



Submissions to

**Chairperson *MS MASEFELE STORY MORUTOA* of the Multi Party Women's Caucus –
Parliamentary Committee**

On the

South African Law Reform Commission (SALRC) Report 107 on Adult Prostitution

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Background

Mothers for the Future (**M4F**) is a program that started in 2013, which supports mothers who do sex work by providing a safe place to meet, organize, access supports well as build skills and share knowledge. **M4F** utilises a holistic approach to address the issues women sex workers face. **M4F** address a number of needs which include: health needs, legal issues, lack of support and lack of emotional support. **M4F** seeks to ensure a mother and child's overall well-being by not only focusing on the health issues a woman faces but the emotional problems that comes with being a woman, mother and sex worker. This is a programme that has been completely conceptualized, coordinated and controlled by a groups of mothers in 3 provinces whose primary form of income is sex work.

While sex workers enter the industry for numerous and complex reasons, one reoccurring theme that motivates many sex workers is providing for their children. A survey of 200 South African female sex workers by the Sex Workers Education and Advocacy and Taskforce (SWEAT) found that those participating in the study were supporting 279 children in total. Studies have also shown incredibly high HIV prevalence rates amongst female sex workers in South Africa (ranging between 39.7% - 71.8%). What these studies show is that mothers whose primary source of income is sex work, are in a very precarious and extremely vulnerable situations. Not only is their work fully criminalised (they constantly face the threat of arrest and violence at the hands of the police), but the stigma and discrimination they face as sex workers greatly limits their ability to access health services for themselves and their children. It is in this context that "Mothers for the Future" (M4F) was founded in 2013.

Purpose of submission

Mothers for the future's purpose of submission is to raise concern with the content of the South African Law Reform Commission (SALRC) Report 107 on Adult Prostitution, and its recommendations: Continued full criminalisation diversion programs or Partial Criminalisation legislative options in South Africa. We believe that the recommendations of the report will further limit sex workers options, increase vulnerability and violence, increase stigma and discrimination for both mothers and their children, increase the HIV transmission rates among sex workers, create opportunities for exploitation by police officials, further marginalise sex workers that are already marginalised under the current legislation, push sex work underground therefore making access to health care and legal recourse almost impossible.

Our Comments on the South African Law Reform Commission (SALRC) Report 107 on Adult Prostitution

The aim stated of the above report was to identify alternative policy and legislative responses that might *regulate, prevent, deter or reduce prostitution*, the commissions line of argument is more directed at *reducing prostitution which is abolitionism* instead of recommending legislation that is for protection and safety of sex *workers*. Where evidence for decriminalisation has been brought forward by respondents and interviewees of the investigations, they are seen as condoning the abuse related to sex work which is an assumption

based on bias. The respondents fully acknowledge the abuses that exist in sex work but also state that these exist because of the criminalised environment clearly showing that criminalisation has failed to make any progress in reducing violence against sex workers.

The report fails to set out the perspective of sex workers only quoting almost entirely from a small number of women (participants in the documentary “Rocking Chair” a film produced and directed by the Christian Broadcasting Network) who have chosen to align themselves with religious proponents of criminalisation.

Our opinions on the report’s recommendations

Criminalising the buying and selling of sex creates a context where sex workers human rights can be violated with impunity. It enable the police to harass, abuse and arrest sex workers, arresting officers mistreat women (some might be pregnant) by denying them their medication and access to healthcare. Women that get arrested leave their children without proper care and a source of livelihood. It creates a space of reduced condom negotiations as police officers use condoms as evidence therefore increasing the chances of unplanned pregnancy, STI and HIV transmissions. It limits access to healthcare treatment by government hospitals and sexual and reproductive health services. It does not afford sex workers any labour rights such as maternity leave. It only reinforces stigma and discrimination towards sex workers and their children.

Diversion programs mean a limited number of skills, as an option of income to the sex workers and might not give the sex workers who are mothers enough income to take care of their children.

Partial Criminalisation pushes sex work activities and sex workers further underground as their clients and brothel owners are criminalised. Clients may become paranoid and potentially abusive. Laws against brothel keeping means that sex workers can’t work together, exposing them to more spaces of unsafety, increasing the risks to violence. Because the clients are criminalised it means time pressure when arranging sex which reduces negotiation for safe working environment for the sex workers. Sex work is still hidden reducing access to health and other legal services, sex workers cannot report abuse towards them or exploitative situations including human trafficking, sex workers are still at risk of abuse by police, clients and managers.

Conclusion

The recommended legislative frameworks undermines the ability of sex workers to act for themselves as they are regarded as victims who need to be rescued or “immoral women”. It takes away all agency and political will that the South African female sex workers have been striving for. We will continue to advocate for the full decriminalisation of sex work in order to live a world where we can work safely and without fear of abuse and discrimination to provide for our families. We applaud the Multi Party Women’s Caucus’ support for the full decriminalisation of sex work and recognising us as adult women with agency and human rights. We call for the Caucus as well as the Department of Justice to set aside the Report and listen to sex workers and listen to evidence.