



# Only Rights Can Stop the Wrongs

## NSWP STATEMENT

### **NSWP CONDEMNS ARRESTS AND MANDATORY TESTING OF SEX WORKERS IN KISII COUNTY, KENYA**

**Sixty-five sex workers were arrested on Thursday 19<sup>th</sup> November in Kisii County, Kenya. The following day, the sex workers were taken to Kisii Teaching and Referral Hospital and tested for sexually transmitted infections (STIs).**

The leading officer from the Kisii Governor's Office, Mr. Patrick Lumumba, stated there were too many sex workers loitering the streets of Kisii, "spreading HIV and STIs to married men". He said this initiative was an attempt to eliminate sex workers from their town, according to the Kenya Sex Worker Alliance (KESWA) and the Bar Hostess Empowerment & Support Programme (BHESP).

Twenty-six of the sex workers tested positive for STIs. Those who tested negative were released. The twenty-six sex workers who tested positive were taken back to the cells without being offered any medical treatment or counselling. Seven of the sex workers told KESWA and BHESP that they were HIV positive and had missed their medication as a result of the arrests.

According to the arrest records, all of the sex workers were arrested for loitering. However, the Officer in Charge of the Station (OCS) stated the sex workers would be charged under the Public Health Act, which criminalises the wilful transmission of STIs/HIV. If a sex worker is found guilty under the Public Health Act, they could face a fine of up to 30,000 KES and/or 3 years in prison.

The sex workers were released on bail and fined 2,000 KES on Monday 23<sup>rd</sup> November. They were required to report back to the police station after three days for a medical examination, according to the [KESWA](#) Twitter account.

KESWA and BHESP are using this incident as an opportunity to challenge the Public Health Act. It is discriminatory, and goes against the 2010 Kenya Constitution that calls for the respect of human rights. It also increases the

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barriers to accessing STI services for sex workers. They also wish to file a petition to stop the Kisii Hospital from subjecting sex workers to STI screening without their consent. NSWP supports KESWA and BHESP in this effort and would like to highlight the efforts of our members in their struggle to have the human rights of sex workers respected.

The arbitrary arrest, detention, and mandatory testing of sex workers are gross violations of human rights. The legal oppression of sex work, and mandatory testing and treatment practices, are against internationally recognised guidance as defined in the [SWIT](#) supported by WHO, UNAIDS, UNFPA, UNDP, the World Bank, and NSWP. In addition, [Amnesty International](#) and [The Lancet](#) both recognise that the decriminalisation of sex work is instrumental to the global effort to combat the HIV/AIDS epidemic and to uphold the human rights of sex workers.

NSWP demands that Kisii County uphold the human rights of sex workers, stop the arrests and criminalisation of sex workers under the Public Health Act, and put an immediate end to the mandatory testing of sex workers.