
Outrage over HIV-positive sex worker's sentence

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Sex worker rights group Scarlet Alliance expressed outrage at the sentencing of sex worker Hector Scott for two months and four days under the ACT Prostitution Control Act in September.

Under the law it is illegal to work while you know you have a sexually infectious disease but there was no evidence presented in this case of any infection occurring and the Magistrate admitted that it was impossible to know if unprotected sex had ever taken place.

Janelle Fawkes from Scarlet Alliance said her organisation was appalled by the decision and the sentence sent the wrong message. "I don't believe anybody was put at risk by Hector Scott in this case. It's sending a very poor message that having sex with a positive person is unsafe and that is simply not true. The same activity in NSW and several other states would not be deemed illegal."

The Attorney General of the ACT, Simon Corbell even said a week before the decision that "with appropriate safe sex measures in place, the risk of transmission is negligible." His government had also recently signed on to the national guidelines for the management of people with HIV who put others at risk – a document which recommends following public health control measures and only using criminal prosecution as a last resort and only for cases of intentional transmission.

"The Magistrate John Burns has turned the clock back on many years of tax payer-funded work in HIV prevention and used an antiquated law from a time when HIV was certain death, to criminalise, stigmatise and discriminate against sex workers living with HIV," said Kane Matthews from Scarlet Alliance.

"Since this year's high profile prosecution we have seen the local sex workers fear of testing increase, with the regular monthly outreach clinics figures in the ACT dropping from 40 a month to two per month as a direct result of this case," Matthews said.

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