

Claiming Human Rights

Protecting the rights of sex workers:
Evidence on human rights violations

"People think that decriminalisation
is about sex workers recruiting
people... but let us be clear,
the strive for decriminalisation
is about human rights."

Kholi, South Africa

2023

Aquila / Photo: Madelene Cronje



It should be a simple fact: sex workers are human beings, and their human rights should be respected. Yet as criminalisation calls make significant progress across the globe, sex workers are sounding the alarm that the violence, stigma, and discrimination they face currently will only grow. Criminalising voluntary adult sex work is only the beginning of a cascade of human rights violations. Sex workers feel unsafe to report violence committed against them not just by clients, but by the institutions committed to serving all of society: our healthcare systems, our law enforcement and our religious spaces. This atmosphere of stigma, violence, and discrimination makes sex workers particularly vulnerable to risks compared to the general population; in the case of HIV, rates of infection are 30 times higher for sex workers. Enshrining and protecting the human rights of sex workers must become a foundational demand we ask of our communities for safe, healthy futures for all.

Capturing evidence

2023 is the third year the Hands Off programme presents data on the human rights violations perpetrated against sex workers over the past 12 months. This year, a total of **2466 human rights violations** were reported by sex workers in Botswana, Mozambique, South Africa, and Zimbabwe between December 2022 and November 2023. Data for this report was captured by peer educators, human rights defenders, paralegals, crisis response teams, and sex worker focal points who serve as a core support system for sex workers across the region. When a sex worker contacts a first responder, the responder documents the human rights violation in real time using confidential and secure software. While this report presents quantitative data, every number is a human being demanding their rights, and speaking out against a system that has excluded them for too long.

The numbers in this report are inconclusive, and represent only a fraction of the experiences of sex workers worldwide. The report is limited geographically to Hands Off implementation sites, and likely represents an underreporting of the human rights violations sex workers experience even in the regions Hands Off operates in. This fact sheet is therefore an indication of the wider patterns of violence and discrimination faced by sex workers, and representative of the 'invisible issues' that affect a community where human rights are not guaranteed.

Violence in its many forms

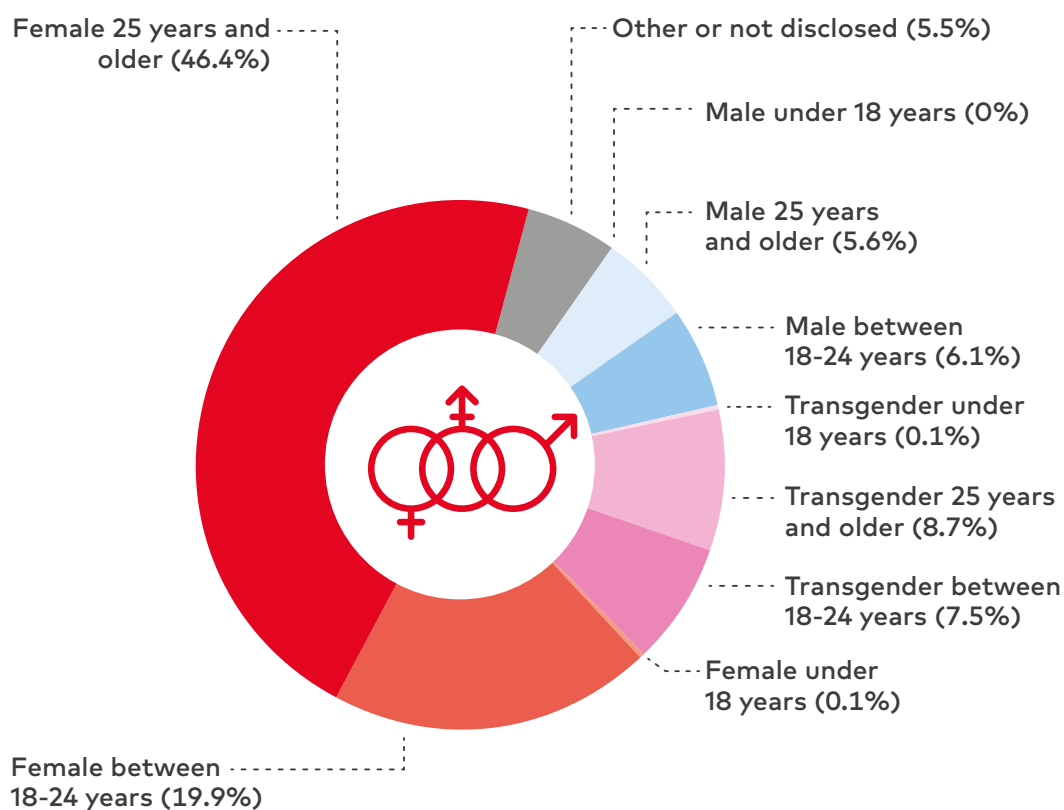
Compared to last year's report, there is a slight increase in the number of human rights violations reported by sex workers. While this could be attributed to an increase in violence in the region, the data also suggests that sex workers feel safer coming forward, and are more knowledgeable and trusting of the support systems in their community. This is also evidenced by the decrease of violence reported between sex workers, as sex workers continue to connect, unite, and view each other as one movement rather than competition.

While physical violence is most often perpetrated by clients or intimate partners, stigma, discrimination, and exclusion are more likely to be perpetrated by community members and others that sex workers interact with in their daily lives. This indicates that violent attitudes towards sex workers are still deeply ingrained within communities, and have adverse effects on sex workers even as they try to conduct mundane tasks, such as visiting a doctor or going to a bank. Data suggests that the cost of living crisis has pushed more people into 'infrequent' sex work, but the stigmatized nature of sex work means that conducting sex work jeopardizes their reputation and their stability in other facets of their life. This becomes particularly harmful in healthcare settings, where a risk of being outed as a sex worker discourages sex workers from seeking care and increases their risk of contracting HIV or other STIs, as well complicating other health concerns.

Despite increased outreach attempts from sex worker-led organizations, reports from male and transgender sex workers decreased. This is reflective of the increasingly unstable legal and cultural contexts for men who have sex with men and transgender people in the region, such as Zimbabwe. Being a sex worker already increases one's risk of violence and discrimination, but double or triple marginalisation because of one's sexual or gender identity makes speaking out that much more fearful.

Reports from young sex workers of all genders (18-24) increased slightly. While this can be interpreted as representative of the increased vulnerability of young sex workers, it is similarly indicative of the work done to bring young sex workers into the wider community. When this is paired with the knowledge that over three-quarters of sex workers who reported violence also sought and received support services of some kind, there is hope that sex worker-led movements and sensitized service providers are building safer and more inclusive spaces for sex workers of all ages.

Evidence on human rights violations

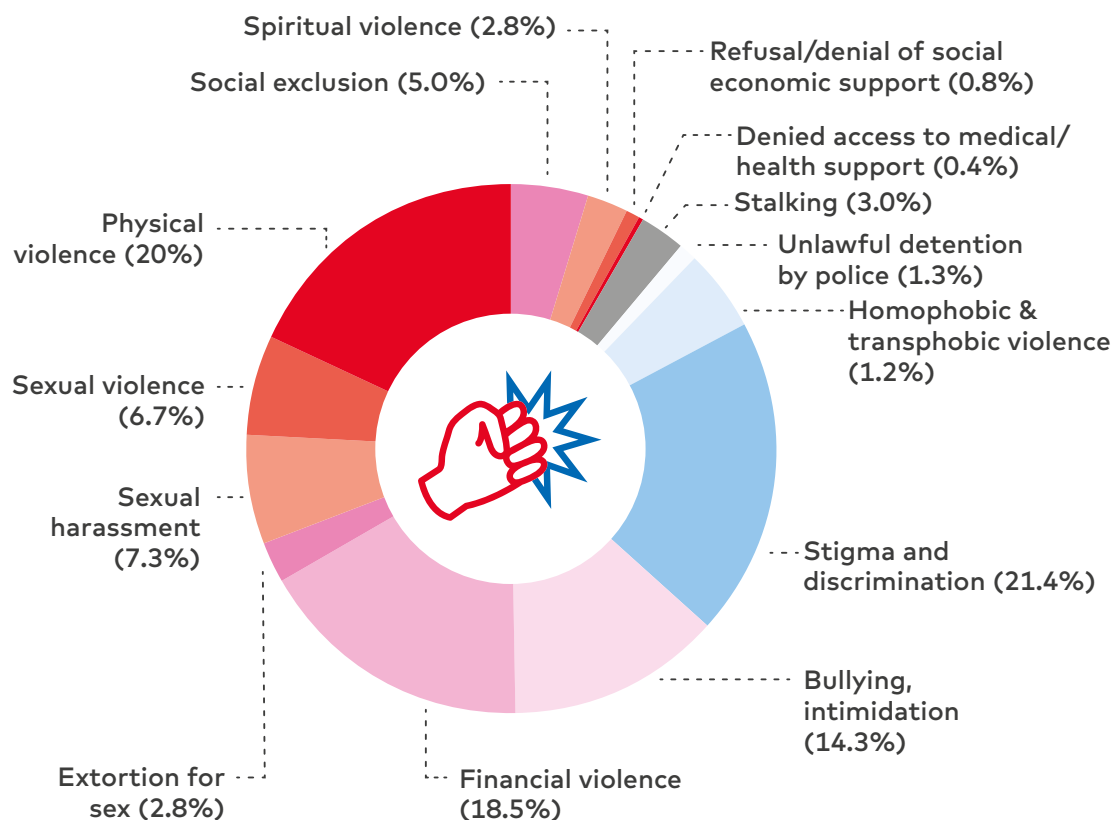


Gender and age groups

Each of the **2466 violations against sex workers reported** tells a story of a fundamental human right that has been neglected. Female sex workers remain the largest group reporting violence (66.4%) in the past twelve months. Male sex workers contributed to 11.8% of the reported cases, while transgender sex workers accounted for 16.3%.

Violations were reported by people selling sex between 16 and 60 years of age, with a mean age of 28 years. Most reports came from sex workers over 25 years old (64.3%), followed by their peers between 18-24 years old (35.5%). 0.2% violations were reported by minors selling sex. They make up the smallest proportion of survivors of violence who reported a violation. Most probably since they fall outside of the programmatic scope of the Hands Off programme.

Evidence on human rights violations

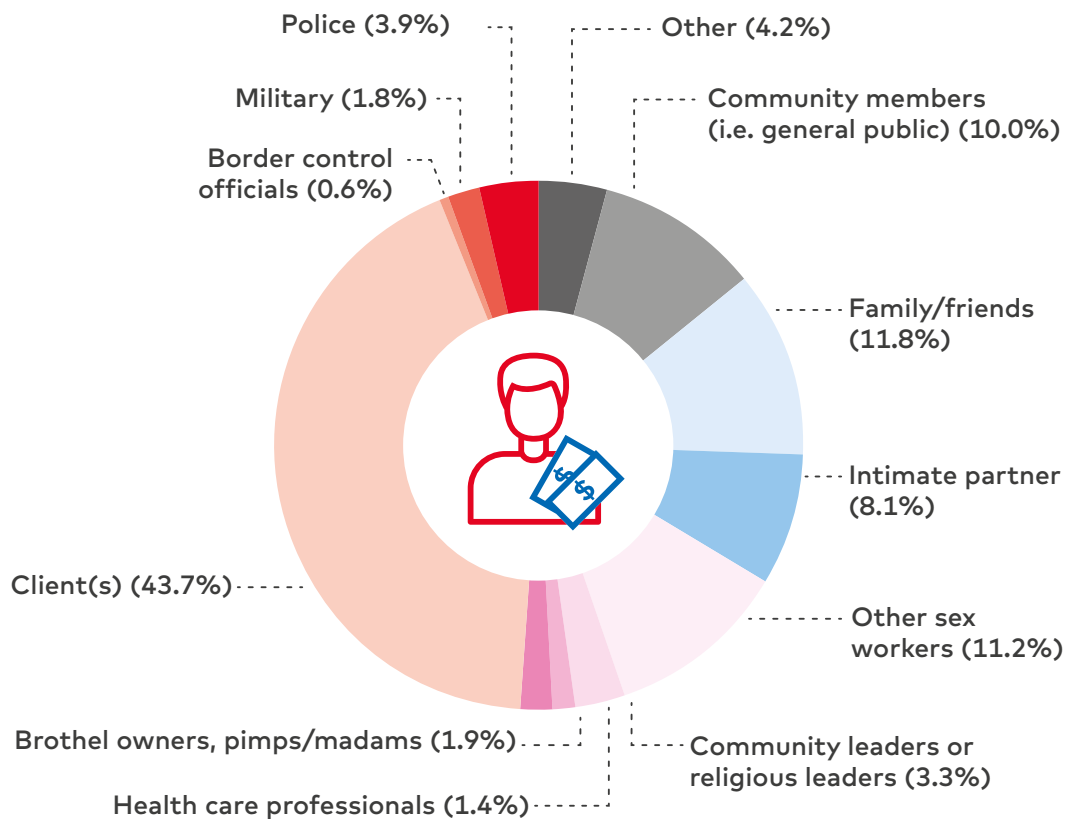


Types of violations¹

Physical violence and stigma and discrimination as a result of their professions remain the two leading forms of violations reported by sex workers (20% and 21.4% respectively). Financial violence is reported by 18.5% of sex workers and sexual violence by 6.7%. Sex workers also report violations such as kidnapping, strangulation, being 'doxxed'¹² on Facebook or kicked out of the house or class. Most violations happen during work (58.4%) and at home (23.7%), but also while not working, in the public space (9.7%). Only 30% of violations were reported to police, a worrying decline, since pursuing cases is crucial to counter the climate of impunity for abusive perpetrators.

Zooming into specific gender and age groups shows us that female sex workers are at increased risk of physical, sexual and financial violence. Male and transgender sex workers, as well as the group between 18-24 years old, are at increased risk to stigma and discrimination and in case of the first two groups – unsurprisingly – homophobic and transphobic violence. Sex workers older than 25 years are more at risk to physical and financial violence.

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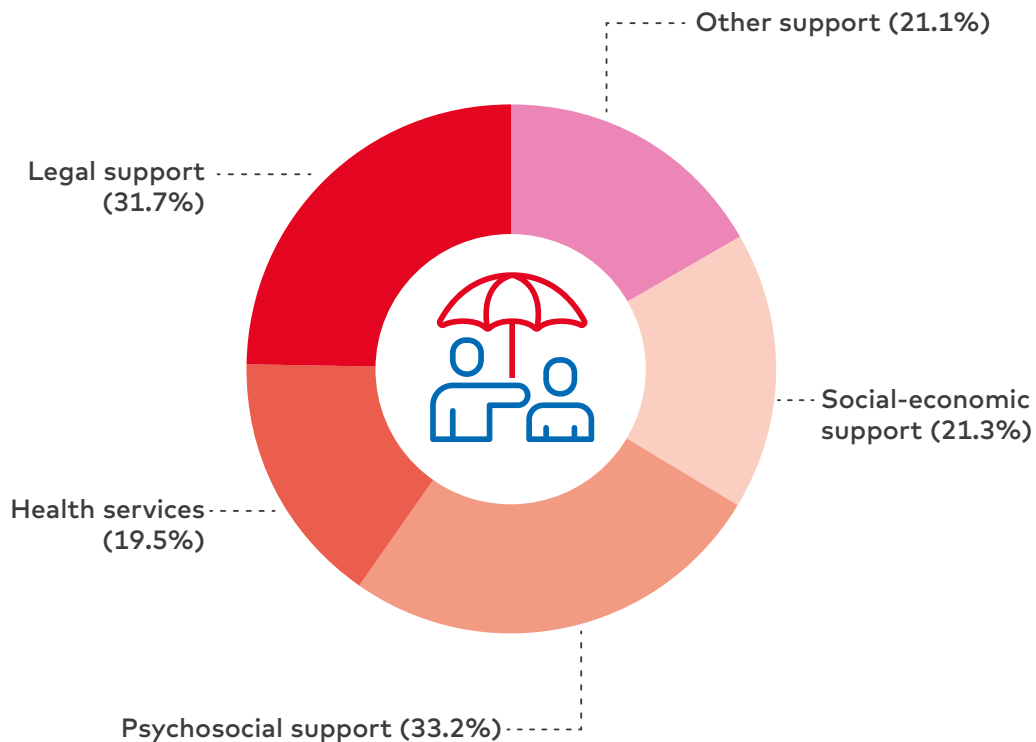


Perpetrators

Clients remain the main perpetrator group of violence against sex workers (43.7%). Other notable perpetrators are family and friends (11.8%), the community at large (10%) and fellow sex workers (11.2%), although the last number is steadily declining. A rise can be observed in physical violence perpetrated by intimate partners of sex workers. Although a small proportion, violence by community and religious leaders almost doubled, possibly explained by the growing influence and impact of the anti-rights movement. A substantial part of the violence (65.1%) is male perpetrated, highlighting the persistent influence of gendered power dynamics as a fundamental factor contributing to violence.

Female sex workers and those older than 25 years are most at risk to violations by clients. 53.3% of female sex workers and 47.5% in the 25+ age group reported violence by clients. Male and transgender sex workers are more at risk to violations perpetrated by community members, family and friends, health care professionals, and religious and community leaders. Young sex workers (between 18-24 years of age) are particularly at risk to violence from community members and their family and friends.

Evidence on human rights violations



Support to survivors of violence

Hands Off implementing partners play a vital role in providing essential support to survivors of violence, often unavailable to them. In the past year, 76.6% of sex workers had accessed one or a combination of services. Among those reporting violations, a significant proportion (33.2%) received psychosocial support. We observe an increase in sex workers receiving legal support (31.7%) from a lawyer or paralegal. Other forms of support mentioned are support provided by colleagues, religious leaders, (victim-friendly) police officers and community leaders.

Despite efforts by implementing partners to provide support to all sex workers who reported violence, there are groups that slip through the cracks. In particular, sex workers older than 25 years have limited access to legal support. Male and transgender sex workers were less likely to access health services after experiencing a violation.

"I was strangled. We went to Burger Street to do business, but after we had done the business, the client beat me, and in the struggle he took all my money and left me behind."

Female sex worker, South Africa

¹ **Physical violence** includes beating, brutality, punching and the use of objects and weapons such as guns, knives and pepper spray.

Sexual violence includes sexual assault, rape, unwanted sexual services, unwanted sex without condom.

Sexual harassment is defined as unwanted sexual looks, gestures, sexual comments.

Extortion for sex includes sex in exchange for release from police custody, sex in exchange of drugs and alcohol, or bribery.

Financial violence includes extortion for money, refusing to pay or stealing money.

Bullying and intimidation are seen as scaring someone into doing something, using threats.

Stigma and discrimination include calling names, stereotyping, profiling, negative and unfair treatment, discrimination at health facilities.

Homophobic and transphobic violence is defined as violence specifically perpetrated because of sexuality or gender identity – (LGBTIQ)

Unlawful detention by police involves keeping a sex worker captive despite having no legal basis for doing so

Stalking is defined as following, watching or harassing another person.

Denied access to medical/health support includes preventing access to medication (such as ARVs), prevention services and medical treatment.

Refusal/denial of socio-economic support, includes preventing access to relief packages and access to loans, housing, etc.

Spiritual violence includes preventing sex workers from visiting a place of worship or attending religious events, using religion to justify violence and exclusion from faith community.

Social exclusion is seen as exclusion by immediate family members, greater community including friends and other sex workers.

² **Doxxed** means revealing identifying information of someone online.

Decriminalise sex work!

Decriminalisation of sex work is the best way to protect sex workers and their human rights. It increases access to justice, necessary health care, and safer working conditions. In addition, we call on stakeholders to:

- Loudly counter and denounce anti-rights discourse that encourages violent conditions against sex workers
- Invest on gathering high-quality, effective data for sex workers
- Empower the voices of young sex workers to counter inequalities
- Advocate for and provide sustainable funding for sex worker-led movements in Southern Africa

Let communities lead

Empowering, funding, and following sex worker-led initiatives are proven to reduce new HIV infections among sex workers by 32%.

Sex workers are claiming their human rights; speak up and join them.

The Hands Off model has been effective in reducing violence against sex workers. For more information on the programme:
www.aidsfonds.org/hands-off