30 January 2023

Dear Rapporteur

I was alarmed at disturbed that this call for submissions has been coming from someone who’s role is the protection of human rights, yet it is filled with stigmatizing language and patronizing assumptions about sex workers. It also conflates consensual sex work and trafficking which is very harmful to both sex workers as well as the victims of trafficking. When we conflate the two we are also not acknowledging the agency of those who are making decisions which they think are best for them.

I am a former sex worker and I now run large scale capacity building programme, capacitating sex workers as peer educators and sensitizing stakeholders across South Africa, for both the Global Fund as well as USAID national sex work programmes. Through my work I have gained a very deep insight into the context as well as the experiences of sex workers from across the country. I have also conducted research on the needs of young sex workers for the NSWP as well as other organisations, and therefore the information that I will be sharing is

Many of the challenges that are faced by sex workers are related to the criminalization of their work, as well as the assumptions that people make about their lack of agency. In a criminalized environment it creates a blurred boundary between those who have made the choice for themselves and those who are being coerced or forced into doing it. It also creates an environment where sex workers struggle to access justice when their rights are violated and face high levels of stigma and discrimination when trying to access health services.

Criminalisation also encourages sex workers to work with pimps, who offer protection as well as assist in finding clients. They tend to also be exploitative and coerce sex workers into doing things that they may not want to do. They expose sex workers to drugs and can also traffic them, moving them to other locations and controlling their movements. If sex workers are able to operate freely and openly they would not need to work with pimps, reducing their chances of being exploited.

Sex workers are very vulnerable to violence, and as I mentioned before, at risk of not being helped when it happens. This violence comes from clients, pimps, law enforcement as well as other community members, who take advantage of the fact that sex workers need to work in clandestine ways and in dangerous areas, because their work is criminalized. They are also aware that sex workers are often scared to report the abuse as they do not want to disclose that they are sex workers.

Sex workers activists in South Africa are very active and involved in advocating for the rights of sex workers. Most of these activists are associated with SWEAT or Sisonke, as well as a variety of other human rights organisations such as Women’s legal centre and Sonke Gender Justice. Most of these activists are current or former sex workers and therefore the activism around access to rights is being done by sex workers themselves.

Sex worker activists in South Africa also ensure that their voices are heard when all policies and laws that affect them are being developed. They have managed to get representation at SANAC as well as ensure that consultations are done with sex workers to inform the bill to decriminalize sex work in South Africa.

The first step to prevent this violence against sex workers in South Africa is to decriminalise sex work so that sex workers are able to operate more freely and openly, organize themselves and work in ways where they are not exposed to the dangers that exist in our community. Sex workers that work in doors are usually safer than those who are finding clients in the streets, however because of criminalization, they are forced to work with criminals in these environments.

In a criminalized environment it is more difficult to differentiate between those who are choosing to do sex work and those who are being forced to do it. If we want to be able to help those who are being coerced into it, and assist them in getting away from those exploiting them, we need to have an environment where it is possible for those who wish to do it are able to do so openly and without having to hide.

I trust that you now understand that there is a major difference between consenting sex workers and victims of trafficking, though criminalization can blur this boundary, creating an environment that takes people’s agency away from them and making it difficult to differentiate between the two very different circumstances. It also prevents sex workers from accessing their rights when they are violated.

I wish you the best in writing up a report that reflects the wide variety of experiences of sex workers, and centres their voices and their experiences.

Sincerely
Clinton Osbourn