



SEX WORK AND HIV

ASIJKI
COALITION TO
DECRIMINALISE
SEX WORK IN
SOUTH AFRICA



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Sex workers are often at risk of HIV/AIDS and other sexually transmitted infections (STIs). For many people, this means that sex workers are a danger to public health and should be jailed or punished to protect the public. This ignores the fact that everyone is responsible for safer sex – not just sex workers. Many doctors and health care groups agree that the on-going criminalisation of sex work drives HIV, and removing the criminal law (decriminalisation) would be a far better way to improve public health.

Decriminalisation is supported by UNAIDS¹, the World Health Organisation², The Global Commission on HIV and the Law, and the Lancet Journal³, as well as human rights organisations like Human Rights Watch⁴, Amnesty International⁵ and the South African Commission for Gender Equality⁶. This fact sheet covers some of the main facts on sex work and HIV.

1 SEX WORKERS ARE AT RISK OF HIV/AIDS

“Sex workers who are HIV positive also face barriers to obtaining and adhering to treatment.”

- Many sex workers and their clients have sex with partners over a long time, putting them at risk for HIV if they do not use condoms.
- In conditions of extreme poverty, the risk of AIDS-related illness later on may seem less important than the immediate need for money, leading some people to sell sex in risky ways.
- Sex workers are often at risk of rape and other kinds of sexual violence^{8, 9}, including by police officers^{10, 11, 12}. More importantly, it is well known that violent sex is a major risk factor for HIV transmission¹³.
- Sex workers often have less power than their clients, because of gender, income or class differences. This can make it difficult for them to agree on condom use.
- Sex workers may also fear violence from clients if they try to negotiate safer sex^{14, 15}.
- Sex workers are often judged and treated badly by service providers, including health workers, which can make it difficult to get condoms and HIV tests. It can also make it difficult to get treatment for other STIs, which can result in increased HIV risk¹⁶.
- Sex workers who are HIV positive also find it hard to get treatment and keep to it¹⁷.
- Where sex work is against the law, as in South Africa, some police officers take condoms from people they believe are sex workers. The police may also treat the fact that a person is carrying condoms as “evidence” that he or she is a sex worker and arrest him or her. This stops sex workers carrying condoms, which raises the chances of unprotected sex and potentially getting HIV¹⁸.
- Sex work often happens in places like bars and clubs where alcohol and drugs are used. Sex workers may use them to relax and make the work easier. Being drunk or on drugs can affect decision-making and risk-taking and result in risky sex¹⁹.

“Where sex work is criminalised, as in South Africa, some police officers confiscate condoms from people they believe are sex workers.”

“Violence by police officers is a particular issue for sex workers.”

“Under decriminalisation, sex workers would more easily be able to access non-judgemental health services, including condom provision and HIV treatment.”

- Under decriminalisation, the buying and selling of sex becomes legal. Employment of sex workers is also legal. Sex work would be controlled by general labour law, allowing sex workers to organise legally. It also means that employers (e.g. brothel managers) must obey health and safety labour laws.
- Under decriminalisation, sex workers would more easily get fair treatment from health services, including getting condoms and HIV treatment²⁰. They would also be able to carry condoms without fear of arrest.
- Sex workers would be able to report violent crimes against them, including crimes committed by police officers, and access important services. This would reduce their risk of sexual violence^{21, 22, 23}.
- Sex workers would be able to work more openly, in well-lit public streets, in legal brothels or in their own homes²⁴. They would be able to have legal agreements with their clients, which would lessen the risk of violence and give them more power to agree to condom use with clients.
- Decriminalisation would mean that brothel managers, agents or other employers of sex workers would have to follow health and safety labour laws. Employers would have to give out condoms and other safer sex materials. They would also not be able to force sex workers to have unprotected sex with clients. Sex workers would also have more power to refuse drugs and alcohol at work, which would help them have safer sex²⁵.

“Employers would have to provide condoms and other safer sex materials, and would not be able to demand that sex workers have unprotected sex with clients.”

This Briefing was written by Dr Dean Peters and plain-language edited by Giles Griffin

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