



26 February, 2018

To: South African Law Reform Commission
The Joint Multi-Party Women's Caucus
Chair: Hon RMS Morutoa

Attention:

Bryan Mantyi
Tel: 021 403 3796
Per Email: bmantyi@parliament.gov.za

RE: Response to the South African Law Reform Commission's Report on 'Sexual Offences: Adult Prostitution'

Triangle Project is a non-profit human rights organisation offering professional services to ensure the full realisation of constitutional and human rights for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, their partners, and families. We provide a wide range of services to the LGBTI population in three core areas: 1) health and support, 2) community engagement and empowerment, and 3) research, advocacy, and policy.

Triangle Project sees the SALRC's report as detrimental to the clients we serve and recommends setting aside the report and supporting the ANC and the Multi Party Women's Caucus position to support full decriminalisation of sex work. The report draws very dubious conclusions about sex work as a driver of a larger societal risk of women to violence. We are deeply concerned at how the commission does not see that criminalisation of sex work, rather than sex work itself, is a key driver against sex workers and others.

South African sex workers face community stigma and social exclusion, which is heightened for people with gender or sexual minority status.^{i,ii} The LGBTI population is further victimised by law enforcement abuse of power and the court system's stigma.ⁱⁱⁱ Refugees and migrants experience higher rates of victimisation, as well.^{iv} Research has found about a third of Cape Town's sex workers are migrants, revealing the need to address this group's rights.^v Sexual minorities and migrants are at heightened risk for HIV/AIDS, which is only increased in those who are sex workers and further exacerbated by the criminalisation of their livelihoods.^{iv,vi,vii}

triangle project

Triangle Project asks the SALRC to reconsider the report based on the research that reveals that continued criminalisation serves only to place sex workers at greater risk. Continued criminalisation not only violates the human rights of sex workers, but actively works against other efforts to combat HIV and AIDS in our country.

We would like to address the committee on these issues on the 5th of March.

Yours faithfully,



Matthew Clayton
Research, Advocacy & Policy Manager

-
- ⁱ Samudzi, Z., & Mannell, J. (2016). Cisgender male and transgender female sex workers in South Africa: Gender variant identities and narratives of exclusion. *Culture, Health & Sexuality*, 18(1), 1-14.
- ⁱⁱ Lyons, T., Shannon, K., Pierre, L., Small, W., Krüsi, A., & Kerr, T. (2015). A qualitative study of transgender individuals' experiences in residential addiction treatment settings: Stigma and inclusivity. *Substance Abuse Treatment, Prevention, And Policy*, 10
- ⁱⁱⁱ Nel, J. A. & Judge, M. (2008). Exploring homophobic victimisation in Gauteng, South Africa: Issues, impacts and responses. *Acta Criminologica*, 21(3), 19-36; Theron, A. & Bezuidenhout, C. 1995. Anti-gay hate crimes. Need for police involvement to curb violence committed against gays. Available at: <http://csvr.org.za/papers/papgay.htm>. Accessed on August 4, 2004.
- ^{iv} Rekart, M. L. (2005). Sex-work harm reduction. *British Columbia Centre for Disease Control*, 366, 2123-2134
- ^v Richter, M., Chersich, M. F., Vearey, J., Sartorius, B., Temmerman, M., & Lutchters, S. (2014). Migration status, work conditions and health utilization of female sex workers in three South African cities. *Journal of Immigrant and Minority Health*, 16(1), 7-17.
- ^{vi} Poteat, T., Wirtz, A. L., Radix, A., Borquez, A., Silva-Santisteban, A., Deutsch, M. B., Khan, S. I., Winter, S., & Operario, D. (2015). HIV risk and preventative interventions in transgender women sex workers. *Lancet*, 385(9964), 274-286.
- ^{vii} Lane, T., Raymond, H. F., Dladla, S., Rasethe, J., Struthers, H., McFarland, W., & McIntyre, J. (2009). High HIV prevalence among men who have sex with men in Soweto, South Africa: Results from the Soweto men's study. *AIDS and Behavior*, 15(3), 626-634.