

August 2021

An open letter to ONAP and allied organizations:

Sex workers have been advocating for inclusion in the National HIV/AIDS Strategy (NHAS) since the beginning of this policy process. However, the first strategy released in 2010 deliberately excluded our communities. Despite our second appeal in 2015 (there was an extremely vague “mention” of sex work in the 2015 NHAS), sex worker communities were once again decisively excluded, ignored, and dismissed with the upmost intention to do so by the Office of National AIDS Policy (ONAP). After a multi-year, multi-organizational effort campaign requesting (then demanding) the recognition of sex workers as pivotal communities and voices in addressing HIV/AIDS

<http://www.bestpracticespolicy.org/2015/07/14/letter-to-onap-2015/>, ONAP and allies cannot now make the statement that sex workers “should/must” be fully included in the strategy without acknowledgment that we have always been at the center of the fight to eradicate HIV and AIDS. It has been a decade-long request to ONAP without a response to sex workers who have been leading the fight since the implementation of the presidential council. The facts still remain that the 2020 exclusion translates to sex workers having to wait for at least another five-years before we truly gain our full rights in national HIV/AIDS policies. The question is: will we be recognized in 2025?

Although many non-sex workers have come out in support of our efforts in HIV and AIDS advocacy and, many non-sex workers have written about us, we are speaking out as sex worker organizations who will no longer be driven into the shadows of exclusion or spoken for by allies over our own voices. Since the beginning of the AIDS epidemic, sex worker history has been continually erased by the gatekeepers who have fought hard to stop the U.S. government’s intentional design to kill those who contracted the virus. We no longer give anyone the allowance to do this as we have always been visible on the frontlines. We appreciate the recent mouth-gaping and hand wringing by our allies realizing sex workers must be included in the NHAS, but you must also take responsibility for the calculated erasure of our entwined histories. ONAP must also bear responsibility in the exclusion as they have been fully aware of our decade-long appeals to place sex workers in strategies to end HIV and AIDS. Shame on you.

Modeled after the Denver Principles, *The National Sex Worker Anti-Criminalization Principles* outline is a working template for the movement, advocating for sex workers by sex workers impacted by healthcare policies, labor issues, social stigma, and criminalization. The movement condemns any attempts at restricting sex worker autonomy and self-determination. We encourage all sex worker organizations, sex worker individuals, and our allies to use this document in every aspect of navigation and approachability to our movement.

<https://frontpageconfidential.com/wp-content/uploads/2018/06/National-Sex-Worker-Anti-Criminalization-Principles-2018.pdf>

Therefore, we resubmit our 2015 letter to the ONAP, as our needs and demands have not changed - only the dates and names of leadership. Nothing About Us Without Us. In regards to sex worker-related policy perspectives so long expressed by sex worker-led organizations, do not steal our words. Nothing About Us Without Us also means that you publicly acknowledge our leadership and provide us space and resources to continue to lead.

~~Douglas M. Brooks, Director~~ Harold Phillips, Director
Office of National AIDS Policy
The White House
Washington, DC 20502
Re: Policy Recommendations

Dear ~~Director Brooks~~ - Director Phillips,

We are writing to you to ensure that the perspectives of sex workers and sex worker-led organizations are included in discussion of HIV/AIDS policy nationally, specifically in terms of updating the National HIV/AIDS Strategy. The Best Practices Policy Project is a national organization dedicated to supporting rights-based approaches to policy and harm reduction work with sex workers, people in the sex trade and related communities in the United States. We produce materials for policy environments, address research and academic concerns and provide organizations and advocates with technical assistance. Everything that we do is guided by principles that protect the rights of people who engage in commercial sex in all its forms. The Best Practices Policy Project works with a wide network of organizations across the United States. This letter was written in consultation with the New Jersey Red Umbrella Alliance (NJRUA) and Desiree Alliance. NJRUA is a sex worker led group that has a focus area of preventing HIV among sex workers in New Jersey, and Desiree Alliance is a national sex workers rights organization dedicated to the decriminalization of sex work and elimination of ineffective HIV policies by empowering those most impacted to have a voice in the decisions that directly impact them.

We are pleased that the National HIV/AIDS Policy will be soon updated this year and would like to provide our input into the process and be included in forthcoming processes. The current National HIV/AIDS policy makes no mention of sex workers at all, despite the fact that sex workers in many different locales across the country have organized together for years in order to address factors that can increase their risk of HIV/AIDS.

Background and barriers: Across the United States, the harsh policing of anyone assumed to be, or profiled as a sex worker, directly undermines the ability of sex workers to protect themselves from HIV and, in a broader sense, alienates these communities from the support they need to defend their health and rights. Sex workers, and people the police assume to be sex workers, are

harassed, assaulted, sexually assaulted, extorted, and falsely arrested by police. The law enforcement practices of using condoms as evidence and/or destroying condoms, confiscating medication(s), and seizing safe sex materials directly contravenes efforts to halt the spread of HIV in the United States. People of color, transgender people, immigrants, homeless people and youth of color are disproportionately affected by these law enforcement activities. People living with HIV who are profiled as being in the sex trade are subject to additional harassment, harsher policing and intensified legal sanctions (including felony convictions) in many jurisdictions across the US.

Different forms of U.S. anti-trafficking legislation and policies affect sex workers in the United States and globally. Federal U.S. anti-trafficking policies undermine the health and rights of sex workers both domestically and internationally by requiring that many organizations seeking funding adopt a policy against sex work (“Anti-Prostitution Loyalty Oath”). This requirement is applied to many seeking funds from the President’s Emergency Plan for AIDS Relief (PEPFAR). Organizations within the U.S. have also been subject to the pledge under the Trafficking Victims Protection Reauthorization Act. These restrictions mean that many organizations are confused about what kinds of services they can provide to sex workers and have, in some situations, lead to shuttering of excellent harm reduction services. New forms of state level legislation to end “domestic trafficking” focusing on “ending demand” for prostitution have been proposed and/or adopted in many U.S. States, intensifying policing of sex workers and their clients. Instead of improving working conditions for sex workers and people in sex trades, these laws lead to more arrests and imprisonment of sex workers, and erode their abilities to utilize tools and strategies they need to keep safe.

1 – In terms of how to reduce new HIV infections in this context, we recommend:

- addressing the root causes that marginalize sex workers—such as criminalization, stigma, and police violence—from treatment and prevention services.
- ending the criminalization of condoms for sex workers, trafficking victims and those profiled as such, and ensuring adequate access to condoms for all
- providing funding for harm reduction and rights-based health care services for sex workers of all genders (including men and women, those who are transgender, and gender non-conforming people,) and all ages
- Lifting all restrictions on federal funding for harm reduction programs, including the ban on syringe exchange programs, and expanding funding for evidence-based health approaches to drug use, including harm reduction and drug treatment.

2- In terms of how can we increase access to care & improve health outcomes for people living with HIV, we recommend:

- training healthcare professionals to end stigma and discrimination against those who are involved in the sex trade
- providing funding for harm reduction and rights-based health care services for sex workers of all genders and all ages
- encouraging states to remove laws and enhancements to standard sentencing that criminalize people living with HIV; expunging the records of those arrested and charged under such laws that mandate sex offender registration; and removing people charged under these laws from sex offender registries. In addition, the U.S. Government should adopt a bill such as H.R.1843/S.1790 REPEAL HIV Discrimination Act, in order to bring the U.S. in line with international law standards to end criminalizing based on HIV status
- Encourage dialogue between national borders and migrant sex workers to ensure HIV-related health care is provided to those detained in ICE facilities, with a view to ending their detention and ensuring post-release treatment

3 – In terms of how to reduce HIV-related disparities & Health inequities, we recommend:

- providing support for community mobilization of sex workers to respond to violence and discrimination and urging states to work toward the decriminalization of commercial sex
- eliminating policies that prevent and hinder individuals with commercial sex- and drug-related convictions from applying for and/or receiving student loans public housing or housing assistance, public assistance, or other government-funded social services.

4 – In terms of how to achieve a more coordinated national response to the HIV epidemic, we recommend:

- including sex workers as a priority in the National HIV/AIDS Strategy, clearly describing the barriers faced by sex workers and people in the sex trade, and listing these groups in prevention and treatment priorities
- clearly stating in all policies the needs and priorities of the transgender community and ending the practice of misgendering transgender women as “men who have sex with men” (MSM)
- improving communications between government agencies working on HIV and communities affected by HIV (recognizing sex workers and drug users in this dialogue), paying particular attention to meaningfully including voices of people impacted by these policies

- modifying or eliminating existing federal policies that conflate sex work and human trafficking and prevent sex workers from accessing services such as healthcare, HIV prevention and support
- repealing and removing “anti-prostitution pledge” requirements entirely for U.S. global AIDS funds and anti-trafficking funds.

Thank you for your leadership and consideration of these important matters. We look forward to working with ONAP to expand access to treatment, care and prevention for sex worker communities. We are committed to reducing the number of HIV infections across the United States through prevention and education initiatives. We urge you to adopt these policy resolutions to advance the objective of reducing the HIV/AIDS pandemic.

Sincerely,

Desiree Alliance

Best Practices Policy Project

New Jersey Red Umbrella Alliance

The Outlaw Project

The Black Sex Workers Collective

Note: The original 2015 letter to ONAP was authored by the Best Practices Policy Project, Desiree Alliance, and the New Jersey Red Umbrella Alliance.