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Press Release

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The Asijiki Coalition strongly opposes the recommendations of the South African Law Reform Commission to criminalise or partially criminalise sex work

Respect the evidence and Decriminalise Sex Work Now!

On Wednesday 31 May, the Minister of Justice announced that the South African Law Reform Commission (SALRC) recommends that sex work should, as a preferable option, remain totally criminalised, and as a second option, be partially criminalised.

In South Africa, all aspects of sex work are criminalised and have had a far-reaching impact on sex workers:

- Almost one-third of sex workers in a study in inner-city Johannesburg reported they had had sex against their will in the last six months¹
- Violence by police officers is a particular issue for sex workers:
 - In a study in Johannesburg, Cape Town and Rustenburg more than 15% of female sex workers reported negative interactions with police in the last month including police violence, arrest, harassment, theft, bribery or fines²

¹ Reproductive Health & HIV Research Unit, Sociology of Work Unit of the University of the Witwatersrand & Vrije University Amsterdam (2002) "Women at Risk: A Study of sex work in Hillbrow" Johannesburg

² Marlise Richter et al (2012) "Female sex work and international sport events - no major changes in demand or supply of paid sex during the 2010 Soccer World Cup: a cross-sectional study" BMC Public Health 2012, 12:763



- In a study in Cape Town, 12% of street based sex workers had been raped by a police man³
- Other documented police abuse of sex workers include:
 - rape and gang rape⁴
 - unlawful arrest, for example, when walking to the shops⁵
 - demanding bribes such as money or sex⁶
 - finding condoms on sex workers and using that as “evidence” that sex work has taken place and sometimes confiscating these⁷ and,
 - not believing sex workers when they report crimes - for example, such as having been raped.⁸

The harms associated with the criminal law and sex work have been recognised by a number of international and South African bodies including Amnesty International⁹ UNAIDS¹⁰, World Health

³ C. Gould & N Fick (2008). Selling sex in Cape Town: Sex work and human trafficking in a South African city, Pretoria/Tshwane, Institute for Security Studies

⁴ Pauw I, Brener L. ‘You Are Just Whores: You Can’t Be Raped’: Barriers to safer sex practices among women street sex workers in Cape Town. *Cult Health Sex*, Nov–Dec 2003; 465–481

⁵ Fick N: Enforcing Fear - Police abuse of sex workers when making arrests. *SA Crime Quarterly* 2006, 16:27–33 and Fick N: Sex Workers Speak Out - Policing and the sex industry. *SA Crime Quarterly* 2006, 15(March):13–18.

⁶ Fick N: Sex Workers Speak Out - Policing and the sex industry. *SA Crime Quarterly* 2006, 15(March):13–18. And Fick N: Enforcing Fear - Police abuse of sex workers when making arrests. *SA Crime Quarterly* 2006, 16:27–33.

⁷ Open Society Foundations (2012) *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: Sexual Health and Rights Project; Open Society Foundation; and Pauw I, Brener L. ‘You Are Just Whores: You Can’t Be Raped’: Barriers to safer sex practices among women street sex workers in Cape Town. *Cult Health Sex*, Nov–Dec 2003; 465–481

⁸ F Scorgie et al (2012). Socio-demographic characteristics and behavioral risk factors of female sex workers in sub-saharan Africa: a systematic review. *AIDS Behav*, 16, 920-33.

⁹ <http://www.amnesty.org/en/sex-workers-policy>

¹⁰ UNAIDS (2002) *Sex Work and HIV/AIDS*. In: UNAIDS (ed.) *Technical Update*. Geneva.



Organization¹¹, the UN Special Rapporteur on Health¹², the Global Commission on HIV and the Law¹³, the Commission for Gender Equality in South Africa¹⁴ and the Southern African HIV Clinicians' Society¹⁵. All of these respected bodies support the decriminalization of sex work.

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The decriminalization of sex work is the only law reform option that removes all aspects of the criminal law from sex work and respects the human rights of sex workers. It is also the only model of law reform that has been shown to have positive public health outcomes.

Asijiki is a Coalition that advocates for the decriminalization of sex work, and calls on the South African government to do the same.

For Comment:

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¹¹ WHO (2012). Prevention and Treatment of HIV and other sexually transmitted infections for sex workers in low- and middle-income countries: Recommendations for a public health approach. In: WHO (ed.). Geneva: WHO, UNFPA, UNAIDS and NSWP,.

¹² GROVER, A. 2010. Human Rights Council; Fourteenth session; Agenda item 3; "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development"; Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 27 April 2010; A/HRC/14/20.

¹³ Secretariat: The Global Commission on HIV and the Law (2012) The Global Commission on HIV and the Law - risks, rights and health. In: UNDP (ed.). Geneva: UNDP, HIV/AIDS Group, Bureau for Development Policy,

¹⁴ Commission for Gender Equality "Decriminalising sex work in South Africa" 2013

http://www.gov.za/sites/www.gov.za/files/Commission%20for%20gender%20equality%20on%20sex%20work_a.pdf

¹⁵

Southern African HIV Clinicians Society "The Southern African HIV Clinicians Society states its support for the decriminalisation of sex work" 09 March 2016, available: <http://www.sahivsoc.org/Files/Draft%20statement%20decrim%20of%20sex%20work1.pdf>