



**nswp** Global Network of Sex Work Projects  
Promoting Health and Human Rights

## BRIEFING NOTE:

# ‘Sexual Exploitation’ in the Global Fund’s Codes of Conduct

The Global Fund has established [Codes of Conduct](#) which employees, resource recipients, suppliers, Country Coordinating Mechanism (CCM) members, and governance officials must uphold while carrying out their work. One of the requirements, which applies to all parties under these codes, is to prohibit ‘sexual exploitation.’ Due to widespread connotations of sex work with ‘sexual exploitation,’ however, there is concern that this provision may be misinterpreted to exclude sex workers. This Briefing Note clarifies this provision and provides information which members can use if they are challenged by Global Fund stakeholders.

## Understanding the Global Fund’s Codes of Conduct

The Global Fund’s Codes of Conduct outline the requirements and expectations that employees, resource recipients, suppliers, CCM members, and governance officials must meet. Among these provisions is the requirement to “prohibit, prevent, and respond to” sexual exploitation. The Global Fund defines ‘sexual exploitation’ as:

*“...any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.”<sup>1</sup>*

This definition was taken from the UN Secretary General’s 2003 definition of ‘sexual exploitation,’ which was given in response to an investigation into the ‘sexual exploitation’ of refugees by aid workers in West Africa.<sup>2</sup> While this definition in itself does not conflate sexual exploitation with sex work, it may be subject to misinterpretation due to ambiguity and widespread connotations of sex work with exploitation and trafficking. This risk is exacerbated when no attempts are made to distinguish sex work as a form of labour.

As a result, there is particular concern that some CCM Members and Principal Recipients could, under the false belief that all sex work is a form of sexual exploitation, use the Global Fund’s Codes of Conduct as justification to exclude sex workers from the CCMs and sex worker-led organisations and responses from receiving Global Fund support.

However, this misinterpretation would undermine the Global Fund’s commitment to investing in and meaningfully involving key populations, as well as promoting their human rights, dignity, and empowerment. As stated within the Code of Ethical Conduct for CCM Members,

*“CCM Members are **required** to ensure that programs financed by the Global Fund are designed to be inclusive, promote dignity, respect and empowerment of people and communities affected*

<sup>1</sup> Global Fund, 2021, “[My Code, My Responsibility: Code of Ethical Conduct for Country Coordinating Mechanism Members](#),” 19.

<sup>2</sup> United Nations, 2003, “[Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse](#),” (ST/SGB/2003/13).



by HIV/AIDS... as well as key and vulnerable populations, especially as they face stigma or marginalisation.”<sup>3</sup>

## Distinguishing Sex Work from ‘Sexual Exploitation’

In order to challenge potential misinterpretations of the Global Fund’s Codes of Conduct, as well as conflation of sex work and sexual exploitation more broadly, there needs to be a clear, unambiguous distinction between sex work and ‘sexual exploitation’.

Central to this distinction is the understanding that **sex work is work**. As defined by UNAIDS, sex workers include female, male and transgender adults and young people (over 18 years of age) who receive money or goods in exchange for sexual services, either regularly or occasionally.<sup>4</sup> Sex work may vary in the degree to which it is “formal” or organised. It is important to note that sex work is **consensual** sex between adults—which takes many forms—and varies between and within countries and communities.<sup>5</sup>

‘**Exploitation,**’ and by implication ‘**sexual exploitation,**’ have no agreed upon definition in international law. This has led to frequent misinterpretations of the term (wilful or otherwise), fostering harmful national laws, policies and practices, as well as national and international initiatives that impact negatively on sex workers’ human rights.

Exploitation and unhealthy and unsafe working conditions exist in many labour sectors. Work does not become something other than work in the presence of these conditions. Indeed, criminalisation creates the conditions in which violations of sex workers’ human rights, including their labour rights, continue with impunity and exacerbates exploitation of sex workers.

## ‘Sexual Exploitation’ in International Frameworks

Ambiguous definitions of ‘exploitation’ and ‘sexual exploitation’ within international frameworks, such as the Trafficking in Persons Protocol<sup>6</sup> and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),<sup>7</sup> have perpetuated misunderstandings. Both documents additionally use the term “exploitation of prostitution,” a commonly misunderstood phrase which has been adopted by abolitionists and fundamental feminists to advocate for the eradication of all sex work.

However, it is important to stress that these frameworks were not designed to eradicate or suppress sex work, nor do they explicitly conflate sex work with exploitation. In their 2015 Issue Paper reflecting on the Trafficking in Persons Protocol, the United Nations Office on Drugs and Crime (UNODC) acknowledged that sex work must not be conflated with human trafficking, and that ‘sexual exploitation’ does not refer to all sex work:

*“When used in the context of the Protocol, this term [‘sexual exploitation’] could not be applied to prostitution generally as States made clear that was not their intention.”<sup>8</sup>*

<sup>3</sup> Global Fund, 2021, “[My Code, My Responsibility: Code of Ethical Conduct for Country Coordinating Mechanism Members](#),” 19.

<sup>4</sup> UNAIDS, 2012, “[UNAIDS Guidance Note on HIV and Sex Work](#).”

<sup>5</sup> WHO, UNFPA, UNAIDS, NSWP, World Bank & UNDP, 2013, “[Implementing Comprehensive HIV/STI Programmes with Sex Workers: Practical Approaches from Collaborative Interventions](#).”

<sup>6</sup> United Nations, 2000, “[Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#).”

<sup>7</sup> United Nations, 1979, “[Convention on the Elimination of all Forms of Discrimination against Women](#).”

<sup>8</sup> UNODC, 2015, Issue Paper on “[The concept of ‘exploitation’ in the Trafficking in Persons Protocol](#),” 8.



An accompanying Interpretative Note to the Protocol “further confirms that States deliberately decided not to define either term,”<sup>9</sup> to ensure the Protocol did not dictate how states should legislate on sex work in their domestic laws.

As such, there is no mandate within these frameworks calling on states or other authorities to prohibit sex work as a form of exploitation. Sex worker-led organisations can use this information in their defence if challenged by Global Fund or other stakeholders.

## Conclusion

Sex work is not sexual exploitation. This conflation is neither grounded in normative international frameworks, nor is it endorsed by the Global Fund’s Codes of Conduct. However, the widespread misinterpretation of these two distinct concepts continues to undermine sex workers’ human rights and ability to meaningfully participate in decisions which affect both their lives and livelihoods. For this reason, sex worker-led organisations must continue to hold Global Fund stakeholders accountable to their mission of meaningfully involving sex workers and prioritising funding for sex worker-led programming. This can only happen if stakeholders are willing to acknowledge sex work as work, and not as a form of sexual exploitation.

For more information, please see NSWP’s [Briefing Note: Sex Work is not Sexual Exploitation](#).

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<sup>9</sup> UNODC, 2015, Issue Paper on “[The concept of ‘exploitation’ in the Trafficking in Persons Protocol](#),” 27.