

Thank you Chair and Thank you to the Committee on Women, Children and People with Disabilities for giving SWEAT the opportunity to speak around the Women's Empowerment and Gender Equality Bill.

My name is Danielle Coleman and I am the Human Rights and Advocacy Fellow at SWEAT. This presentation is in result of consultation with sex workers and our allies and I am grateful that my team as empowered me to give this presentation.

SWEAT rejects this bill.

Firstly, there are structural barriers that make this bill irrelevant for women in the informal sector which includes sex workers, farm workers, women in mining and unemployed women. Based on the WEGE Bill These includes

- Clauses 7 on Equal representation and participation
- Clause 9 on measures to empower women and to eliminate discrimination
- Clause 4 on Education and Training
- Clause 8 on gender mainstreaming
- Clause 10 on economic empowerment

These clauses create structural barriers because they exclude how women in the informal sector or unemployed women will benefit.

However, speaking wholly from a sex workers perspective I will give a concrete example.

- In South Africa, the Immorality Act 1957 infamously criminalized sex between individuals across the colour line. Later renamed the Sexual Offences Act, 1957, it also prohibited brothel-keeping, procuring, and living off the proceeds of 'prostitution'. Sex workers (sellers) were then criminalized in 1988, and clients (buyers) in 2007.
- To date, this Apartheid-era law which seeks to control sexual acts between consenting adults remains, which is in complete inconsistency of our modern Democracy. The Sexual Offences Act of 2007 repealed most of the remaining provisions of the 1957 act, excepting those related to prostitution.
- Under the Sexual Offences Act 2007, we, our clients, people working with us, and people benefitting from our work, can be arrested for selling, buying or living off the proceeds of sex work. There are many issues associated with this law.
- For example
 - In a 2009 survey, 12% of sex workers reported having been raped by police, 46% threatened by police and 28% forced into providing sexual favours.
 - Due to the stigma attached to sex work, there is a pattern of police confiscating condoms, and refusing ARVs and other medication to sex workers in police cells,.
 - *the police exploit the existing power structure between "the law and the criminal" to force sex workers into unequal and disempowering positions."*

- The police claim that sexual violence against sex workers is difficult to prove or downplay complaints. 37% of street-based and 20% of brothel-based sex workers report often experiencing violence and, alarmingly, being unable to report it to the police.
 - *“Because of the current law sex workers feel un-empowered to report rape, sexual assault and violence to the police*
 - *This further results into triple victimization as they have been primarily violated by a client, violated by the police who are not committed to sex workers complaints which directly relates to the overall violation that is the law felt by sex workers that propagates this structure.”*
- It is estimated that 44-69% of sex workers in South Africa are infected with HIV however because of the stigma by health workers only 5% of sex workers make full use of HIV services
 - *sex workers are disempowered as they are alienated because of their work and the status of their work.*
- **As a result we believe that the current law of criminalization propagates the disempowerment of sex workers, and therefore is in direct violation of the proposed intent of the full realization of women’s empowerment for all South African women within the WEGE bill.**
- **Because of the current criminal law, the structural barriers that impede sex workers access to empowerment will still exist. The overall goal of the WEGE bill will thus ultimately be unattainable for sex workers.**
- **Furthermore, whether in its current form or an amended version, without the decimalization of sex work the WEGE bill will work as double victimization and will have the reverse effect in that the bill itself will be disempowering for a large sector of women in South Africa; sex workers.**

Following this, I would like to address one of the main clause of the WEGE bill which again does not apply to those women in the informal sector and unemployed women.

- Through out pages 4 and 5 of the WEGE Bill one reads that their will be progressive measures to ensure a 50% representation of women in leadership and management positions across sectors. and meaningful participation of women in decision making structures.
- Our concern is that this specific provision outlined in the Bill, towards achieving this goal, is specifically tailored to benefit women who are already employed within the formal sector both public and private.
- This notion of 50/50 is just a matter of fairness and wont necessarily increase the market share of unemployed women or those in the informal sector. It will only benefit previously privileged women and not those who are continuously systematically excluded from our economy.
- Because of particular reasons many women within the informal sector are clearly not in the formal sector and perhaps have not acquired a tertiary education which would allow for the upward mobility described in this bill.

- More specifically on the women we represent, in our current society sex workers are not seen as “appropriate” peoples to engage in political or economic decisions within both the private and public sectors, and therefore as certain groupings of women are being “represented”, sex workers will again be alienated and this piece of legislation will serve to be disempowering.
- This is quite unfortunate because even though sex workers to participate in the formal economy by providing services, paying school fees and buying products their contribution to the economy is ignored.

Next, I would like to address the fact that we believe that the WEGE Bill is not needed, what is actually need is an examination and transformation of existing laws and pending legislation. There are several bills that have been completely frozen in the halls of parliament that would indeed address the issues outlined in the WEGE Bill. For example

- Muslim Marriages Bill in which women have been bringing cases to the courts for 12 years
- Hate crime legislation 31 lesbian women have been murdered in SA since 1998
- Rural women security of land tenure

However an example Directly relating to sex work, is our dealings with the South African Law reform Commission on the decriminalization of sex work . This one of those issues that have been frozen for nearly a decade.

- In 2001 Project 107 was established and the issue paper released their were stagnant conversations and
- In 2009 the discussion paper was released however since 2010 their have been no discussion around the discussion paper, no results of the data collected, no further recommendations by the committee
- Their were no commissioners for over a year and since they have been appointed their have been no meetings!
- no solid legislation decisions for over a decade on how south africas government will precede in regards to the decriminalization of sex work.
- So while we are here discussing a bill that is irrelevant for sex workers, sex workers are being harassed by the police, are not being protected by some violent clients and even this
- Friday an accuser will stand trial for murdering a sex worker in SA.
- Sex Workers remain vuberalble with no access to the justice under the law because the issue of decriminalization of sex work has been frozen.
- Furthermore, Based on my first point it is the current law that criminalizes sex work that is the most disempowering and if the government would invest in current structures to address these issues than we could seriously consider the relevancy of the WEGE bill for sex workers however until we cannot.
- Slapping on a new bill on aged old issues that have already been addressed in other pieces of legislation that have not been ineffectively implemented is not the answer.

Second to last point is addressing the development of this bill.

- To date, we believe that the coordination towards the development of this bill has excluded many women including key populations (i.e. sex workers) to give much needed input based on the lives of all women within South Africa.
- The government has only consulted with a select few NGOs and private sector agencies, directly contravening the purposes of the bill by excluding the voices and lived-experiences of many women - key populations, rural women, those who live under gender inequality and experience extreme forms of disempowerment in their daily lives.
- Furthermore many consultations have been given my civil society themselves
- Thus we urge that for the provincial consultations there is given adequate time for those from afar to attend, it is conducted in local languages and there are strategic mobilization strategies by the government to ensure those women and voices that have been currently left out such as poor women, rural women. Women in the informal sector and unemployed women are included.

Lastly, we are incredible thankful that there have been passed bills an pending legislation that seek to accomplish the same issues that the WEGE Bill outlines, however we do feel that that their needs to be a large scale examination, they need to be strengthened, adequately budgeted for and most importantly tailored to the context of the woman which should begin with accounting for the intersecting oppressions of marginalized women.

Thank you