

TAC Electronic Newsletter

By *moderator*

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- ALERT: Judgment in the case between TAC and Matthias Rath will be handed down in the Cape High Court on Friday 3 March 2006 at 11:30am

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(Two statements, one by SWEAT, one by TAC)

Statement by SWEAT

International Sex Worker Rights Day - 3rd March 2006

The 3rd of March is International Sex Worker Rights Day. The day originated in 2001 when over 25 000 sex workers gathered in India for a sex worker festival. The organisers wanted to celebrate the lives of sex workers as well as highlight sex workers' determination and strength. Sex worker groups across the world have subsequently celebrated 3 March as International Sex Workers' Rights Day.

The Sex Worker Education and Advocacy Taskforce (SWEAT) will celebrate the day with a group of sex workers and recommit ourselves to taking the law reform process forward. We will also be launching a campaign to stop arrests of sex workers under loitering by-laws.

In South Africa, street based sex workers are constantly harassed and arrested under local by-laws. The Sexual Offences Act is the piece of legislation that criminalises sex work, but it is local by-laws that are used to arrest sex workers.

SWEAT recently conducted research with street based sex workers in Cape Town. Sex workers interviewed spoke of high levels of contact with the police and arrests as often as five times per month. One sex worker described the continuous threat of arrests as a major stressor for her and spoke of feeling "hunted" by the police.

SWEAT believes that the police are abusing by-laws to indiscriminately target sex workers. Human rights infringements are taking place during these arrests. SWEAT's research showed that police are verbally and physically

abusing sex workers, including police pepper spraying sex workers after arrest when they are already in the back of the police van. SWEAT has also received reports of incidents where police demand sexual services in lieu of not arresting sex workers or pick sex workers up and then drop them off in very remote areas.

"Decriminalisation would go a long way towards stopping the indiscriminate abuse of by-laws to repress sex workers. SWEAT recognises that the police have every right to use by-laws to act in the interests of the public but they do not have the right to indiscriminately use by-laws merely to be seen to be cleaning sex workers off the streets. SWEAT and sex workers will work together to take a campaign to stop arrests forward," said Jayne Arnott, SWEAT Director.

For comment call SWEAT Director Jayne Arnott on 083 2560443 or 021 4487875

Statement by TAC on decriminalisation of sex work

Friday 3 March is International Sex Workers Rights Day. The TAC supports the call for sex work to be decriminalised. We endorse the above SWEAT statement. TAC believes that the continuing criminalisation of sex work is a breach of sex workers' rights to dignity and freedom of association, and hampers HIV prevention strategies. It also places them at increased risk of HIV infection and gender based violence. Criminalisation of sex work should be ended.

Sex workers are particularly vulnerable to HIV infection, violence and unfair labour practices. They have difficulty accessing health-care services because of the stigma associated with their profession. Sex workers are often harassed and arrested by police, but face a number of difficulties in reporting this abuse to the relevant authorities. They frequently do not have the power to negotiate safer sex with their clients.

The decriminalisation of sex work would help sex workers to organise themselves better and bring them under the protection and ambit of the law. They would be in a stronger position to compel their employers to provide appropriate health education and services and take measures to protect them from violence, sexually transmitted infections and HIV. Decriminalisation would enable sex workers to run campaigns providing information for themselves and their clients on HIV prevention and treatment, without risk of harassment from the law. The decriminalisation of sex work would help alleviate the HIV epidemic.

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