



## The Southern African HIV Clinicians Society is dismayed that the SALRC has ignored the far-reaching impact of ongoing criminalisation on South Africa's public health

The Southern African HIV Clinicians Society supports evidence-based law- and policy-making. We believe that South Africa will not reach national and international HIV reduction and treatment targets and related public health goals if it does not decriminalise adult sex work.

The Society notes the ongoing vulnerability of sex workers to contracting HIV and developing AIDS within the present socio-legal environment in South Africa and the rest of Africa. Research has established that the HIV prevalence among female sex workers who work with long distance truck drivers along the N3 highway (the KPNS Study) is as high as 88.4%.<sup>1</sup> Similarly, the HIV prevalence among female sex workers in Cape Town, Durban and Johannesburg is from 40-70% (the SAHMS-FSW study)<sup>2</sup>.

The evidence for consensual adult sex work to be decriminalised has become increasingly convincing. Mathematical modelling and current evidence indicates that if sex work was decriminalised, 33-46% of HIV infections could be averted among female sex workers and clients within a decade<sup>3</sup>, opening the door to more effective preventative strategies. The decriminalisation of sex work entails the removal of adult consensual sex work from prosecution under criminal law and placed under regulation within a human rights framework through existing labour laws.

The decriminalisation of sex work is currently supported by UNAIDS<sup>4</sup>, the World Health Organisation<sup>5</sup>, The Global Commission on HIV and the Law<sup>6</sup>, the South African Commission

---

<sup>1</sup> UCSF and ANOVA "Long Distance Truck Drivers / Female Sex Workers IBBS Factsheet 2014"

<sup>2</sup> by Deputy President Cyril Ramaphosa at the 7th SA AIDS Conference, Durban 09 June 2015 Available <http://www.thepresidency.gov.za/pebble.asp?relid=19887>

Tim Lane et al "High Utilization of Health Services and Low ART Uptake among Female Sex Workers (FSW) in Three South African Cities: results from the South Africa Health Monitoring Study (SAHMS-FSW)" presentation at 8th IAS Conference on Pathogenesis, Treatment & Prevention, Vancouver, Canada, 22 July 2015.

<sup>3</sup> Shannon et al (2014) Global epidemiology of HIV among female sex workers: influence of structural determinants *The Lancet* Volume 385, No. 9962, p55–71, 3 January 2015

<sup>4</sup> UNAIDS "2016–2021 Strategy On the Fast-Track to end AIDS" Geneva, 2015

[http://www.unaids.org/sites/default/files/media\\_asset/20151027\\_UNAIDS\\_PCB37\\_15\\_18\\_EN\\_rev1.pdf](http://www.unaids.org/sites/default/files/media_asset/20151027_UNAIDS_PCB37_15_18_EN_rev1.pdf) UNAIDS (2002). "Sex Work and HIV/AIDS: UNAIDS Technical Update". Available: [http://data.unaids.org/publications/IRC-pub02/jc705-sexwork-tu\\_en.pdf](http://data.unaids.org/publications/IRC-pub02/jc705-sexwork-tu_en.pdf)

<sup>5</sup> World Health Organisation Department of HIV/AIDS (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". Available: [http://www.who.int/iris/bitstream/10665/77745/1/9789241504744\\_eng.pdf](http://www.who.int/iris/bitstream/10665/77745/1/9789241504744_eng.pdf)

<sup>6</sup> Global Commission on HIV and the Law "HIV and the Law: Risks, Rights & Health", July 2012, available <http://www.hivlawcommission.org/index.php/report>

for Gender Equality<sup>7</sup> and the Lancet Journal<sup>8</sup>. In addition, the Amnesty International Global Board has recommended that they, as an international human rights organisation, should develop a policy “that supports the full decriminalisation of all aspects of consensual sex work”.<sup>9</sup>

The Society encourages the adoption of progressive policies and laws that are in line with international healthcare and human rights organisations, in order to help stem the tide of HIV in South Africa.



Francesca Conradie

President: Southern African HIV Clinicians Society

---

<sup>7</sup> Commission for Gender Equality (2013). “Decriminalising sex work in South Africa”. Available: [http://www.gov.za/sites/www.gov.za/files/Commission%20for%20gender%20equality%20on%20sex%20work\\_a.pdf](http://www.gov.za/sites/www.gov.za/files/Commission%20for%20gender%20equality%20on%20sex%20work_a.pdf)

<sup>8</sup> The Lancet Special Series on “HIV and Sex Work” The Lancet (2015)). Available: <http://www.thelancet.com/series/hiv-and-sex-workers>

<sup>9</sup> Amnesty “Global movement votes to adopt policy to protect human rights of sex workers” 11 August 2015 Available: <https://www.amnesty.org/en/latest/news/2015/08/global-movement-votes-to-adopt-policy-to-protect-human-rights-of-sex-workers/>