**Sisonke National Sex Workers Movement in South Africa**

**10 February 2022**

Submission to the United Nations Human Rights Council: Input to HRC Resolution 47/17

Sisonke is a sex worker led non-profit organisation founded in 2003. We are advocating for **the full decriminalisation of** **adult, consented sex work** in South Africa, allowing elimination of human rights violations and thereby affording sex workers, a key population an opportunity for full access to healthcare and equality before law. Over the years, we have engaged with local government, regional and global stakeholders in order to raise awareness around the violation of sex workers’ human rights and sexual reproductive health rights (hereafter ‘SRHR’). Recently, we became part of Love Alliance, a program that is funded by the Dutch Government and brings together networks, grant-makers and community-led organisations with the common goal of building a strong and unifying movement that promotes access to SRHR for people most marginalized and affected by HIV.

Following the United Nations High-level Meeting on HIV/AIDS in July 2021, a resolution was adopted – *Human Rights in the Context of HIV and AIDS*. This was an important moment for organisations advocating for the Human Rights and SRHR of key populations. South Africa, as a member of the UN General Assembly, subsequently released an official statement. In it, the South African government acknowledged that young women aged between 15 and 24 are disproportionally affected by HIV/AIDS; this is in a country that still has the “largest HIV epidemic in the world” with an estimated 7.7 million people living with HIV.[[1]](#footnote-1)

As an organisation that works with young women as well, we understand that shocking levels of violence, stigma and discrimination from close partners, families and surrounding communities can lead to increased HIV infections amongst this population group. Moreover, the very same stigma and discrimination can prevent these young women from accessing life-saving ART treatment from healthcare facilities. This is unfortunate when considering that the South African government states that we have the “largest [HIV/AIDS] treatment programme in the world, with 5 million people on antiretroviral therapy”[[2]](#footnote-2). On its own, this can be seen as a major achievement for the country, however it should be noted that in the context of eastern and southern Africa, the following key populations are “not benefitting equally”[[3]](#footnote-3) from efforts made to fight HIV/AIDS:

* Adolescent Girls and Young Women (AGYW)
* Sex Workers
* People Who Inject Drugs (PWID)
* LGBTQI+ Communities
* Men who have Sex with Men (MSM)

It is also noted that this fact has not been completely ignored by government officials. South Africa has made a number of significant commitments towards addressing HIV/AIDS amongst key populations. Currently, the South African government, along with key inputs from Civil Society and other stakeholders, has developed and endorsed two strategic plans – the National Strategic Plan for HIV, TB and STIs 2017-2022 (hereafter ‘NSP’) and the National Sex Worker HIV, TB and STI Plan 2019-2022 (hereafter ‘Sex Worker Plan’). Both of these strategic plans can be considered to be progressive, as they are aligned to one another and emphasise a multi-sectoral approach to achieving its goals of decreased HIV infections and increased uptake in treatment and adherence. The NSP outlines eight goals, namely:

1. Accelerate prevention to reduce new HIV and TB infections and STIs
2. Reduce morbidity and mortality by providing treatment, care and adherence support for all
3. Reach all key and vulnerable populations with customised and targeted interventions
4. Address the social and structural drivers of HIV, TB and STIs, and link these efforts to the NDP[[4]](#footnote-4)
5. Ground the response to HIV, TB and STIs in human rights principles and approaches
6. Promote leadership and shared accountability for a sustainable response to HIV, TB and STIs
7. Mobilise resources and maximise efficiencies to support the achievement of NSP Goals and ensure a sustainable response
8. Strengthen strategic information to drive progress towards achievement of NSP Goals

Although we applaud the South African government on including Civil Society and some key population-led organisations in the development of the NSP and Sex Worker Plan, we also have to note that there are still gaps in the implementation of the plans on the ground. For us as sex workers living in South Africa, criminalisation remains a major barrier to us enjoying and protecting our SRHR and human rights. Violence at the hands of police has a direct impact on our sexual and reproductive health, as condoms are often confiscated and used as evidence to lay a formal charge. This directly counteracts sex workers’ efforts to do their job safely and decrease their risk of HIV and STI infections. Moreover, when a sex worker is arrested, often their medication is confiscated and their adherence to treatment is negatively impacted. These are just two examples of how one branch of government’s actions is a total contradiction to one of South Africa’s core values – protecting all human rights. The stigma and discrimination that we have to endure is not limited to the police, unfortunately. There have also been numerous cases documented of healthcare workers who discriminate against sex workers, thus preventing us from fully accessing healthcare services and life-saving treatment.

Along with international human rights bodies and experts, and United Nations agencies, we continue to advocate for the full decriminalisation of sex work, as this is the only approach that grounds all efforts to eradicate HIV, TB and STIs in human rights principles. In addition, we call on government to increase investments in key population-led organisations, as they are the key stakeholders who bring evidence indicating whether or not health policy implementations are effective. Furthermore, evidence-informed responses to HIV are crucial to achieving global health goals – it is through these kinds of responses that provide holistic insight into other factors that affect responses to HIV, TB and STIs such as gender-based violence, food insecurity, stigma and discrimination.

In conclusion, we commend the South African government for making commitments to ending AIDS by 2030, and for endorsing strategic plans that outline how to achieve these goals. However, we note with concern the significant gaps in effective implementation of these plans, specifically when it comes to key populations. We call for our government to fully decriminalise sex work, as this is the best rights-based approach to protecting human rights and tackling HIV/AIDS in our communities. In addition, we call on government to increase investment in key population-led organisations to work in collaboration, in order to ensure that the protection of human rights and SRHR for all.

Resources for further information

Nuh, Oğuzhan. “As HIV incidence declines in South Africa, new infections are concentrating in those over 25”. 24 September 2001 [<https://www.aidsmap.com/news/sep-2021/hiv-incidence-declines-south-africa-new-infections-are-concentrating-those-over-25> ]

Statement by His Excellency Deputy President David Mabuza at the United Nations General Assembly High Level Meeting on HIV/AIDS. 8 June 2021 [<https://www.thepresidency.gov.za/speeches/statement-his-excellency-deputy-president-david-mabuza-united-nations-general-assembly-high-level-meeting-hiv-aids> ]

National Strategic Plan 2022. <https://www.knowledgehub.org.za/elibrary/national-strategic-plan-hiv-tb-and-stis-2017-2022>

National Development Plan – Vision 2030. [<https://www.gov.za/issues/national-development-plan-2030> ]

1. Nuh, Oğuzhan. “As HIV incidence declines in South Africa, new infections are concentrating in those over 25”. 24 September 2021. [↑](#footnote-ref-1)
2. Par 5, “STATEMENT BY THE DEPUTY PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, HIS EXCELLENCY, MR DAVID MABUZA”. United Nations General Assembly, 2021. [↑](#footnote-ref-2)
3. Par 248, “End Inequalities. End AIDS. Global AIDS Strategy (2021-2026)”. [↑](#footnote-ref-3)
4. South African National Development Plan – Vision 2030 [↑](#footnote-ref-4)