

Dear UN Rapporteur on Human Rights

I wish to make a submission to the call that you put out because I am a sex worker and activist and mother from South Africa and my rights will be affected by the report that you are going to write.

My response to some of the questions that you have proposed are below.

1. What measures are in place to assist and support women and girls who wish to leave prostitution?

I want to start by expressing that I do not use the word prostitution and I am offended by the use of this word. Members of the sex worker community and those of us in advocacy use the term “sex work” over “prostitution”. For me as a sex worker and an advocate of those in the sex work industry, prostitution is a negative word that contributes to the dehumanization of the sex worker profession and promotes stigma and discrimination and it does not recognise my own agency in making this choice.

It is important to understand why women and girls get into sex work in the first place to know why there are so few measures in place for those who wish to leave. From a personal perspective, I got into sex work because I had no formal education and no work skills. I was a single mother who had my first child at 16. After escaping an abusive relationship, I was left with no money and starving children. I did not start sex work because it was something I was passionate about. My story is not uncommon. But it was my choice, I wasn't forced to do it sex work. We make this decision because our options are limited, but that does not mean that it is a bad decision. It helped me to educate my children and do other responsibilities like building a house for my family. Without sex work, I would not have been able to do that.

I should note some women also come into sex work from wealthy and educated backgrounds. Unfortunately, they do not speak out or advocate as much so our knowledge about their reasoning for joining the sex work industry is limited.

Most women in sex work have a criminal background due to sex work being illegal, so finding work in a different field is difficult. It is daunting to leave knowing this. Criminalisation makes it difficult for people to leave sex work industry.

2. What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?

You are only talking about victims and survivors, of which I am not. I am a person who has made a living and supported my family through this work. I am not a victim and the things that I have survived through are not because of sex work itself but it was because sex work is criminalized.

The biggest obstacles I believe organizations face is the fact that sex work is criminalized in South Africa. It is hard to advocate for women who are seen as criminals in the eyes of our government. If you are a victim of rape in this country, you cannot go to the police or the hospital and say what happened to you. From personal experience and information shared by other sex workers, medical workers and police do not recognize you as a victim of a crime, solely because you are a sex worker. Sex workers are exposed to rape and trauma at a very high rate. There are little to no statistics on sex workers being raped or assaulted due to police dismissing or arresting them when they seek help. Sex workers are also not included on the statistics on gender-based violence. The costs for an attorney to represent a victim is unfathomable for most in South Africa. Only perpetrators of crimes are granted free attorneys, so one must use personal finances to pursue justice for themselves. As of now, it is easier to hold the trauma we experience and stay in sex work rather than fight for our basic human rights.

3. What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?

The reality is that sex workers are dying. My friends and my family are victims of crime because sex work is criminalized and we cannot go to the police when we are abused. Because the work that I do is criminalized it is very difficult for me to access my human rights.

When human rights are difficult to access, it is also difficult to access health care and justice. People do not ask if I have been taking my PreP, using condoms, or have been screened for HIV before they choose to partake in sex, rape, or abuse me. They know they will get away with it as sex workers are seen as criminals. The department of justice fails me time and time again

Most, if not all the work done is not being recognized by the government. Lobbying for the decriminalization of sex work in South Africa is constantly one step forward and two steps back. Often, we feel that we are close to getting a seat at the table in government, only to learn our proposal has been turned down. I want women in sex work and myself to be able to go to health clinics and police stations without being criminalized. The perpetrators are not recognized because women in sex work are “criminals” and there is no case to be made.

4. Are frontline organizations and survivors’ organizations sufficiently included in policy making at the national and international level?

In South Africa, organizations and sex workers are being consulted in law-making processes but the decisions still remain with politicians. I advocate and lobby as much as I can to make sure we are a part of the conversation. Those who hold the power to make changes in the law want to make sure we sit outside of the building. But we are organizing ourselves and we making sure that they are hearing what we have to say.

We have seen sex work safely and legally become law in other countries. However, no one has perspective of what sex workers do and go through. We are ready for our spot at the table and are doing all we can to get there. It is important that when people are making policies that affect sex workers, that you are listening to sex workers and not making assumptions about their lives and their experiences. Only sex workers really know what we want and what we need.

5. What recommendation's do you have to end and prevent violence associated with the prostitution for women and girls?

The most obvious recommendation is to decriminalize sex work. Sex workers are women and girls who are working to provide for their families, for a better life. We are women and girls who deserve to feel free and safe to seek justice when someone abuses or rapes them. The decriminalization of sex work is women being recognized, being able to exercise basic human rights, taking power back of their lives. It will create a safer environment and hold those accountable who harm us. It would allow women to seek healthcare without fear of being reported or denied care. It would allow women to have more choices when and if they decide to leave sex work without a criminal record.

I hope that you are going to listen to sex workers when you are writing your report and make sure that you include our messages, without judging us. We are used to people making judgements about our choices and assuming things about us. This is not a moral issue this is a human rights issue. We want you to tell everyone that sex work should be decriminalized so that we can have access to our rights.

Sincerely,

Dudu Dlamini