



Amnesty International

Global Director

Mr Salil Shetty

By E-mail: Salil.shetty@amnesty.org

And to: South Africa Director

Ms Mpilo Shange-Buthane

By E-mail: mpilo.shangebuthane@amnesty.org.za

5 August 2015

**Re: Letter in Support for Amnesty International to Adopt
Decriminalisation of Sex Work Policy Position**

Dear Mr Shetty and Ms Shange-Buthane

The Sex Worker Education and Advocacy Taskforce ('SWEAT') is South Africa's leading sex worker human rights organisation. We are a non-profit organisation registered as such in accordance with South African law and have been providing services to sex workers and advocating for sex workers human rights since 1996. SWEAT is at the cutting edge of sex worker advocacy, human rights defence and mobilisation in South Africa and works to support sex workers in accessing their human rights in a criminalised system whilst simultaneously advocating for the decriminalisation of sex work.

The Sisonke Sex Worker Movement ('Sisonke') is a South African sex worker led movement which comprises of 500 sex worker members nationally. The movement was launched in 2003 and is housed within SWEAT. The objectives of the movement are to unite sex workers, improve

Head Office

WESTERN CAPE
19 Anson Str
Observatory
Cape Town
Tel: 021 448 7875
Fax: 021 448 7875

Provincial Offices

GAUTENG
2nd Floor,
Braamfontein Centre
23 Jorissen Str
Braamfontein
Johannesburg
Tel: 074 124 4313

NORTH WEST
Office No 109
West End Shopping Centre
51 Teask Str
Klerksdorp
Tel: 074 159 9454

LIMPOPO
2 Drakenstein
84 Hans van Rensburg Str
Polokwane
Tel: 074 141 5525

EASTERN CAPE
1st Floor, Office No 3
Frere Square
58 Frere Rd
Vincent
East London
Tel: 074 124 0547

their living and working conditions and to demand that sex workers human rights are respected and upheld.

We write this letter to appeal to Amnesty International to formally adopt a policy position in favour of the decriminalisation of sex work at its International Council meeting scheduled to take place on 6 August 2015.

The decriminalisation model is the only legal model for sex work that is based within the human rights framework. It aligns with Amnesty International's vision of a world in which every person can enjoy all the rights enshrined the Universal Declaration of Human Rights and will promote the achievement of the objectives of several other international instruments that strive to advance women's rights and other disadvantaged people's rights including but not limited to, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

Sex work is currently criminalised in South Africa and South Africa is one of the only countries that criminalises both the buying and selling of sex by consenting adults. The need for the decriminalisation of sex work is particularly evident in South Africa based on the various adverse impacts that it has on sex workers. Criminalisation reinforces stigma against sex workers that facilitates continued violations of sex workers human rights. Some of these human rights violations include:

- High levels of violence perpetrated against sex workers by the police, clients, intimate partners, managers and members of the community.
- Denies sex workers access to healthcare services, other social services and the criminal justice system.

The decriminalisation of sex work can support increased respect, protection and fulfilment of sex workers human rights as enshrined in the South African Constitution and could have a direct impact on improving sex workers lives by amongst others:

- Reducing sex workers vulnerability to violence at the hands of police, clients, managers and intimate partners.
- Contributing to the elimination of stigma that serves as a barrier to service delivery.

- Reducing high levels of violence, intimidation and harassment against sex workers at the hands of the police, their clients and their managers.
- Legally acknowledging sex work as work and entitling sex workers to the full range of labour law protections which other workers have.
- Improving sex workers access to healthcare services and the criminal justice system without fear of prejudice because of the nature of sex workers work.
- Enabling sex workers to form movements, trade unions and other solidarity based interventions for their own protection, empowerment and collective action.

The South African Commission for Gender Equality has publically announced its support for the decriminalisation of sex work as have several international institutions concerned with health and human rights, including but not limited to the World Health Organization, UNFPA, UNAIDS, Human Rights Watch and the Global Commission on HIV and the Law.

In response to opposition to Amnesty International adopting a policy position to support the decriminalisation of sex work by the Coalition Against Trafficking in Women's open letter dated 22 July 2015, we object to the statement that support for decriminalisation will result in "gender apartheid".

We are of the view that the statement is uninformed and generalised. SWEAT and Sisonke recognise that many South African sex workers make informed decisions to work as sex workers. Assuming otherwise means that we accept that adult sex workers have no agency and this undermines women's ability to make informed decisions. Whilst sex workers choices are often limited due to limited education, job opportunities and socio-economic disadvantage, choosing to work as sex workers is a choice amongst limited choices nonetheless.

The criminalisation of sex work in the South African context directly impacts on sex workers vulnerability to violence (including sexual harassment) and this in reality has resulted in 'gender apartheid'. The roots of criminalisation are seated in South Africa's apartheid past and the provisions of our Sexual Offences Act of 1957 that criminalises sex work are one the last remaining laws that have not been reformed in line with our supreme Constitution. This the case despite the fact that our Constitution guarantees all persons living in South Africa, including sex workers, the fundamental human rights to, *inter alia*, human dignity, equality and freedom from

violence. The criminalisation of sex work is oppressive to sex workers and mirrors the unfair discrimination experienced by Africans under apartheid.

The adoption of this policy position by Amnesty International will have a direct impact on SWEAT and Sisonke's long-term advocacy for law reform for the decriminalisation of sex work in South Africa and most importantly in advancing and protecting sex workers fundamental human rights. We sincerely hope that our appeal will be considered favourably.

Please feel free to contact the writers should you have any queries or require any additional information.

Kind Regards

Cherith Sanger

Kholi Buthelezi

SWEAT Advocacy Manager/
Human Rights Attorney

Sisonke National Coordinator
SA National AIDS Council Sex Work Sector
Representative

Tel: 021-448-7875

Tel: 021-448-7875

E-mail: cheriths@sweat.org.za

E-mail: kholiB@sweat.org.za