Various arguments have been put forward as to why sex work should not be considered a crime. Public health evidence, feminist arguments and the importance of removing sexual moralism from public policy decision-making emphasise the social and individual benefits of the decriminalisation of sex work.

This Fact Sheet sets out how the decriminalisation of sex work will reduce gender-based violence.
DO SEX WORKERS IN SOUTH AFRICA EXPERIENCE HIGHER LEVELS OF VIOLENCE THAN OTHER PEOPLE?

Yes.

Female sex workers are 18 times more likely to be murdered than other women¹

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 and fines³

Other documented police abuse of sex workers includes:
- Rape and gang rape⁵
- Unlawful arrest, for example, when a sex worker is walking to the shops⁶
- Demanding bribes such as money or sex from sex workers⁷
- Finding condoms on sex workers and using that as “evidence” that sex work has taken place and sometimes confiscating these⁸
- Not believing sex workers when they report crimes – for example, such as having been raped⁹.

In a study in Cape Town, 12% of street-based sex workers reported that they had been raped by a policeman⁴

Almost one-third of sex workers in a study in Hillbrow reported they had had sex against their will in the last six months².
Globally, several studies have documented the negative effects of making sex work a crime.

Criminalisation of sex work has been shown to:

- Drive sex workers underground and away from services\textsuperscript{10}
- Increase stigma and create obstacles to accessing health and social programmes\textsuperscript{11}
- Reduce sex workers’ power, rendering them vulnerable to violence, human rights violations and corruption\textsuperscript{12}.

What is the impact of the criminalisation of sex work?

What is decriminalisation?

It means sex work is not a crime and places it within a human rights framework:

Decriminalisation of sex work is when all laws that criminalise sex work in a country are removed and sex work is governed by the same laws that affect other employment, such as occupational health and safety and employment legislation.

- Sex workers are able to work as independent contractors or as employees
- Sex workers are able to unionise, mostly regulate the industry themselves and can expect protection from the police
- Brothel operators and management are expected to comply with existing employment and occupational health and safety legislation.

A number of bodies, including Amnesty International\textsuperscript{13}, recognise the extensive harm caused by models which criminalise consensual sexual conduct between adults.

The following bodies support the decriminalisation of sex work:

- UNAIDS\textsuperscript{14}
- World Health Organisation\textsuperscript{15}
- The UN Committee on the Elimination of Discrimination Against Women\textsuperscript{16}
- The UN Special Rapporteur on Health\textsuperscript{17}
- The Global Commission on HIV and the Law\textsuperscript{18}
- The Commission for Gender Equality in South Africa\textsuperscript{19}.

Legalisation of sex work is not the same as the decriminalisation of sex work:

- In a legalisation model, the state would be the main regulator of the industry and would decide on the conditions under which sex work could take place. With a decriminalisation model, sex workers are more empowered to make decisions about the way they would like to work.
- Under decriminalisation, consensual activity between an adult sex worker and client would not be illegal; under legalisation it could be.
New Zealand decriminalised sex work in 2003 and acknowledged selling sex as service work. In a review five years after the implementation of the new legislation sex workers reported that:

- Their working conditions and well-being had improved
- They felt safer
- They were more likely to report abuse to the police.

Researchers also found that:

- Sex workers were generally practising safer sex.
- There was no increase in the number of sex workers in the industry – a popular public fear associated with decriminalisation.

A study in Australia showed better coverage of health promotion programmes for sex workers in a city that had a decriminalised legal framework, as compared to cities with a legalised or criminalised framework.

The decriminalisation of sex work respects the rights of sex workers, reduces gender-based violence and will increase community and individual safety.

**DECRIMINALISE SEX WORK IN SOUTH AFRICA!**

2. 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".
17. 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/HR/C/14/20.