*, circa December 2011.

¹²³ *Ibid.*

The SRC hopes to increase its geographic scope to reach more sex workers, and wants to do more to improve sex workers' access to health services.

Challenges and Future Directions

The SRC has learned much over the years. One of its biggest strengths is its decision to work with multiple communities, since this has created an opportunity to build solidarity and share struggles. Sian remembers it was difficult to bring sex workers and LGBTQI community members together at first, given the prejudices of each group about the other, but in time a shared understanding developed: "You don't have to be a sex worker to fight for the right of women to choose their profession; you don't have to be a lesbian to understand that everyone should be able to choose who they love; you don't have to be trans to understand that everyone should be able to walk freely down the street without fear." This has led to more powerful advocacy across both movements. Their mantra, "we are not the same, but we are equal" shows the importance they place in solidarity.¹²⁴

The SRC also says it has struggled with supporting movements as an ally. The SRC questions what role it should play in supporting sex workers while ensuring it does not impose or obstruct the natural development of groups, organizations, or networks. Sam stresses that peer-to-peer mentoring is crucial, that top-down approaches never build trust. Sam believes allies like the SRC have an important role to play, but must remember that, "communities are the experts when it comes to what is best for them."¹²⁵

As its work continues, the SRC faces other ongoing challenges. The police routinely try to intimidate SRC staff members by keeping them under surveillance and questioning the organization's legal status. At the same time, state media demonizes sex work, which fuels negative attitudes. The paralegals get calls from sex workers in other towns, but do not have the resources to take their cases. Many sex workers in Bulawayo still opt to plead guilty and pay fines rather than spend time in detention and court, which perpetuates arbitrary arrests.¹²⁶ In recent years the SRC has seen the number of programs claiming to support sex workers mushroom, and worries it is mostly a ploy by groups to get money, diverting limited resources away from sex workers themselves.

Yet, the SRC remains optimistic. It hopes to increase its geographic scope to reach more sex workers, and wants to do more to improve sex workers' access to health services, including working with providers to establish model "centers of excellence."¹²⁷ These would offer comprehensive services, flexible hours, and payment plans. The SRC hopes to begin training police. Though the prospect seems scary to Sian, she and the SRC's new director, Humphrey Ndondo, agree it is an important next step.¹²⁸

Whatever new directions the SRC takes, the organization will be driven by the communities it serves. In 2014, 18 sex workers from Bulawayo launched a collective called Pow Wow, aimed at building a strong sex worker movement across Zimbabwe and helping society understand that sex work is work and should be decriminalized. Sam says the fact that sex workers are organizing for themselves and demanding accountability, even from the SRC, is a powerful change. Barbra says it has been largely the SRC's support, and the safe space it has provided, that has helped Bulawayo's sex workers to know they have rights and to claim them.

¹²⁴ Communication with Sian Maseko, former SRC director, September 30, 2015.

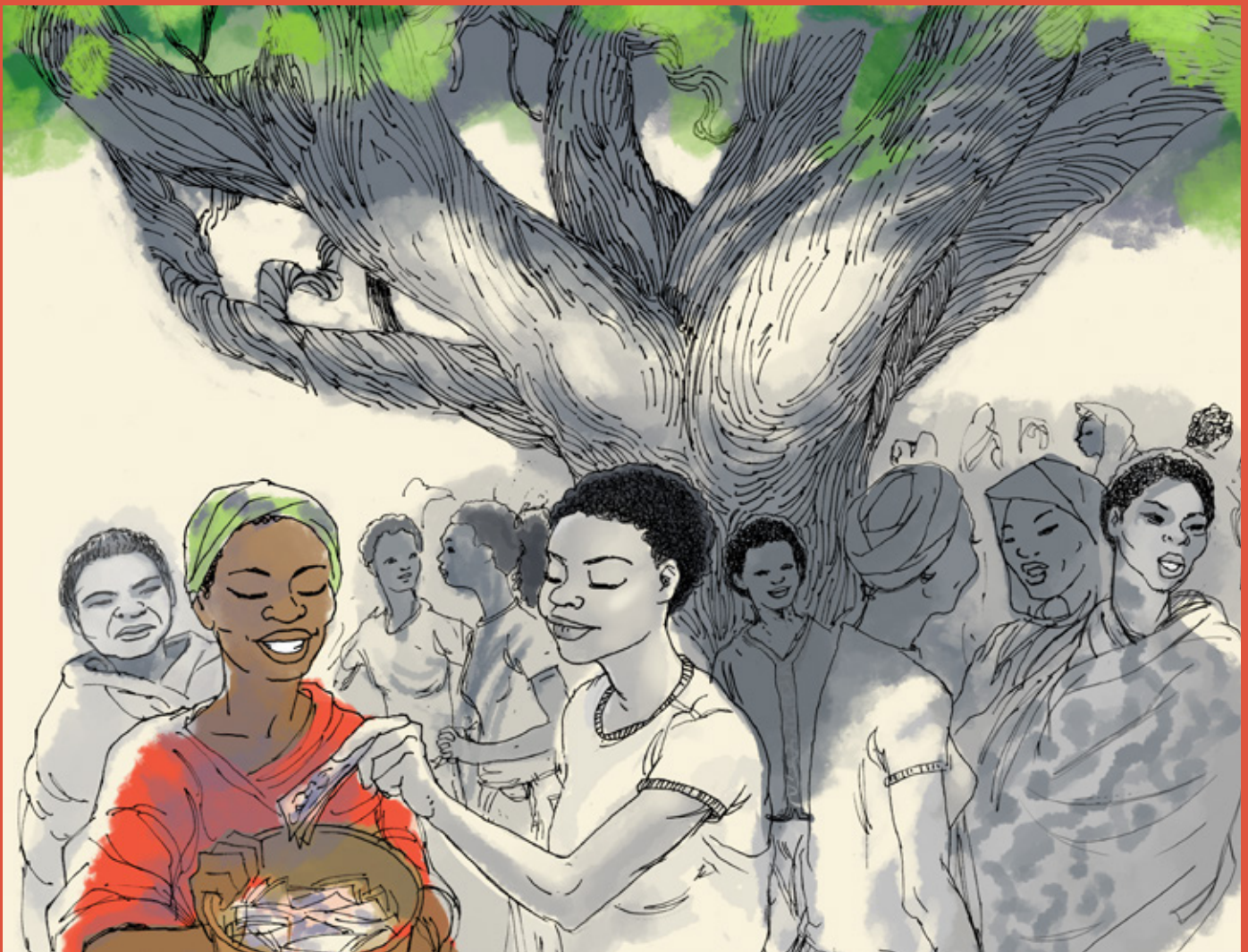
¹²⁵ Communication with Sam Ndlovu, SRC programme officer, August 25, 2015.

¹²⁶ Communication with Nqobani Nyathi, SRC lawyer, September 7, 2015.

¹²⁷ Communication with Humphrey Ndondo, SRC director, February 8, 2016.

¹²⁸ Ibid.

OWNING CHANGE IN KENYA



Busia's sex workers continued to meet under a tree, keeping the outreach activities alive, discussing ongoing challenges, and brainstorming solutions.

Located along Kenya's border with Uganda, Busia is a town of bright, low-slung buildings stretched along a major trucking route that links the port city Mombasa to Kampala, through Nairobi. In 2001, Busia's HIV prevalence was an estimated 28.5 percent,¹²⁹ more than twice the national average.¹³⁰ Sex workers were among the hardest hit.

Caroline Kemunto, programs manager of the Busia-based sex worker group, Survivors, explains that when the organization first began its work in 1999, sex workers knew little of HIV and AIDS or the importance of using condoms. They often agreed to have sex without a condom because clients would pay twice as much.¹³¹ From 2000 to 2007, at least five to ten sex workers died each year in Busia as a result of AIDS.¹³²

The high HIV rates among sex workers in Busia got the attention of the University of Nairobi and the University of Manitoba. In 1998, they recruited eight sex workers, including Carole, who they trained to educate other sex workers about HIV prevention and treatment, distribute condoms, and establish a support network. This became known as Survivors. According to Carole, the project gave sex workers "knowledge that enabled us to take control of our problems, fight to see that stigma is reduced, and demand respect as human beings." Funding stopped when the project ended in 2005, but Busia's sex workers did not. They continued to meet under a tree, keeping the outreach activities alive, discussing ongoing challenges, and brainstorming solutions. Carole took on the roll of coordinator, searched for partners interested in collaborating, wrote proposals for funding, and tried to respond to rights abuses despite feeling ill-equipped.

Survivors believed the serious human rights violations that Busia's sex workers experienced—fueled in part by Kenya's laws on sex work—were largely to blame for the high HIV rates. Though selling sex itself is not illegal in Kenya, other aspects related to sex work are illegal under criminal and administrative laws.¹³³ When Survivors began its work in 1999, police regularly harassed and detained sex workers, arresting them under municipal bylaws like "loitering with the intention of prostituting," and making them pay bribes or provide sexual favors in order to be released. In custody, officers sometimes took sex workers to their homes to rape them, often without condoms. Survivors members recount instances in which HIV positive officers said they were intentionally trying to infect sex workers because they deserved HIV.¹³⁴

The abuse cut across all areas of their lives. Bar managers would make deals with patrons on behalf of sex workers who worked as waitstaff, and fire women who refused to comply or were found to be HIV positive. When sex workers accompanied clients to guest houses, security guards often refused to let them leave the premises when they were finished, demanding sex or money in exchange for opening the gate. Clients were sometimes

129 United Nations World Food Program, *Reducing the Burden of HIV/AIDS: Experience of a Food Aid Intervention in Western Kenya* (Nairobi: WFP Kenya, 2005), 3.

130 "Positive Living: Success of Integrated HIV Care in Busia, Kenya," Medecins Sans Frontieres, accessed January 26, 2015, <http://www.msf.ie/article/positive-living-success-integrated-hiv-care-busia-kenya>

131 Survivors grant proposal to the Open Society Initiative for Eastern Africa, December 2010.

132 Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

133 Although the sale of sex itself is not illegal under Kenyan national law, sex work is criminalised through provisions related to "living off the earnings of prostitution" and "soliciting or importuning for immoral purposes." Across the country a variety of municipal bylaws are also used to target sex workers. In Busia, these include things like "loitering with the intention of prostituting" or "causing a disturbance." More information is available here: Federation of Women Lawyers Kenya, *Documenting Human Rights Violations of Sex Workers in Kenya* (Nairobi: FIDA Kenya, 2008), 7-10.

134 Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

{OWNING CHANGE IN KENYA}

abusive, refusing to use condoms or pay what was agreed, and the boda-boda drivers¹³⁵ sex workers hired for transport would rape them, or rob them of their money and phones. Sex workers seldom reported these violations; in instances when they did, Carole recalls police “would ridicule the sex worker saying, ‘You are a prostitute? Why are you complaining?’” They would refuse to book the crimes.¹³⁶ Even the general public verbally harassed sex workers on the street and would not respond when they called for help.

In this environment, sex workers often had trouble meeting basic needs. Landlords regularly denied housing to sex workers because they did not want to associate with them and thought they would be unable to pay rent. Many sex workers avoided health and social services out of fear they would be mistreated or reported to police. Sex workers who went to a local clinic to seek post-exposure prophylaxis (PEP) treatment for HIV as a result of a condom breaking or being forced to have sex without one, reported they were “shouted at” in front of other patients, instructed to come back after the 72-hour window for treatment had lapsed, or were turned away entirely and told to “get saved and quit sex work.” Carole says these experiences demoralized sex workers and made them reluctant to engage with the health system. In at least one instance, a sex worker who was denied care left town and later tested positive for HIV.¹³⁷

In 2009, Survivors secured its first donor and began working with the organizational development firm, Steps Ahead, to articulate its vision, develop its infrastructure, and strengthen its capacity. In addition to hiring a full-time programs manager and programs administrator, Survivors established a 15-member sex worker steering committee to help oversee program activities, participate in monitoring, evaluation, and planning, and report back to the sex worker community.¹³⁸ Carole says the steering committee has been critical to ensuring Survivors is “on track and that members are involved and feel they own the program.”

Survivors also has several part-time consultants, including a lawyer and accountant, and relies on an array of sex worker volunteers to implement its programs. Approximately 2,000 sex workers have registered as Survivors members, and 1,500 participate actively in its activities.¹³⁹ Though its mission remains focused on female sex workers, it has stepped in to support—until they can organize on their own—male sex workers who have been disowned by their families and “feel Survivors is their second home.”¹⁴⁰ Survivors has also helped provide school fees, uniforms, nutrition, immunizations, psychosocial support, and life skills training to approximately 200 children of sex workers, though this is largely ad hoc, since the organization has no external funding to maintain these efforts.

The project gave sex workers “knowledge that enabled us to take control of our problems, fight to see that stigma is reduced, and demand respect as human beings.”

¹³⁵ A boda-boda is a term used in parts of East Africa to describe a bicycle or motorcycle taxi.

¹³⁶ Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

¹³⁷ Survivors grant report to the Open Society Initiative for Eastern Africa, August 2013.

¹³⁸ The steering committee includes bar-based, street-based, and home and phone-based sex workers, and managers.

¹³⁹ Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

¹⁴⁰ Survivors grant report to the Open Society Initiative for Eastern Africa, January 2013.

{OWNING CHANGE IN KENYA}

Health and Wellness

Survivors considers peer education about HIV to be the backbone of its work, and says its outreach programs are how it builds relationships and trust with sex workers. It has 50 peer educators who each reach 10 to 20 sex workers per week through informal one-on-one meetings, small group sessions, or with condoms, lubricants, and referrals to testing and treatment. In collaboration with the Ministry of Health and local partners, Survivors holds evening HIV testing clinics in the community each month for sex workers and their clients, and has trained three sex workers to provide testing at its office. Survivors members say having their own HIV testing and counseling service has alleviated fears that they will be seen getting tested at a local clinic and that their results may be publicly disclosed.

The Ministry of Health has seconded a clinical officer¹⁴¹ to Survivors to provide counseling and medical treatment at its office one night a week for 20 to 30 sex workers. Members say he comes whenever they call, completes the medical forms required for documenting rape or other physical abuse, goes to the homes of sex workers who are too weak to travel, and intervenes at local clinics to help sex workers who have defaulted on their antiretroviral (ARV) drugs to get back on them. Thirteen Survivors members have also been trained to provide home-based care for sex workers who are too sick from AIDS-related illnesses to care for themselves or their families. When the project first started, each caregiver was responsible for helping 10-15 sex workers: washing them, cleaning their homes, preparing food, and offering basic medical care and counseling. The caregivers also assist ill sex workers to plan for the future by writing wills, making arrangements for their children, and compiling “memory books” with pictures and stories to help their children better know them in case they die.

In 2015, Survivors expanded its health services by opening its own medical clinic adjacent to its office. The clinic is open from 10:00am to 10:30pm Monday to Friday, and on weekends as needed, and staffed by the clinical officer and a nurse who alternate schedules. Having the clinic enables Survivors to offer family planning services, treat sexually transmitted infections (STIs), and stock an array of medications for STIs and malaria. Survivors says being able to provide medications directly has been particularly important since it found that, even after diagnoses, some sex workers were not purchasing prescribed medicines from pharmacies for fear of stigma or lack of money. The approximately 1000 sex workers who participate in Survivors’ “emergency support program”¹⁴² can now access most medications free of charge.¹⁴³ Carole says these interventions mean that today, more of Busia sex workers are seeking health services, know their HIV status, and are on treatment than ever before.¹⁴⁴

Approximately

→ **2,000**

sex workers have registered as Survivors members

and

→ **1,500**

participate actively in its activities.

¹⁴¹ Clinical Officers are health professionals in Kenya who generally have more training than a nurse but less than physicians.

¹⁴² The emergency support program is described in more detail below in the “Economic Empowerment” section.

¹⁴³ Communication with Caroline Kemunto, Survivors programs manager, February 29, 2016.

¹⁴⁴ Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

{OWNING CHANGE IN KENYA}

Support Groups

Survivors encourages the sex workers it reaches through its health-related activities to join support groups, which serve as an important coordinating mechanism for its work. It currently hosts four groups, each with approximately 150 to 200 members, which meet weekly to “make a home and a family for sex workers, where they can share and learn from each other’s experience and find a shoulder to lean on.”¹⁴⁵ During support group meetings, members air their concerns and come up with solutions; share tips for how to work safely and negotiate with clients; learn about family planning, STIs, and PEP; access help for drug and alcohol dependence; and learn their rights and how to challenge violations. Members credit the support groups with teaching them to stand in solidarity with each other and fight abuse.¹⁴⁶

Survivors also hosts two “positive living” support groups for sex workers with HIV. These groups have between 40 and 60 members each and provide a safe space to discuss things like the side effects of ARVs or how to disclose HIV status. Carole is particularly proud of these groups for how they “have helped give hope to those who thought being positive was the end of their lives”¹⁴⁷ and have led to reduced stigma, increased disclosure, and more consistent condom use.¹⁴⁸ Carole says these support groups have also reduced the burden on its home-based care providers since, with more sex workers knowing their HIV status and accessing ARVs, fewer sex workers need their help.

Economic Empowerment

Through the support groups, Survivors also administers programs to improve sex workers’ financial security and help them respond to emergencies. Its emergency support program provides sex workers with cash refunds for hospital stays, medicines, and minor procedures. It also covers burial costs, should a member or her children die.¹⁴⁹ Members who wish to participate pay an initial fee to join, then make monthly contributions. Survivors says the program has strengthened unity among sex workers, and provided society with a positive image of them in the way they care for each other and assist families who face tragedy.¹⁵⁰

Since sex work is part of the informal economy, sex workers often lack access to bank accounts, savings opportunities, loans, and pensions. To help fill these gaps, Survivors coordinates savings programs to help sex workers pay school fees for their children, or finance personal projects like buying livestock or purchasing iron sheets to build homes. Contributions are collected on a monthly basis during support group meetings, and members receive their share on a schedule. Survivors also encourages its members to pay into the National Health Insurance Fund (NHIF) and the National Social Security Fund (NSSF), mandatory health and pension schemes that few people working in the informal sector contribute to voluntarily. Survivors collects members’ dues and facilitates the monthly payments on their behalf. Members say this has helped “kill the stigma” of sex work within the larger community since non-sex workers have begun asking to participate, too.¹⁵¹

Members credit the support groups with teaching them to stand in solidarity with each other and fight abuse.

¹⁴⁵ Survivors grant report to the Open Society Initiative for Eastern Africa, November 2010.

¹⁴⁶ Ibid.

¹⁴⁷ Survivors grant proposal to the Open Society Initiative for Eastern Africa, December 2010.

¹⁴⁸ Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

¹⁴⁹ Sex workers who wish to participate pay 50 Kenyan shillings to register, then 50 shillings per month. They are entitled to up to 3000 shillings (\$33 USD) per calendar year toward medical expenses, 7000 shillings (\$76 USD) for their own funeral expenses, and 3000 shillings for the funeral expenses of unmarried children under 18 years of age.

¹⁵⁰ Communication with Caroline Kemunto, Survivors programs manager, January 30, 2016.

¹⁵¹ Open Society Foundations site visit report, June 2013.

{OWNING CHANGE IN KENYA}

Meanwhile, Survivors has launched several income generating activities to help sustain its own work, supplement sex workers' incomes, and provide exit strategies for those who wish to retire. It has established tailoring and catering businesses, and owns 250 plastic chairs and a tent, which it rents out for events. When police learned of its catering, they hired Survivors for the farewell party of an officer who had been a key Survivors' contact. Survivors provided the food, bought the officer a gift, and even gave a speech. Since then, Carole says Survivors' partnership with police "has grown strong to a point that all the catering services during police functions are done by Survivors."¹⁵² Anne Gathumbi, with the Open Society Foundations, remembers when Survivors first asked if it could use some of its grant funding to buy plastic chairs for its catering business. Though this was outside the scope of what Open Society's human rights focus usually included, Gathumbi agreed. In the end, she says, "that \$2000 dollar investment may have done more than any other intervention to win over police."¹⁵³

Legal Services

Survivors now has more resources to respond to rights abuses that sex workers experience. In 2010, it began working with a lawyer to mobilize sex workers to know their rights and take legal action against violators. Sex workers had been reluctant to seek justice in the past because they did not know their options and were afraid abusers might retaliate. In 2013, with the support of the lawyer, a Survivors member pursued a case against a man for beating her and biting her cheek. He received a seven month sentence. Though he was released after just two weeks, Carole says, "this case has led to the reduction of physical assaults against sex workers from clients and has motivated sex workers to report cases of abuse."¹⁵⁴

When sex workers do not wish to pursue cases through the justice system, the lawyer writes letters on their behalf to perpetrators to demand they apologize, and insists they do so in her office. Survivors says this tactic has greatly reduced the verbal harassment toward sex workers on the street. The lawyer has written letters to assailants, getting them to agree to pay damages and cover medical treatment for sex workers they have abused. She has also written letters to landlords who were trying to evict sex workers, telling them that "sex workers are human beings with rights that protect them," and insisting they allow the sex workers to stay as long as they pay their rent and do not cause disturbances. The lawyer also wrote a letter threatening legal action against a district hospital where a staff member was referring to sex workers as "prostitutes" and "husband snatchers," and saying they were all HIV positive.¹⁵⁵ After the letter, the worker promised to change her behavior, and did.¹⁵⁶

To further expand its legal reach, Survivors has trained 25 sex workers to work as paralegals, advising other sex workers on their rights and defending them without involving the lawyer. The paralegals mediate between sex workers and clients, help sex workers file complaints at the police station, speak with problematic security guards or landlords, and act as peace keepers among their peers. Most cases are solved by the paralegals now, and rights violations occur less often. Carole says this is because "it is known in town that sex workers have their lawyer,"¹⁵⁷ and word has spread to "beware of sex workers in Busia."¹⁵⁸

Survivors has trained

→ 25

sex workers to work as paralegals, advising other sex workers on their rights and defending them without involving the lawyer.

152 Survivors grant report to the Open Society Initiative for Eastern Africa, February 2014.

153 Communication with Anne Gathumbi, Open Society Foundations, January 29, 2016.

154 Survivors grant report to the Open Society Initiative for Eastern Africa, February 2014.

155 Letter from Maloba & Company Advocates to the Busia District Hospital Administrator, October 31, 2011.

156 Survivors grant report to the Open Society Initiative for Eastern Africa, January 2012.

157 Ibid.

158 Survivors grant report to the Open Society Initiative for Eastern Africa, January 2013.

Shifting Public Perceptions

In addition to addressing abuse, Survivors challenges public perceptions of sex workers in order to prevent discrimination and violence from happening in the first place. It engages in ongoing conversations with health providers, police, security guards, boda-boda drivers, bar owners, and government officials to draw attention to the rights abuses sex workers experience and advocate for change.

In one such meeting with health providers, a male sex worker who had been raped recounted his experience at the public hospital where he went to seek PEP. He said he broke down in tears after the person treating his injuries began asking humiliating questions, and called in five other people to inspect his anus.¹⁵⁹ When he later tested positive for HIV, he did not want to start treatment for fear of further embarrassment.¹⁶⁰ In response to this testimony, and others like it, Busia's District AIDS and STI Coordinator (DASCO) gave out his personal phone number so that sex workers could call him directly if they needed medical help. Other health professionals in the same meeting stood up and apologized to the sex workers present for having knowingly or unknowingly mistreated them in the past. Carole says that as a result of these dialogues, and the DASCO's support, the number of sex workers accessing Busia's health facilities has increased and sex workers report being treated with dignity and respect.

Survivors has worked to build better relationships with police through similar forums. Today, sex worker arrests are rare, police have established a special desk where sex workers can report violations, and some officers have given their phone numbers to sex workers so they can call if they are in danger. Survivors has these numbers pinned to its wall. Officers have even started referring cases directly to Survivors to handle, including disputes between sex workers, or between sex workers and clients, when sex workers wish to settle out of court. Carole credits the improved relationship between sex workers and police with helping to make Busia safer, since sex workers are no longer afraid to come forward to report crimes they witness or experience. While she acknowledges that acting as informants could put sex workers in danger, she says it happens infrequently and crime endangers the lives of community members at large, including sex workers. It is better to act than do nothing.¹⁶¹

Even security guards, bar owners, and boda-boda drivers have become Survivors' allies. After meeting with Survivors, many guards now offer sex workers protection, supply them with condoms when they do not have their own, and intervene when clients refuse to pay. Similarly, bar owners have stopped firing staff who are HIV positive, and have started offering protection to street-based sex workers rather than chasing them off their property. A leader among the boda-boda drivers has given sex workers his number and organized more drivers to intervene if sex workers need help, including assisting the paralegals before police arrive on the scene, and taking sex workers who have been assaulted to the hospital or police station.

Sex workers are no longer afraid to come forward to report crimes they witness or experience.

¹⁵⁹ Ibid.

¹⁶⁰ Survivors grant report to the Open Society Initiative for Eastern Africa, August 2013.

¹⁶¹ Communication with Caroline Kemunto, Survivors programs manager, December 4, 2014.

 {OWNING CHANGE IN KENYA}

Engaging with the community and demanding their rights “has enabled them to speak in one voice.”

Carole explains that sensitization efforts, in which sex workers share their stories, have helped people see sex workers as human beings who are part of the community. So has registering a sex worker football team in a local league, establishing dancing and drama teams to perform at community functions, and organizing community service projects like cleaning hospitals and sweeping roads. In December 2014, sex workers marched through Busia to mark the International Day to End Violence Against Sex Workers, wearing bright red t-shirts and carrying a banner reading, “My Body, My Business.” Carole says that when sex workers did not know their rights and stayed silent, they “were vulnerable to all sorts of violations,” but engaging with the community and demanding their rights “has enabled them to speak in one voice.” As a result, “the community is starting to respect their choice of work.”¹⁶²

Challenges and Future Directions

Despite these achievements, challenges persist. At any given time Survivors may have an inadequate supply of condoms, HIV test kits, or medicines. Sex workers are constantly moving, and there is frequent turn over of police, security guards, and health providers, which makes education and sensitization an ongoing need. At the same time, Survivors has had no new home-based care kits since 2006,¹⁶³ and has struggled to find funding to work with the children of sex workers, helping with their education and addressing the stigma they face—which it sees as its biggest gap.¹⁶⁴ These vast needs, in the face of limited resources, take a toll on staff, who need periodic retreats for team building and counseling to avoid burnout.¹⁶⁵

Yet, the change in Busia is palpable—and Survivors has more plans. It recently launched a website to increase its visibility,¹⁶⁶ and is working to change its official designation from a “self-help group,”¹⁶⁷ to a non-governmental organization, which would allow it to expand its work beyond Busia. It hopes to increase the size of its clinic to meet Ministry of Health requirements for operating a laboratory, which would enable it to test for malaria, typhoid, and STIs on site, receive medications from the Ministry, and provide ARVs directly to sex workers with HIV.¹⁶⁸ It also wants to hire more staff, and eventually work with allies toward the decriminalization of sex work in Kenya.

Carole says Survivors has “come from nowhere to somewhere.”¹⁶⁹ It has moved from under a tree to a bright yellow office along the highway, where sex workers know where to find it and its name is emblazoned above the door. When Survivors first began, there was frequent fighting within the sex worker community, but relationships improved because sex workers “realized the strength in being united” and began working together to address their common concerns. Survivors advice? “Involve all members in every step, so that they own the program and will be able to sustain it beyond donor funds—on their own.”¹⁷⁰

Perhaps most strikingly, Survivors’ success is seen in the health of Busia’s sex worker community: between 2008 and 2014, only four of its members died as a result of AIDS.¹⁷¹ Carole says sex workers have learned that, “for the stigma and discrimination they face to be over, they need to accept themselves first, then rise up to fight for space in society.”¹⁷² In Busia, that is exactly what they have done.

¹⁶² Survivors grant proposal to the Open Society Initiative for Eastern Africa, June 2009.

¹⁶³ When the home-based care project first started, the home-based care providers were trained and issued kits containing items like painkillers, basic medications, first aid supplies, and protective gloves. However, no follow-up training or additional kits were ever provided and Survivors has limited resources to restock these supplies.

¹⁶⁴ The limited funding Survivors had to work with children in the past was earmarked for children whose mothers were HIV positive, or whose fathers had died. As a result, Survivors was forced to exclude children it identified on the ground as most in need, despite raising this concern with the funder.

¹⁶⁵ Communication with Caroline Kemunto, Survivors programs manager, October 5, 2015.

¹⁶⁶ The website is available here: www.survivors.or.ke

¹⁶⁷ In Kenya, self-help groups are community-based organizations with shared goals, that can transact business and own property on behalf of members. Their operations are generally limited to communities or districts.

¹⁶⁸ Communication with Caroline Kemunto, Survivors programs manager, October 2, 2015.

¹⁶⁹ Open Society Foundations site visit report, March 2010.

¹⁷⁰ Communication with Caroline Kemunto, Survivors programs manager, September 30, 2015.

¹⁷¹ Communication with Caroline Kemunto, Survivors programs manager, February 4, 2015.

¹⁷² Survivors grant report to the Open Society Initiative for Eastern Africa, November 2010.

FIGHTING LAWLESSNESS IN KYRGYZSTAN



Several of the organizations working with sex workers have hired lawyers, or established agreements with legal partners, to help sex workers resolve legal concerns and address abuse.

{FIGHTING LAWLESSNESS IN KYRGYZSTAN}

Almost

→ **1 in 4**

Bishkek-based sex workers interviewed in 2012 reported experiencing arrest or police harassment daily.

All

→ **590** sex workers

surveyed in 2012 said they had been subjected to humiliation, verbal abuse, and extortion by police.

Kyrgyzstan is a mountainous country in Central Asia, located along the ancient Silk Road linking Asia to Europe, and formerly part of the Soviet Union. Shahnaz Islamova, chair of the Bishkek-based sex worker rights organization Tais Plus, says sex work was not as common in Kyrgyzstan in Soviet times, and that the dissolution brought “challenges with education and employment, and women had to go to the streets to earn money.”¹⁷³

In 1992, Shahnaz was living in Bishkek, Kyrgyzstan’s capital, when she lost her job. It was hard to find other work, and she needed to care for her young son and sick mother. She knew some women in her building who were sex workers, so “stepped over” herself and started working with them. She says for eight years she was afraid to go to health clinics because she was worried they would guess the kind of work she did and judge her. However in 2000, when she heard there was a clinic where sex workers could get free and anonymous health exams, she gathered some friends and went.

At the clinic, Shahnaz met a member of Tais Plus, an organization that provides services and support for sex workers, and the woman invited Shahnaz and her friends to the Tais Plus office to get condoms. The others were scared to go, so Shahnaz went alone. She was invited back for events ranging from seminars about HIV and other sexually transmitted infections, to massage contests and make-up workshops. After a few visits, she was asked if she would come the next week ready to share her personal strategies for dealing with police. She started volunteering with Tais Plus, later became an outreach worker, was hired as a project coordinator, and has served as its chair since 2007. Today, almost two thirds of Tais Plus’s 16-member staff identify as sex workers, and Tais Plus and Shahnaz have helped establish a national network of sex workers across Kyrgyzstan named Shah-Ayim, which advocates to protect sex workers’ human rights.¹⁷⁴

Since the Kyrgyz Republic repealed its criminal laws targeting sex workers in 1998, there have been no criminal or administrative regulations prohibiting the sale of sex in Kyrgyzstan, though organizing or maintaining places for prostitution remains illegal.¹⁷⁵ Nevertheless, police conduct large-scale raids targeting sex workers, sometimes bringing buses and “stuffing them” full.¹⁷⁶ The stated aims of such raids include exposing human trafficking, identifying illegal residents, and controlling the spread of sexually transmitted infections.¹⁷⁷ According to the Ministry of Interior, “Law enforcement officers from time to time carry out raids to detain the butterflies [sex workers]... But the problem is that they voluntarily lead an immoral lifestyle, they are not forced into it. So they go back to selling their bodies.”¹⁷⁸ As part of the raids, police often fingerprint sex workers, take their photos, and register them in a database—which they say is to help solve crimes. In some cases, TV crews have filmed raids and sex workers have been forcibly tested for HIV and other STIs. Almost one in four Bishkek-based sex workers interviewed in 2012 reported experiencing arrest or police harassment daily.¹⁷⁹

173 Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

174 Shah-Ayim is a network of individual sex workers with members throughout Kyrgyzstan, and in Kazakhstan, Russia, and Tajikistan. It was established in 2010.

175 Actions that remain illegal under Kyrgyzstan’s Criminal Code are specific to third parties, and include forced prostitution, involving minors in prostitution, and organizing or maintaining “hangouts” for prostitution, including brothel keeping.

176 Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

177 Tais Plus, Shah-Ayim, and Independent Human Rights Group, *Compliance with Human Rights of Sex Workers in the Kyrgyz Republic* (Bishkek: Tais Plus, 2012), English translation, 37-41, 47.

178 From a speech by former Deputy Interior Minister Melis Turganbaev (now Interior Minister) during a plenary session to the Jogorka Kenesh (Parliament). Tais Plus et al., *Compliance with Human Rights*, 40.

179 Tais Plus et al., *Compliance with Human Rights*, 38.

{FIGHTING LAWLESSNESS IN KYRGYZSTAN}

Sex workers say police officers frequently approach them in plain clothes, do not provide any identification, and sometimes pose as clients. All 590 sex workers surveyed in 2012 said they had been subjected to humiliation, verbal abuse, and extortion by police, and over 90 percent described making regular payments to avoid arrest or abuse.¹⁸⁰ Sex workers who do not pay extortion may be charged with administrative offenses like disturbing public order or public drunkenness, even if they have not committed these acts, and held in detention anywhere from a few hours to several days. Sex workers describe being beaten with batons, having their heads slammed against windshields, being raped by multiple officers,¹⁸¹ being dragged by their hair,¹⁸² and being shot with rubber bullets.¹⁸³ Sex workers are often afraid to file complaints against abusive officers for fear the police will physically harm them, tell their families about their work, or plant drugs on them in order to charge them under criminal law. As one sex worker put it, "Today I file a complaint, and tomorrow they will find me in the dumpster."¹⁸⁴

Though police are a primary concern, sex workers also experience abuse from other sources. Some sex workers work with managers, who may force them to provide services against their will or take away their money or identity documents.¹⁸⁵ Others say clients are sometimes abusive, or refuse to pay for services provided. These violations persist because abusers know sex workers have few options for recourse.

Health and Wellness

The breakup of the Soviet Union led to an influx of international development assistance for Kyrgyzstan, including for programs to address HIV and AIDS.¹⁸⁶ Though HIV prevalence is low among the general adult population, over the last decade Kyrgyzstan has had one of the fastest growing HIV epidemics in the world.¹⁸⁷ In addition to Tais Plus in Bishkek, at least seven other organizations around the country have been established to provide HIV prevention services for sex workers. Among them are Tais Plus Two and Podruga, located in the towns of Jalalabad and Osh in Kyrgyzstan's south, and Ulykman Daryger in Karakol, in the northeast.¹⁸⁸ Shahnaz doesn't remember exactly what started their collaboration, but says over the years a rich partnership has developed. Ulan Tursunbayev, executive director of Ulukman Daryger, thinks their close coordination is due in part to the personal relationships between directors, who use every opportunity to meet and discuss their work. Ulan, Shahnaz, Nadezhda Sharonova of Podruga, and Baigazy Ermatov from Tais Plus Two have all known each other more than 10 years.¹⁸⁹

Baigazy, a doctor by trade, says when he first started working with sex workers through Jalalabad's Regional AIDS Center, he didn't know how to reach them, and so participated in joint raids with the police to test for HIV. A representative from Tais Plus traveled to Jalalabad in 2002 to do an assessment among sex workers, and the head of the AIDS Center asked Baigazy to chauffeur her around. Baigazy says "until that moment the AIDS Center did not have any access to sex workers" and even claimed Jalalabad had none in its annual reports. The same sex workers who hid from Baigazy when he went to raid the saunas, talked to Tais Plus, who he says taught him how to engage sex workers in ways that did not violate their human rights.¹⁹⁰

Over six months in 2002, they tested

→ 104 sex workers

... by comparison the Jalalabad AIDS Center had only tested

→ 18 sex workers during 2001.

¹⁸⁰ The survey was conducted by Shah-Ayim in collaboration with Tais Plus and Independent Human Rights Group. Sex workers who participated were from six cities, including Bishkek, Karakol, Kyzyl-Kia, Jalalabad, Osh, and Tokmok, and worked in hotels, saunas, and on the street. Tais Plus et al., *Compliance with Human Rights*, 42-51.

¹⁸¹ Tais Plus et al., *Compliance with Human Rights*, 42-51.

¹⁸² Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

¹⁸³ Podruga grant report to Soros Foundation Kyrgyzstan, June 2014.

¹⁸⁴ Tais Plus et al., *Compliance with Human Rights*, 52.

¹⁸⁵ In Kyrgyzstan, female managers are sometimes known as "mamichkas." Mamichkas are often older sex workers elected by their peers who may provide assistance and protection to sex workers by lining up clients, writing down license plate numbers, intervening in cases of abuse, and paying police extortion.

¹⁸⁶ World Health Organization, "Official Development Assistance (ODA) for Health to Kyrgyzstan," http://www.who.int/gho/governance_aid_effectiveness/countries/kgz.pdf.

¹⁸⁷ World Health Organization, *HIV/AIDS Programme in Kyrgyzstan: Evaluation Report December 2014* (Copenhagen: WHO Regional Office for Europe, 2015), 6.

¹⁸⁸ Other organizations include Ajan-Delta and Nemnuruf in Tokmok near Bishkek, Tendesh in Naryn in central Kyrgyzstan, and Gvozhdika in Kyzyl-Kia in the south.

¹⁸⁹ Communication with Ulan Tursunbayev, Ulukman Daryger executive director, October 20, 2015.

¹⁹⁰ Communication with Baigazy Ermatov, Tais Plus Two executive director, October 21, 2015.

{FIGHTING LAWLESSNESS IN KYRGYZSTAN}

Over the last decade Kyrgyzstan has had one of the fastest growing HIV epidemics in the world.

As sex workers have become more aware of their rights and comfortable with the lawyers, they have started to challenge abuses—but it has not been easy.

Baigazy and his colleagues began building relationships with sex workers, asked what they needed, handed out condoms, and eventually got funding to open a room in Jalalabad for anonymous STI testing. Over six months in 2002, they tested 104 sex workers, and helped 47 of the 54 with syphilis get treatment. The Jalalabad AIDS Center, by comparison, had only tested 18 sex workers during 2001, and the two found to have syphilis jumped a fence and ran away.¹⁹¹ Baigazy says these results gave them the motivation to continue, register “Tais Plus Two” as an organization, and strengthen their partnership with Tais Plus and other groups working with sex workers. Baigazy remembers how nervous he was the first time he organized a roundtable for officials in Jalalabad to discuss sex work, but both Shahnaz and Ulan came to provide support. He says Shahnaz’s vast experience and Ulan’s high standing as a former head of the Karakol City Council helped persuade opponents and generate backing for the work of Tais Plus Two.¹⁹²

Like Tais Plus Two, the other organizations working with sex workers around the country were also largely focused on HIV prevention when they first started their work.¹⁹³ They launched outreach programs to distribute condoms and health information, and built relationships with sex workers’ managers, and sauna and brothel owners, to convince them their outreach was an asset rather than a threat. They also opened drop-in centers for sex workers to provide STI testing, a safe space to gather, a place to wash clothes and shower, and offer food and shelter for those with nowhere else to go.

Several of the groups began organizing trainings and roundtable discussions for health care providers in an attempt to improve sex workers’ access to clinics and hospitals. They explained their work, citing the national HIV/AIDS strategy and its references to sex workers as reinforcement, and shared stories from sex workers who were too afraid to participate in the trainings themselves. Over the years, the organizations have established networks of trusted partners who provide services like gynecology and methadone therapy, sending sex workers with an outreach worker or referral letter to facilitate the connection. Some services, like those for STIs, have generally been available free through programs funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria—though this support will end in 2016 and Kyrgyz groups stress this is a major concern, since many sex workers cannot afford to pay for health services.¹⁹⁴

The groups have also encouraged local health facilities to sign memoranda of understanding outlining agreed principles of cooperation, which have been powerful tools to ensure facilities treat sex workers fairly. For example, when a sex worker who was stabbed was turned away from a Jalalabad hospital and berated by staff who learned of her work, Baigazy called the hospital’s head practitioner who had participated in a roundtable, and reminded him of the memorandum he had signed. The doctor ensured the woman was admitted for surgery, and there have been no further problems with the hospital.¹⁹⁵

Legal Services

More recently, several of the organizations working with sex workers have hired lawyers, or established agreements with legal partners, to help sex workers resolve legal concerns and address abuse. Much of the aid has

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Tais Plus, a sex worker-led organization, works with male, female, and transgender sex workers in Bishkek. Tais Plus Two, Podruga, and Ulukman Daryger work almost exclusively with non-transgender women. They believe there may be transgender and male sex workers in their areas, but have not yet been able to access them.

¹⁹⁴ Communication with Baigazy Ermatov, Tais Plus Two executive director, October 21, 2015.

¹⁹⁵ Ibid.

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centered on assisting sex workers with administrative issues, like securing passports and residency registration, and accessing health insurance and child support. However, as sex workers have become more aware of their rights and comfortable with the lawyers, they have started to challenge abuses—but it has not been easy. When Tais Plus Two helped a sex worker who was bitten by a prison guard dog pursue a case, police harassed the lawyer until he moved to another town, detained the doctor who had treated the bite for 16 hours until he changed his statement, and got the woman to withdraw her complaint.¹⁹⁶ Still, Baigazy says experiences like this are a steps toward making police realize that violating sex workers' human rights can have consequences.¹⁹⁷

While they often fall short of justice, efforts to hold perpetrators accountable for abusing sex workers are having an impact. In 2013, a man took a sex worker in Osh to a field outside of town, where 15 men raped her on video. Initially, the police said they would not pursue the case because the woman was a sex worker and the rape was “her own fault,” but the lawyer appealed to the prosecutor and an investigation began. Eight of the men were identified, at least four were arrested, and police learned of two previous gang rapes by the same group. However, when relatives of the men threatened the woman and offered her money to drop the charges, she agreed and left town.¹⁹⁸ Nadezhda, Podruga’s director, says the fact the perpetrators were arrested at all is progress, and believes it is the reason the rapes stopped. She says it is also what encouraged Osh sex workers to pursue 19 more cases in 2014 and 2015.¹⁹⁹

At the same time, in Bishkek, Tais Plus has had considerable success supporting sex workers to contest administrative charges illegally levied on them by police, winning approximately 20 cases in 2015 due to missing or fabricated evidence.²⁰⁰ In one particularly long case, an exasperated judge asked the lawyer if she planned to defend sex workers all the time, to which she responded she would continue as long as the unlawful arrests did. In several instances, Tais Plus has even managed to get unjustified penalties that had been imposed by district courts overturned by higher authorities. On one occasion, when no lawyers were available, a Tais Plus outreach worker helped two sex workers appeal a ruling after they had been beaten and held in police custody overnight, then sentenced to detention without getting to plead their side. In the end, the officers were fired, and the judge reprimanded.²⁰¹

Collaboration with Individual Police Officers

In addition to seeking accountability for misconduct, Kyrgyz organizations have tried to influence police behavior through collaborative approaches. Several of the groups have faced problems with police ambushing sex workers outside their drop-in centers, or detaining outreach workers for distributing condoms and “promoting prostitution.” A police inspector even showed up at Tais Plus Two’s drop-in center soon after it opened, saying he would “provide cover” if staff paid him. In response, the groups have had repeated meetings with police leaders and individual officers, inviting them for tea, explaining the importance of their projects, and asking for support. These informal relationships have been critical to their work. For example, the inspector who had tried to extort money from Tais Plus Two became an ally, warning

Tais Plus has even managed to get unjustified penalties that had been imposed by district courts overturned by higher authorities.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Communication with Nadezhda Sharonova, Podruga executive director, October 19, 2015.

¹⁹⁹ Communication with Nadezhda Sharonova, Podruga executive director, December 18, 2015.

²⁰⁰ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, December 21, 2015.

²⁰¹ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, December 10, 2015.

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the organization when neighbors complained it was housing “AIDS spreaders,” which prompted it to organize a community dinner to ease the fears.²⁰²

Establishing high-level police allies has been key. In Osh, police raids and harassment of sex workers have been constant for years. Police even tried to get sex workers to sign statements saying Podruga forced them into prostitution, and kept them in detention overnight when they refused.²⁰³ Nadezhda says, after repeated meetings, the head of the Osh City Department of Internal Affairs finally understood why Podruga’s efforts are important and has become one of its most influential allies. He stopped officers from interfering in Podruga’s work, and made police participation in its trainings mandatory.²⁰⁴ He also explained that the frequent raids were in response to an order to clear the highway, and suggested if sex workers moved over one street the arrests would stop. They did, and for five months there were no raids. When the raids suddenly resumed in November 2015, Nadezhda alerted the head of the department, and he asked her to collect statements from sex workers in order to launch an investigation to stop them.²⁰⁵

Collaboration with Police Institutions

In Kyrgyzstan, civil society groups understood that to increase police accountability, a message needed to come from above. In 2003, local NGOs and international organizations worked to convince the Ministry of Interior to issue an order instructing police not to interfere with HIV services, including those targeting sex workers.²⁰⁶ The Ministry agreed, and the resulting order has provided an opening to educate police on HIV and marginalized groups. At the national level, Shahnaz was involved in developing a 46-hour course for the Police Academy,²⁰⁷ helping train instructors, and delivering some lectures herself. She says it was a rewarding experience because she could “see with [her] own eyes the change in police officers’ opinions.”²⁰⁸ Other groups working with sex workers have also trained law enforcement in their regions, identified officers to involve in a “friendly police” program,²⁰⁹ and nominated police for prestigious awards based on their contributions to HIV prevention.²¹⁰ Over time and repeated trainings, some officers have given the organizations their phone numbers and begun referring sex workers for services.²¹¹

Organizations working with sex workers in Kyrgyzstan have also developed agreements with other police bodies, including the Department for Combatting Human Trafficking and Crimes Against Public Morality. Tais Plus says when this “Vice Department” was first launched in 2013, as many as 500-600 sex workers were detained in Bishkek daily.²¹² Many were tested for HIV and other STIs against their will, a practice that undermines human rights principles and public health outcomes.²¹³ The sex worker network Shah-Ayim and its partners met with the Vice Department to condemn its approach and “initially had a real war.”²¹⁴ Shahnaz says it took repeated conversations, and a two-day retreat with Vice Department officials outside Bishkek that she, Baigazy, and Nadezhda all attended, before “there was a spark of understanding.”²¹⁵

While the Vice Department’s raids have continued, they are more targeted now, focused on brothel keeping and finding underage girls, and the forced STI testing has stopped. The Vice Department now refers sex workers in

202 Tais Plus Two earned further approval when its drop-in center provided humanitarian aid during ethnic riots in Jalalabad in 2010, and its staff intervened when rioters tried to stop firefighters from saving the burning homes of Uzbek neighbors.

203 Communication with Nadezhda Sharonova, Podruga executive director, October 19, 2015.

204 Ibid.

205 Communication with Nadezhda Sharonova, Podruga executive director, December 8, 2015.

206 This was originally Order 389, but was updated to Instruction 417 in 2008, and to Joint Order 34/49/24/202 in 2014, reflecting its adoption by the Ministry of Health (34), Ministry of Interior (49), State Service of Corrections (24) and State Drug Control Service (202).

207 Open Society Foundations, *To Protect and Serve: How police, sex workers, and people who use drugs are joining forces to improve health and human rights* (New York: Open Society Foundations, 2014), 49-50.

208 Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, October 12, 2015.

209 This program is administered by AIDS Foundation East-West. The “friendly police” take part in trainings and study tours, meet with service providers, and help train their peers. As of 2014, the program had grown to 25 officers from five of Kyrgyzstan’s nine regions, including Bishkek, Chui, Jalalabad, Naryn, and Osh. Open Society Foundations, *To Protect and Serve*, 50-51.

210 AIDS Foundation East-West and Kyrgyzstan’s Ministry of Interior established the award in 2012 to recognize police officers who significantly contribute toward HIV prevention in Kyrgyzstan, based on nominations by civil society organizations. Open Society Foundations, *To Protect and Serve*, 50-51.

211 Podruga grant report to Soros Foundation Kyrgyzstan, March 2014.

212 Media reports from the period suggest lower figures, but Tais Plus says these numbers do not match accounts from its staff and sex workers. Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, December 7, 2015.

213 “Statement on HIV Testing and Counseling: WHO, UNAIDS re-affirm opposition to mandatory HIV testing,” World Health Organization, November 28, 2012, http://www.who.int/hiv/events/2012/world_aids_day/hiv_testing_counselling/en/

214 Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, October 12, 2015.

215 Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

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Bishkek to Tais Plus for medical exams and legal assistance, and Tais Plus alerts the Vice Department if it comes across minors or others in need of help. They are developing a joint action plan to formalize their collaboration, and have printed a leaflet for sex workers explaining what actions the Vice Department is allowed to take, and providing a phone number to report police misconduct. Through sex workers' calls, the Vice Department has arrested several officers from other branches for attempting to extort money by impersonating its staff.

Though some activists have reservations about establishing too congenial a collaboration with a body set up to police sex workers, Shahnaz says overall it has become a "trusted and friendly relationship," that is having a positive immediate impact on sex workers' experience with police.²¹⁶ Activists hope the Kyrgyz Government's recent launch of new criteria for evaluating police performance will also have a positive impact. Starting in 2016, officers will not only be judged by the number of arrests they make, but by how they are viewed by the communities they serve.²¹⁷

Policy Advocacy

Kyrgyz groups have also joined forces over the years to shape sex work-related policies and programs at a national level. Their coordination successfully stopped attempts to re-criminalize the sale of sex or introduce a specific administrative penalty targeting sex workers in 2006 and 2012. To prevent the laws from passing, they organized public hearings in six cities, met with parliamentarians, and gathered over 1,000 signatures from local and international organizations. Advocates were relieved when parliamentary elections disrupted a third attempt to change the law in 2015, but Shahnaz says, "there is no lack of politicians who would want to start the whole issue again." The groups are watching the situation closely, and are continuing to cultivate high-level allies. They have established supporters within Parliament and the Ministry of Interior who have asserted they will not allow laws criminalizing sex workers to be adopted.²¹⁸

Activists are also using international mechanisms like the United Nation's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to compel the Kyrgyz Government to improve services and rights protections for sex workers. The Kyrgyz Republic was called to report to CEDAW in February 2015, and civil society groups representing sex workers, women who use drugs, and lesbian, bisexual, and transgender people worked together to prepare their own report to ensure the experiences of their communities were not overlooked.²¹⁹ In its concluding observations, the CEDAW Committee raised concerns over the "widespread violence and discrimination" against sex workers, particularly from police, and recommended Kyrgyzstan establish a mechanism to monitor police violence, stop forced STI testing, and provide shelters and alternative work opportunities for women who wish to leave sex work.²²⁰ Shah-Ayim and partners are pushing to be part of the team that is drafting the national action plan to respond to CEDAW's observations. Shahnaz says it has been an uphill battle, but they will not let sex workers' recommendations be "swept under the carpet." If Kyrgyzstan fails to act, sex workers will submit an interim report to CEDAW in 2017.²²¹

It has become a "trusted and friendly relationship," that is having a positive immediate impact on sex workers' experience with police.

²¹⁶ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, October 12, 2015.

²¹⁷ Communication with Ilim Sadykov, Soros Foundation Kyrgyzstan, February 17, 2016.

²¹⁸ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

²¹⁹ The groups included AIDS Foundation East-West, Asteria, the Global Health Research Center of Central Asia, Labris, Podruga, Tais Plus, and Shah-Ayim. Their report is available here: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=901&Lang=en.

²²⁰ The CEDAW Committee's concluding observations on Kyrgyzstan are available here: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2fCO%2f4&Lang=en. Though Tais Plus and partners are pleased with most of the recommendations, they are concerned the Committee's request for Kyrgyzstan to "take measures to reduce demand" will hurt sex workers by perpetuating stigma and discrimination, and pushing them further underground away from safety and services.

²²¹ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

{FIGHTING LAWLESSNESS IN KYRGYZSTAN}

It is a triumph “over the lawlessness which had seemed unbeatable before.”

Challenges and Future Directions

Despite significant accomplishments, there are ongoing and daunting challenges in Kyrgyzstan. Though drop-in centers are critical to organizations working with sex workers, cuts to donor support have resulted in the closure of at least two, and a third is at risk. Even when funding is available, it can be difficult to find a safe and accessible location, with a willing landlord. Tais Plus Two has relocated three times, investing in renovations and relationships only to have the properties sold out from under it. Baigazy estimates that, since opening its first center in 2006, it has spent three times the cost of purchasing a building in rent.²²² Tais Plus has the only secure drop-in center for sex workers, since it was permitted to use donor funds to buy it.

Kyrgyz organizations are also concerned over ongoing reductions in international funding for HIV and AIDS programming in Kyrgyzstan, and what this will mean for sex workers’ access to prevention and treatment moving forward. They are proud of how far their legal aid programs have come, but still struggle to protect sex workers who wish to pursue cases against abusers. They agree having drop-in centers open around the clock is key, but not always enough. They want to do more to engage prosecutors who can pursue cases against police,²²³ and say sensitization of law enforcement and health providers must be continuous given the frequent turnover in both groups. At the same time, they must respond to new threats which are continually emerging, like the attempts to re-criminalize sex work, or the radical groups that have formed in recent years, harassing and rounding-up sex workers, posting videos of them online, and attacking their clients.

Though these uncertainties persist, many things have changed for the better. There have been no recent cases of forced STI testing, and sex workers are seldom detained now on the streets in Jalalabad or Karakol. In some instances in Bishkek, police have started to apologize and pay sex workers compensation for wrongdoing, rather than risk sex workers taking legal action against them.²²⁴ Many of the changes still hinge on individual relationships, like Ulan’s influential position in Karakol, and Baigazy’s networks in Jalalabad. In Osh, Nadezhda worries what will happen if Podrugya’s friendly police chief is transferred.

However, there is reason to believe some changes will endure. An increasing number of sex workers know their rights, have secured passports and residency registration, and are taking steps to address abuse. At the same time, police are learning they may be held accountable for their actions, and champions have emerged among their ranks who take sex workers’ concerns seriously. Perhaps most encouragingly, police and community collaborations are becoming institutionalized in policies and agreements that go beyond individuals. Together these developments are having impact. After a sex worker was hit in a hotel near Jalalabad in 2015, she locked the assailant in a room, ran to the police for help, and officers responded. When Baigazy asked if she had been scared to tell police she was a sex worker, she said no, because she had been to a Tais Plus Two training and knew selling sex was not against the law.²²⁵ Shahnaz says each time a sex worker sees it is possible to stand for her rights, it is not just a victory for sex workers.

It is a triumph “over the lawlessness which had seemed unbeatable before.”²²⁶

²²² Communication with Baigazy Ermatov, Tais Plus Two executive director, December 16, 2015.

²²³ In response to requests by Tais Plus Two and other grantees, in 2015 Soros Foundation Kyrgyzstan launched an initiative to train prosecutors throughout Kyrgyzstan about HIV, human rights, and marginalized groups. The trainings were undertaken in collaboration with Kyrgyzstan’s National Center on Torture Prevention and the Training Unit of the General Prosecutor’s Office.

²²⁴ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, November 12, 2015.

²²⁵ Communication with Baigazy Ermatov, Tais Plus Two executive director, October 21, 2015.

²²⁶ Communication with Shahnaz Islamova, Tais Plus chair and Shah-Ayim executive director, December 7, 2015.



**In South Africa, “sex workers
are fighting for the right to
safety, health and dignity.”**

{FINDING VOICE IN SOUTH AFRICA}



FINDING VOICE IN SOUTH AFRICA

On a cold August day in 2015, a group of sex workers in bright orange shirts gathered on a street corner in the Cape Town suburb Kenilworth, waving signs and demanding justice. It was the same corner where Shemise Gordon's body had been found one year before, and an area where sex workers still faced violence.

South Africa's national sex worker organization, Sisonke, created a memorial to Shemise out of flowers, posters, and red umbrellas, and made sure the Kenilworth community learned her name.

At the memorial, Sisonke member Dudu Dlamini explained that sex workers "are fighting for the right to safety, health and dignity."²²⁷ In South Africa, it is a fight they have waged for decades. Over 20 years ago in response to the AIDS epidemic, the Sex Workers Education and Advocacy Taskforce (SWEAT) was launched to provide safer sex education for sex workers in Cape Town. SWEAT witnessed the ways the criminalization of sex work drives sex workers underground, limiting their access to services and increasing their risk of violence. In response, it expanded to provide crisis

227 Ashleigh Furlong, "Sex Work Should Not Cost Me My Life," *Ground Up*, August 5, 2015, http://www.groundup.org.za/article/sex-work-should-not-cost-me-my-life_3182/

counseling and skills building for sex workers to help them speak out against abuse. SWEAT's work facilitated the establishment of the sex worker-led group Sisonke in 2003. Today, SWEAT continues to offer services to sex workers, and supports Sisonke to defend sex workers' human rights.

Over the years, SWEAT and Sisonke have built strategic alliances with other South African organizations. The Women's Legal Centre (WLC), a non profit organization that advances women's rights, began providing legal aid and litigation support to sex workers. Sonke Gender Justice, a group that promotes gender equality and prevents gender based violence, started doing media work and advocacy to challenge stereotypes about sex workers and address the violence they face. Three weeks after the Kenilworth protest, SWEAT, Sisonke, and more than 15 other South African organizations launched the Asijiki Coalition for the Decriminalization of Sex Work, adopting the Zulu word "Asijiki" meaning "no turning back."

The Asijiki Coalition says South Africa's laws on sex work, which criminalize sex workers and their clients,²²⁸ encourage police misconduct and corruption. Sex workers in South Africa say police routinely harass them, physically and sexually assault them, demand illegal payments,²²⁹ and threaten them with dogs and other cruelty. One sex worker recalls how police beat her, then pepper sprayed her vagina and wounds.²³⁰ Dudu recounts her own experiences with police, saying "I've been instructed to trade sex with an officer as a condition of my release and been driven for miles and miles in a police van before being dumped and left to make my own way home."²³¹ Dudu and others say police often confiscate and destroy their condoms, or use condoms as evidence of a crime—which discourages sex workers from carrying condoms to protect their health.²³²

Because it can be difficult to prove criminal charges related to sex work, police use a variety of municipal bylaws to target sex workers. These include offenses like loitering, public drunkenness, and soliciting for the purposes of prostitution. Sex workers report a pattern of catch and release in which they may be arrested four or five times a month and charged fines for offenses they have often not committed, simply because police know they are sex workers.²³³ Transgender sex workers report being publicly searched and ridiculed by police, and held in cells with those of the opposite gender, which places them at further risk of violence.²³⁴

Sex workers' reluctance to report abuse, or their belief there is nothing they can do to stop it, fuels mistreatment from other people in their lives. They describe clients who intentionally tear condoms, refuse to pay for services, and physically and sexually assault them.²³⁵ Some sex workers say brothel owners make them work long hours and impose fines as a way to discipline them for reasons like being late to work or arguing with coworkers.²³⁶ Sex workers also describe negative experiences with health care providers in which they are refused treatment or disparaged.²³⁷ Research suggests the HIV prevalence among sex workers in South Africa may be as high as 72 percent in some locations,²³⁸ which activists say is directly linked to the stigma, discrimination, and violence they face.²³⁹

South Africa's laws on sex work, which criminalize sex workers and their clients, encourage police misconduct and corruption.

²²⁸ The Sexual Offences Act of 1957 makes it an offense to have unlawful carnal intercourse or commit an act of indecency with any other person for reward. It also prohibits brothel keeping, recruiting a person to work as a sex worker or in a brothel, facilitating sex work, knowingly living off the earnings of sex work, soliciting in public places for immoral purposes, and public indecency. The Criminal Law Amendment Act of 2007 makes it an offense to pay or otherwise reward someone over 18 years of age for a sexual act, whether or not that act is committed.

²²⁹ Women's Legal Centre, Sisonke, and SWEAT, *Stop Harassing Us! Tackle Real Crime: A report on human rights violations by police against sex workers in South Africa* (Cape Town: Women's Legal Centre, August 2012), 15-16.

²³⁰ *Ibid.*, 9.

²³¹ South African College of Applied Psychology, "I'm Not a Victim, and I'm Not a Criminal - Dudu's Story," March 4, 2014, <http://www.sacap.edu.za/blog/counselling/im-victim-im-criminal-dudus-story/>

²³² In a 2011 study, 45 percent of the 20 sex workers surveyed in and around Cape Town said they were afraid to carry condoms because of police. Open Society Foundations, *Criminalizing Condoms: How Policing Practices Put Sex Workers and HIV Services At Risk in Kenya, Namibia, Russia, South Africa, the United States, and Zimbabwe* (New York: Open Society Foundations, 2012), 21.

²³³ Fines for first offenses range from R50 – R500 (\$3 to \$30 USD), but if sex workers are convicted of a second offense the fine can be increased up to R1000 (\$60 USD). In practice, officers arbitrarily increase fines if they see the same sex worker on multiple occasions, even though they are only permitted to do this if the sex worker was convicted of the first offense. Communication with Stacey-Leigh Manoek, WLC attorney, January 11, 2016.

²³⁴ Communication with Stacey-Leigh Manoek, WLC attorney, February 2, 2016.

²³⁵ Chandre Gould and Nicole Fick, *Selling Sex in Cape Town: Sex work and human trafficking in a South African city* (Pretoria: Institute for Security Studies, 2008), 67-71, 73.

²³⁶ *Ibid.*, 41-43.

²³⁷ WLC et al., *Stop Harassing Us!*, 17-18.

²³⁸ UCSF, Anova Health Institute & WRHI, *South African Health Monitoring Study (SAHMS), Final Report: The Integrated Biological and Behavioural Survey among Female Sex Workers, South Africa 2013-2014* (San Francisco: UCSF, 2015), 7.

²³⁹ Asijiki Coalition, "Sex Work and HIV Fact Sheet," 2015, http://asijiki.org.za/assets/sex-work-and-hiv_asijiki-fact-sheet.pdf

{FINDING VOICE IN SOUTH AFRICA}

“Creative Space” workshops ... encourage sex workers to come together to engage with and learn from each other.

Mobilization and Skills Building

To help meet sex workers’ health needs, SWEAT has trained a team of sex workers to be peer educators who instruct other sex workers in the community about sexually transmitted infections, distribute condoms and lubricant, and make referrals to services. Kholi Buthelezi, the National Coordinator for Sisonke, says peer education programs “are important for fighting HIV and STIs among sex workers who are humans and deserve care.”²⁴⁰ She remembers what it was like when she first got a job as a peer educator: “We were working every day, but we were so excited because we were educating sex workers, going to brothels, handing out pamphlets, and doing health talks. When we didn’t know answers to sex workers’ questions, we wrote them down so we could find out and tell them the next time we came.”²⁴¹ She says working as a peer educator was what first brought her to the sex worker movement, and encouraged her to attend the 2003 meeting SWEAT hosted at which sex workers decided to establish Sisonke.

While peer educators are an important way to initially engage sex workers, SWEAT says a critical part of sex worker organizing is providing a safe space where sex workers can gather to talk about their needs and concerns. In 2009, SWEAT began hosting “Creative Space” workshops, advertised through its peer educators. These encourage sex workers to come together to engage with and learn from each other. Creative Space topics range from work safety and living with HIV, to handling stress and managing finances. Over time, sex workers have taken a more active role in leading these workshops, and SWEAT has developed a manual with step-by-step instructions for planning and facilitating them, which has helped Sisonke roll out Creative Spaces in other provinces.²⁴² Creative Space discussions have inspired some sex workers to form support groups to delve deeper into issues raised, and led others to participate in more intensive skills building opportunities like SWEAT’s six-day empowerment program, and its classes on feminism. Over time, these efforts have helped build trust in SWEAT and Sisonke and increase solidarity within the sex worker community.

The development of sex worker leaders has been critical to ensuring sex workers are at the forefront of all efforts to protect their human rights and push for law reform. Together, SWEAT and Sisonke have established a Lobbying Team of 15 sex worker volunteers, including Dudu, who have undergone extensive training in public speaking, law making, and engaging and monitoring decision makers. In 2014, the program focused on strengthening lobbyists’ abilities to argue for the decriminalization of sex work through their personal stories. In 2015, they worked to pair those narratives with evidence about decriminalization’s impacts.²⁴³ Dudu says she was scared at first to identify publicly as a sex worker, but told herself “If I don’t do this, if I’m scared to say things, if I’m scared of [using] my name, if I’m scared of using my face, Sisonke won’t move forward...If I come out, more people will learn and then more sex workers will survive.”²⁴⁴

²⁴⁰ Communication with Kholi Buthelezi, Sisonke national coordinator, February 23, 2016.

²⁴¹ Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

²⁴² The Creative Space Manual is available here: <http://www.sweat.org.za/resources/creative-space-manual/>

²⁴³ SWEAT grant report to the Open Society Foundations, June 2015.

²⁴⁴ Chi Adanna Mgbako, *To Live Freely in This World: Sex Worker Activism in Africa* (New York: New York University Press: 2016), 39.

**SISONKE
NOW HAS
OVER**

800

members

a national office with

5

staff based at SWEAT

and offices in

4

other provinces

Kholi says SWEAT's capacity building support has been crucial for South Africa's sex worker movement. She explains that SWEAT spoke out to defend sex workers' rights at a time when sex workers were afraid to, and it has worked to build sex workers' confidence and skills in speaking for themselves. She recalls how SWEAT would make sure sex workers were invited to meetings and events, "taking us through the process until we got used to those platforms."²⁴⁵ Today, Kholi, Dudu, and other sex worker activists are using those platforms to denounce abuse and mobilize more sex workers. Sisonke now has over 800 members, a national office with five staff based at SWEAT, and offices in four other provinces.²⁴⁶ It taps into the more than 500 sex worker peer educators employed through the national HIV prevention program²⁴⁷ in order to spread the word about the sex worker movement and urge more of South Africa's estimated 153,000²⁴⁸ sex workers to join.²⁴⁹

According to WLC documentation, approximately

→ **40%**

of sex workers who had paid were not fined according to proper procedures or given receipts, which suggests police pocketed the money.

Documentation and Legal Services

SWEAT and Sisonke recognized that to more effectively respond to rights violations, they needed legal assistance. In 2009, they began working with the Women's Legal Centre, which hired an attorney to provide legal support to sex workers and trained three Cape Town-based sex workers as paralegals.²⁵⁰ The paralegals work full-time and perform a range of tasks, including administering a 24-hour helpline for legal advice, documenting rights violations, and connecting sex workers who experience abuse to medical treatment and counseling. The attorney and paralegals take part in Creative Space workshops to train sex workers about their rights and provide individual consultations in the margins. They distribute a detailed guide to help sex workers recognize rights violations and learn how they can use the law to fight back.²⁵¹ In 2014, the WLC expanded its program by recruiting a second attorney and two sex worker paralegals in Johannesburg.²⁵²

The WLC says the majority of sex workers' legal concerns relate to police. The paralegals distribute pocket-sized "My Rights When Dealing With Police" cards for reference. They also visit those who have been arrested to ensure they are safe while in custody and to assist with bail applications to secure their release. At the end of 2015, the paralegals began helping sex workers dispute unlawfully imposed fines in municipal court.²⁵³ According to the WLC's documentation, approximately 40 percent of sex workers who had paid were not fined according to proper procedures or given receipts, which suggests police pocketed the money.²⁵⁴ The fines were withdrawn in all eight cases that paralegals helped sex workers challenge in 2015, due to insufficient evidence or because the fines were never recorded.²⁵⁵

When sex workers report unlawful policing procedures, discriminatory treatment, or criminal acts by police, the WLC submits complaints on their behalf to station commanders and police oversight bodies. The WLC says, as a result of the complaints, stations have started taking action against abusive officers.²⁵⁶ For example, when a sex worker tried to report a rape and was ignored, the officers who failed to act were suspended.²⁵⁷ Likewise, when a sex worker accused an officer of sexual assault, he was fired, charged, and is currently being prosecuted.²⁵⁸

²⁴⁵ Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

²⁴⁶ Sisonke, which means "we are together," has offices in Eastern Cape (East London), Gauteng (Johannesburg), Kwa-Zulu Natal (Durban), Limpopo (Polokwane), and Western Cape (Cape Town). To become members, sex workers pay a R50 fee to join (approximately \$3 USD) and sign a membership form agreeing to a code of conduct.

²⁴⁷ SANAC, "SANAC Reaches a Record Number of Sex Workers," November 13, 2014, <http://sanac.org.za/news/item/193-sanac-reaches-a-record-number-of-sex-workers>

²⁴⁸ SWEAT and Impact Consulting, "Estimating the Size of the Sex Worker Population in South Africa," 2013, 4.

²⁴⁹ Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

²⁵⁰ The paralegals are full time staff of the WLC. They sign agreements to make their roles and responsibilities clear and receive salaries and quarterly performance reviews. The WLC has produced a paralegal training manual, available here: <http://www.wlce.co.za/images/paralegalmanual.pdf>.

²⁵¹ The "Woman Know Your Rights: A simplified guide to sex work and your rights" booklet is available here in English, Zulu, isiXhosa, and Venda: <http://www.wlce.co.za/index.php/2013-04-30-11-53-09/2013-05-08-11-48-14/sex-workers>

²⁵² The attorney and paralegals serve sex workers in Gauteng and Limpopo Provinces, and the town of Rustenburg.

²⁵³ When police officers accuse a sex worker of an administrative offense, they generally issue a fine. If the sex worker pays the fine, she does not have to appear in court. If she does not pay the fine, she will need to go to the municipal court on the date stated on the fine. The sex worker can protest to the prosecutor on why she should not be liable to pay the fine, and the paralegals can assist her in completing the required forms to do this. The paralegal will then accompany the sex worker to the prosecutor to hand in the form and ask for the fine to be withdrawn.

²⁵⁴ WLC et al., *Stop Harassing Us!*, 15-16.

²⁵⁵ Communication with Jeanne Bodenstein, WLC attorney, February 22, 2016.

²⁵⁶ WLC grant report to the Open Society Foundations, October 2014.

²⁵⁷ WLC grant report to the Open Society Foundations, June 2015.

²⁵⁸ Communication with Jeanne Bodenstein, WLC attorney, January 18, 2016.

Using the Courts to Challenge Laws and Change Practices

When cases go to court, the WLC and its partners use it as an opportunity to not only assist the sex workers involved, but to challenge laws and change practices that impact sex workers broadly. In the wake of an unsuccessful attempt to decriminalize sex work through the Constitutional Court in 2002,²⁵⁹ sex worker advocates have focused on litigation to protect specific rights, bring about changes in policing, and build support for legislative reform. The paralegals assist the attorneys in taking cases forward by collecting data, maintaining regular contact with sex worker clients, and encouraging sex workers to see their cases through.^{260, 261}

In 2006, the WLC pursued a case on behalf of a sex worker named Kylie, who argued she had been unfairly dismissed from her job providing sexual services in a massage parlor. When the commission that deals with labor disputes questioned whether it could arbitrate in cases of unlawful employment, the WLC helped Kylie take her case to the Labour Court, which ruled upon appeal that sex work's illegal status does not prevent sex workers from being treated with dignity by their employers.²⁶² This ruling gives sex workers standing to challenge abuses from brothel managers and others in the workplace, and has since been used by more sex workers to secure damages in labor disputes.²⁶³ Similarly, in 2009 SWEAT asked the Western Cape High Court to prohibit police from relentlessly detaining and arresting sex workers with no intention of charging them or taking them to court.²⁶⁴ The High Court ruled that arrests made without legitimate purpose are unlawful, and issued an interdict ordering police in the Western Cape to stop arresting sex workers for any purpose other than prosecution.²⁶⁵

Though there is reason to believe some stations are taking the High Court's interdict seriously,²⁶⁶ the WLC reports it "has documented numerous cases of continued harassment and arrests for ulterior purposes, which are in contravention of the court order."²⁶⁷ It says some stations have actually increased their entrapment operations,²⁶⁸ with officers posing as clients in order to collect evidence against sex workers and charge them under criminal law.²⁶⁹ The WLC is evaluating further litigation against police for contempt of the interdict, and has launched litigation to challenge the entrapment.

Sex workers and their allies are also considering legal action to challenge the constitutionality of the municipal bylaws related to sex work and their implementation. They have gathered statements from sex workers who have had condoms confiscated, destroyed, or used as evidence against them by police. They continue to document the unconstitutional profiling of sex workers, where sex workers are harassed or arrested based on who they are, how they look, or where they are standing—rather than anything illegal police have observed. The WLC has already helped several sex workers successfully pursue damages claims against police for unlawful arrest and wrongful detention, and is considering larger class action suits to stop these practices.²⁷⁰

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²⁵⁹ In *South Africa v Jordan and Others*, advocates argued the Sexual Offenses Act's proscriptions on prostitution and brothels were unconstitutional, but the Constitutional Court unanimously upheld the brothel provisions and ruled six to five to uphold the prostitution provision. The Court asserted the abuses sex workers experience stem from their engagement in a prohibited activity, not the criminalization of sex work itself, and indicated that decisions regarding how to best regulate sex work should be determined by South Africa's legislature.

²⁶⁰ The structural barriers some sex workers face, like not having a phone, not having a fixed address, and having an inherent fear of the justice system, often make it difficult to follow through with litigation.

²⁶¹ SWEAT and Sisonke frequently organize rallies outside the court when sex workers want this kind of support, to draw attention to cases and highlight the harmful impacts of criminalizing sex work.

²⁶² *Kylie v Commission for Conciliation Mediation and Arbitration and Others*, May 26, 2010, <http://www.saflii.org/za/cases/ZALAC/2010/8.html>

²⁶³ WLC grant report to the Open Society Foundations, October 2014.

²⁶⁴ The Legal Resource Centre represented SWEAT in this case.

²⁶⁵ *The Sex Worker Education and Advocacy Taskforce v Minister of Safety and Security and Others*, April 20, 2009, <http://www.saflii.org/za/cases/ZAWCHC/2009/64.html>

²⁶⁶ Communication with Jeanne Bodenstein, WLC attorney, February 2, 2016.

²⁶⁷ WLC et al., *Stop Harassing Us!*, 11.

²⁶⁸ Entrapment is permitted under Section 252A of South Africa's Criminal Procedure Act. If a sex worker enters into an agreement with an officer to have sex for money, it is enough for her to be charged.

²⁶⁹ Communication with Jeanne Bodenstein, WLC attorney, February 2, 2016.

²⁷⁰ WLC grant report to the Open Society Foundations, June 2015.

Collaboration with Police

The WLC's assistance to sex workers who have been arrested, and their pursuit of court cases is vital. However, it would be even better to avoid problems in the first place. The WLC has submitted numerous complaints to police stations in and around Cape Town regarding police misconduct, copying the Western Cape Provincial Police Commissioner's office, which is the highest police authority in the region. After repeated letters and meetings, sex worker advocates gathered documentation showing the extent of the police abuse and all of their efforts to curb it, and used this evidence to secure a meeting between South Africa's Deputy Minister of Police and a delegation of sex workers. Sally-Jean Shackleton, SWEAT's director, says the Deputy Minister "was moved by listening to sex workers, and it was their stories that convinced her [police misconduct] was a problem she needed to address."²⁷¹ After the meeting, the Deputy Minister instructed the Western Cape Provincial Police Commissioner to take action to stop the ongoing police abuse of sex workers and transgender people, and allow advocates to conduct trainings for the three police stations that had generated the most complaints.

Stacey-Leigh Manoek, an attorney with the WLC, was part of the team that organized and led the trainings. She says, "Initially the police officers were extremely judgmental and hostile," but it helped that a senior member of the Provincial Police Commissioner's office took part because he had authority and made the officers listen.²⁷² There have been some anecdotal reports the trainings may have positively impacted police behavior.²⁷³ However, activists worry they might simply teach police how to implement the criminalization of sex work better—as long as police continue to view women who sell sex as bad or immoral and believe it is their job to sanction them, regardless of whether they witness lawbreaking.²⁷⁴ Sally-Jean suggests a better approach may be to train police to sensitize their own officers, which could give trainings more weight,²⁷⁵ and to campaign for specialized officers to handle sex workers' complaints. The WLC and partners have collaborated with police to develop manuals for officers and trainers.²⁷⁶

Sex workers and their allies have also worked to change official police guidelines to improve the way police treat sex workers. While discussing the arrest and detention of transgender sex workers one sergeant remarked, "According to our procedures males should be searched by male officers and put in male holding cells and vice versa."²⁷⁷ With the Western Cape Provincial Police Commissioner's support, the WLC and partners drafted guidelines specifically for the treatment of transgender people, to help ensure their safety. The "Transgender Standard Operational Procedure (SOP)" was adopted in January 2013, and provides instructions for searching transgender detainees respectfully, detaining them separately, and engaging with them in a non-abusive or insulting manner, including not removing their wigs or prosthetics.²⁷⁸

Sex workers and their allies have also worked to change official police guidelines to improve the way police treat sex workers.

²⁷¹ Communication with Sally-Jean Shackleton, SWEAT director, February 5, 2016.

²⁷² Communication with Stacey-Leigh Manoek, WLC attorney, February 2, 2016.

²⁷³ Mika Williams, "Gender Sensitivity Training for Police," *Tatler*, October 18, 2012, 4.

²⁷⁴ Communication with Sally-Jean Shackleton, SWEAT director, February 5, 2016.

²⁷⁵ SWEAT is part of conversations with COC Netherlands, SAfAIDS, the South African Police Service, and others to develop training protocols and sensitization materials for police to improve their treatment of sex workers, LGBTI individuals, and people who inject drugs.

²⁷⁶ The Police Sensitization Training Manual is available here: <http://www.wlce.co.za/index.php/2013-04-30-11-53-09/2013-05-08-11-48-14/sex-workers/337-police-sensitisation-training-manual>

²⁷⁷ Williams, "Gender Sensitivity Training for Police," 4.

²⁷⁸ South African Police Service: Western Cape, "Standard Operational Procedure Detention of Transgender Prisoners," January 8, 2013.

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Kholi says she has seen some improvement in police behavior,²⁷⁹ while the WLC has seen changes too. It says one station actually asked it for training,²⁸⁰ and that sex workers in its jurisdiction said officers intervened when men harassed them, and have started allowing them to work next to the station where they feel safe.²⁸¹ The new Transgender SOP is also having an impact. When a transgender sex worker was harassed and searched in contravention of the guidelines, police responded to the WLC's complaint and charged the officer with violating the order.²⁸² Sex worker advocates are now working with the Ministry of Police to make the Transgender SOP a national instruction, and hope to develop similar guidelines to stop the police practices of profiling sex workers and using condoms as evidence against them.

Policy Advocacy

Whether and how to reform South Africa's laws on sex work has been under evaluation by the South African Law Reform Commission (SALRC) for over 15 years.²⁸³ In 2002, SALRC published a report with research on sex work and sex work-related laws around the world, and asked for public input to inform its recommendations to Parliament regarding if and how the laws should be changed. After seven years SALRC finally released its follow-up report,²⁸⁴ but instead of including the anticipated draft legislation, it essentially rehashed its earlier report and asked for more public input.²⁸⁵ As of February 2016, SALRC had still not made its recommendations public despite a commitment in Parliament that it would release a report by the end of 2015.²⁸⁶

While awaiting SALRC's recommendations, sex workers and allies have used the interim period to produce an array of research and educational materials about sex work. At the same time, they have been actively lobbying decision makers and influential bodies—including parliamentarians, government departments, and political parties—to raise awareness of the human rights violations sex workers experience under criminalization, and to explain why decriminalization is the best model for South Africa. The SWEAT/Sisonke Lobbying Team has been instrumental, dividing up to focus on different constituencies, and rehearsing roles before each engagement to be clear who will share personal stories, who will present research, and who will take notes. Over time, sex worker advocates have secured support for decriminalization from a growing number of leaders and institutions, including South Africa's Commission for Gender Equality.^{287, 288, 289, 290, 291}

279 Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

280 WLC grant report to the Open Society Foundations, June 2015.

281 Communication with Jeanne Bodenstein, WLC attorney, February 2, 2016.

282 WLC grant report to the Open Society Foundations, October 2014.

283 Marlise Richter, "Pimp my Ride for 2010: Sex work, legal reform and HIV/AIDS," *Gender and Media Diversity Journal* (2009), 81-83.

284 SALRC's second report, known as "Discussion Paper Project 107: Sexual Offenses Adult Prostitution," is available here: http://www.justice.gov.za/salrc/dpapers/dp0001-2009_prj107_2009.pdf

285 Communication with Marlise Richter, Sonke Gender Justice, February 5, 2016.

286 National Assembly Question No. 3662 for Written Reply, submitted by Member of Parliament Zakhele Mbhele to the Minister of Justice and Correctional Services on September 25, 2015, and answered October 12, 2015, <https://pmg.org.za/files/RNW3662-151020.docx>

287 Commission for Gender Equality, "Decriminalizing Sex Work in South Africa: Official Position of the Commission for Gender Equality," 2013.

288 In 2012, the WLC and SWEAT submitted a complaint to South Africa's Commission for Gender Equality (CGE) and the United Nations Special Rapporteur on Violence Against Women regarding the human rights abuses sex workers are experiencing in South Africa, which obligated the CGE to respond.

289 Rebecca Davis, "The ANC Women's League and the World's Oldest Profession," *Daily Maverick*, March 27, 2012, <http://www.dailymaverick.co.za/article/2012-03-27-the-anc-womens-league-and-the-worlds-oldest-profession/>

290 Eusebius McKaiser, "Breakfast with Next Leader of the DA?" April 29, 2015, http://www.iol.co.za/news/breakfast-with-next-leader-of-the-da-1.1851825#.VaizR_mqpBe

291 The Southern African HIV Clinicians Society, "The Southern African HIV Clinicians Society states its support for the decriminalisation of sex work," March 9, 2016, <http://www.sahivsoc.org/newsroom/HIV-News-Content?content=documents&slugurl=the-southern-african-hiv-clinicians-society-s>

Dudu says she was terrified when Sisonke picked her to speak to the Congress of South African Trade Unions, a federation representing more than two million workers,²⁹² to ask it to support decriminalization. She says when she was introduced as a sex worker, a hush fell over the room, which held more than 80 people. To break the silence and ease her nerves, Dudu sang an old anti-apartheid song in Zulu: "No matter it's bad, no matter they beat us, no matter they rape us, no matter they arrest us, no matter they kill us, we are going forward."²⁹³ She says the whole room got to its feet and joined her, and afterward she explained she was there fighting for sex workers, because sex workers haven't gotten their freedom yet. She told the audience her own story about what brought her to sex work, the abuses she had experienced under criminalization, and how sex work had enabled her to provide for her children and build a house.²⁹⁴ The federation later passed a resolution supporting the decriminalization of sex work as a measure to protect women in the workplace.²⁹⁵

In March 2016, South Africa's sex workers achieved another significant victory when the South African National AIDS Council launched its national Sex Worker Program explicitly calling for decriminalization.²⁹⁶ Advocates believe this, in conjunction with the long awaited SALRC recommendations, may finally spur law reform.²⁹⁷

Shifting Public Perceptions

In addition to lobbying decision makers, sex workers and their allies are also working to reduce negative perceptions about sex workers and build support for decriminalization in South African society. Sex workers attend a range of public events and meetings to show their interest in broader issues as citizens, and to ensure their concerns are raised. For example, when thousands of protesters marched to Parliament to demand action against gender based violence,²⁹⁸ sex workers joined them and a Sisonke member gave a speech describing how gender based violence affects sex workers too.²⁹⁹ Sex workers and their allies also monitor abuses to identify trends and locations where more community engagement is needed. They meet with neighborhood watch groups and town councils to resolve conflicts, and follow up with sex workers to convey concerns. When residents complained of condoms on the ground in the Cape Town suburb Kenilworth, a team of 10 Sisonke members cleaned the streets and hung posters reminding sex workers not to litter.³⁰⁰

Sex workers and their allies are also working to reduce negative perceptions about sex workers and build support for decriminalization in South African society.

²⁹² COSATU, "Brief History of COSATU," accessed February 29, 2016, <http://www.cosatu.org.za/show.php?ID=925>

²⁹³ Mgbako, *To Live Freely in This World*, 38-45.

²⁹⁴ Ibid.

²⁹⁵ COSATU, "Organisational Resolutions Adopted at 11th COSATU Congress," June 4, 2014, <http://www.cosatu.org.za/show.php?ID=9061>

²⁹⁶ After several failed attempts, sex worker advocates finally got SANAC to develop and officially adopt a national Sex Worker Program explicitly calling for the decriminalization of sex work. The Program was launched by South Africa's Deputy President on March 11, 2016. More information on the history of these efforts is available here: Marlise Richter and Pamela Chakuvinga, "Being Pimped Out - How South Africa's AIDS Response Fails Sex Workers," *Agenda: Empowering Women for Gender Equity* 26, no. 2 (2012): 65-79.

²⁹⁷ Communication with Sally-Jean Shackleton, SWEAT director, February 11, 2016.

²⁹⁸ Marlise Richter, "Kubi Kubi Siyafa Yi GBV: We will not die from gender-based violence anymore," *Daily Maverick*, December 11, 2014, <http://www.dailymaverick.co.za/opinionista/2014-12-11-kubi-kubi-siyafa-yi-gbv-we-will-not-die-from-gender-based-violence-anymore/>

²⁹⁹ SWEAT grant report to the Open Society Foundations, December 2014.

³⁰⁰ Ibid.

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WE ARE GOING FORWARD

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In 2014, there were over

→ **4,000**

references to sex work in traditional media in South Africa, and the coverage is promising.

To reach new audiences, sex workers and their allies have employed innovative approaches. They have produced short animations about why decriminalization is important,³⁰¹ and coordinated photo exhibitions and “digital story” videos. With these, sex workers share about their lives and help the public to see them for more than just their work.³⁰² They have established a drama group that performs on street corners and in arts festivals, and have ridden trains back and forth around Cape Town for hours to ask passengers their views on sex work.³⁰³ In March 2015, to mark International Sex Worker Rights Day, representatives of Sisonke asked people to pose for photos in shirts saying “this is what a sex worker looks like,” reinforcing that sex workers can be anyone.³⁰⁴ They have also used tools like a public “Ask a Sex Worker” booth³⁰⁵ and an “In Her Heels” game to expose people to sex workers’ real-life experiences and break down stereotypes.

The media has also been a key means for sex workers to reach people. Advocates place opinion pieces in major newspapers, actively engage on Facebook and Twitter, serve as guests on radio talk shows, and follow up with media outlets to challenge discriminatory language.³⁰⁶ Sisonke members in five provinces have been trained as media liaisons, and they forward requests for interviews to a central contact who identifies who among them is best suited to speak based on language, topic, and location. Sisonke also asks journalists to sign a form agreeing on interview terms, like whether real names or images may be used, to protect sex workers and increase media accountability.³⁰⁷ Meanwhile, Sonke Gender Justice has developed a guide to help journalists and writers produce positive, evidence-based articles on sex work.³⁰⁸ Through these efforts, advocates in South Africa have maintained continuous media coverage about sex work in traditional and social media, with SWEAT and Sisonke alone doing more than 70 interviews in 2015.³⁰⁹

Though it is difficult to gauge the impact of this work on public opinion, SWEAT says the media reflects how frequently sex work is discussed and the tenor of such dialogue.³¹⁰ In 2014, there were over 4,000 references to sex work in traditional media in South Africa,³¹¹ and the coverage is promising. A recent article in a popular newspaper called for university students to rethink dressing as sex workers and selling their annual “SAX Appeal” magazine on the streets. The author asks fellow students, “Did you ever think about how the way we’ve been selling [our magazine] has been trivialising sex workers for years? ... We come into a space and we appropriate the sex worker’s profession, and we do this without giving a second thought to the harsh realities sex workers face on a daily basis.”³¹² For sex workers and their allies, articles like this suggest their messages are resonating.

301 The video “Decriminalize Sex Work Now!” is available here: <https://www.youtube.com/watch?v=JXNJ551Jp-8>. “The Swedish Model: Why partial criminalization of sex work will not help sex workers or SA society” is available here: <https://www.youtube.com/watch?v=Xd6WiXyS224>

302 One exhibition, which was a collaboration between Sisonke, the African Centre for Migration Studies at Wits University, and Market Photo Workshop, is available here: <http://www.marketphotoworkshop.co.za/exhibitions/entry/volume-44-exhibition2>

303 SWEAT grant report to the Open Society Foundations, December 2014.

304 SWEAT grant report to the Open Society Foundations, June 2015.

305 Monica Laganparsad, “Cape Campaign Lets Sex Workers Tell their Stories,” *Sunday Times*, April 5, 2015, 4.

306 The WLC has helped sex workers file complaints with South Africa’s Press Ombudsman when their photos or personal information was used in the media without permission, and has secured at least one public apology from a newspaper. The Press Ombudsman encouraged the WLC to submit a request for sex workers to be added as a category of “vulnerable workers” in South Africa’s Press Code, to ensure journalists take steps to protect them in their reporting.

307 The form is included in “Sex Workers and Sex Work in South Africa: A Guide for Journalists and Writers,” available here: <http://www.genderjustice.org.za/publication/sex-workers-and-sex-work-in-south-africa/>.

308 The guide is available here: <http://www.genderjustice.org.za/publication/sex-workers-and-sex-work-in-south-africa/>.

309 Communication with Ishtar Lakhani, SWEAT advocacy and human rights defense manager, February 22, 2016.

310 SWEAT grant proposal to the Open Society Foundations, July 2015.

311 SWEAT grant report to the Open Society Foundations, December 2014.

312 Caitlan Spring, “Selling SAX,” *Cape Argus*, February 5, 2016.

Challenges and Future Directions

Looking back, Kholi says much has improved for sex workers in South Africa in the more than ten years since Sisonke was established. She says there are some sex workers, including her, who are no longer intimidated to speak out at any level. She explains, "We speak for ourselves, we don't need people to speak for us."³¹³ Sex workers in South Africa now hold positions on provincial AIDS councils and UN advisory groups, and rigorously follow up when they hear of upcoming events to make sure sex workers are included. Kholi says people are learning there can be repercussion for violating sex workers' human rights. She says, "If it's not the movement itself coming after you, then SWEAT will attack you, Women's Legal Centre will attack you, Sonke Gender Justice is there."³¹⁴

Yet, South Africa's sex worker movement continues to face challenges. Sex work's controversial nature, and the many social and political concerns facing South Africa, mean politicians have limited motivation to prioritize sex work and sex workers' interests.³¹⁵ At the same time, while strong sex worker leaders have emerged within the movement, they are often thinly stretched across many projects. This can be hard on them and make coordination slow. Despite sex workers' vast health and human rights needs, funding for programs to support them is limited. What exists often comes with ideological strings,³¹⁶ and gaps risk disrupting services and undermining hard fought mobilization and advocacy gains.³¹⁷

In the wake of these ups and downs, the fight goes on. The Asijiki Coalition is hiring a coordinator, and Sisonke is registering as an independent organization, with a more formalized structure to strengthen the movement and multiply its reach. The WLC and Sisonke have recently trained sex workers in all of South Africa's nine provinces to document human rights abuses, and have established partnerships with private and corporate law firms around the country willing to provide legal help.³¹⁸ When asked what she sees for South Africa's sex workers in the future, Kholi doesn't hesitate: "Decrim." It is a twenty year old battle, but one sex workers in South Africa are waging better than ever.

**"WE SPEAK FOR
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*Sex workers in South
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³¹³ Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

³¹⁴ Ibid.

³¹⁵ Sonke Gender Justice grant report to the Open Society Foundations, January 2016.

³¹⁶ SWEAT lost significant funding for its health and mobilization activities by refusing to sign the United States' anti-prostitution pledge, a requirement that forces recipients outside the United States who receive US Government money for HIV and AIDS programming to adopt a policy "opposing prostitution." Communication with Ishtar Lakhani, SWEAT advocacy and human rights defense manager, February 8, 2016.

³¹⁷ Communication with Kholi Buthelezi, Sisonke national coordinator, February 5, 2016.

³¹⁸ WLC grant report to the Open Society Foundations, January 2015.

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