



# IZWI LETHU

# 2023

Sisonke National Movement is an organisation advocating for the full decriminalisation of adult (18 years and older), consenting, male, female, transgender, non-gender conforming sex workers across the country.

**Sisonke**  
National Sex Workers Movement in South Africa



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SISONKE  
NATIONAL  
MOVEMENT



# ABOUT US

BY YONELA SINQU

TWENTY YEARS AGO, 70 WOMEN TOOK IT UPON THEMSELVES TO FORM A MOVEMENT TO CHALLENGE THE STIGMA AND DISCRIMINATION ENDURED BY SEX WORKERS - PARTICULARLY STREET-BASED SEX WORKERS, FUELING THE RACIAL AND ECONOMIC DIVIDE AMONG WOMEN.

Continuing the work of male sex worker and social worker, Shane Peltzer (may he continue to rest in power), to decriminalise sex work in South Africa, these women from all walks of life established Sisonke National Sex Workers' Movement.

Sisonke National Sex Workers' Movement with the force of these women, saw the rise in nine other African countries following suit.

It was this South African-based Movement which birthed Sisonke Botswana, Kenyan-based KESWA, Malawan-based FESWA including Zimbabwean-based ZIMSWA, spreading the notion of women empowerment in the sex work industry as far afield as Uganda and Nigeria.



Sisonke members, allies and family members took to the streets of Cape Town to heighten the call to decriminalise sex work.

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**Decriminalise sex work**  
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Despite sex work being criminalised in many of these countries, the unity to rally behind each other and hold governments to account for the gross inhumane human rights violations targeting women in sex work at the hands of healthcare workers, law enforcement agencies including general members of the public has brought about the much-needed shift in how sex workers' rights are being addressed.

# In my opinion

# 02

BY YONELA SINQU

Lady of the night, Maghosh, Nondindwa, Seqamgaqo, disease carriers, homewreckers, prostitute—the list is endless. The list is demeaning, the list insulting!

Yet, you comfortably continue using it to fuel your ego; disguising your discriminations as 'morality'. Well let me comfortably make you uncomfortable, if your 'morality' permits. Your name-calling has done more damage than good. You have aided in my raped friend's inability to lay a charge against his/her rapist; aided in the death of others who have avoided the clinic to adhere to their ART treatment. Hope it makes you feel good knowing that the family they provided for now has less income to provide for their needs. Thank you 'moral' name-calling person, there's yet another funeral. Thank you for aiding hate-crime and being the first to shout GBV. Thank you for costing us the decriminalisation of sex work, 20+ years later. Bravo!

Well done on being so vocal on something you know nothing about. Something you claim to be far removed from. Yet, your voices are louder than ours over your 'moral' lives.

Being a sex worker doesn't make any of us less moral than you are. Nor does it make us any less human than what you are.

While we on that 'moral' path, please do enlighten us, why does sex work so comfortably unsettle you? No offence intended, just trying to understand life from your glass house view. Name-calling boosts your ego, well rendering a service to someone I know nothing about; enabling me to provide without relying on hand-me-downs, boots mine.

In your picket white fenced and high-walled neighborhood, how comfortable are you knowing you could at any given time be a victim of crime? And how likely would it be a sex worker, committing that crime, well...

While you ponder that thought, let me carry on in my path as a sex worker, counting my notes and coins.

You see us as uneducated, black, poor women who sell their bodies; sorry I'm not sorry for being your opinion. SHAMELESS, you scorn from your leather-seat German machine, pity we couldn't care less, we're busy minding our business. We owe you no explanations...



Human rights activist, Kholi Buthelezi, pictured, was among the 70 women who founded Sisonke and still rally behind the decriminalisation of sex work.

PICTURE: GOPOLANG LEDWABA

# DECRIMINALISING SEX WORK

A beacon of hope in July when hundred members of civil society marched to the Justice Ministers' office in Pretoria, challenging Advice from the State Law Advisor which was followed by response from Minister Lamola.



MINISTER  
JUSTICE AND CORRECTIONAL SERVICES  
REPUBLIC OF SOUTH AFRICA

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Ms K Buthelezi  
Sisonke Movement  
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Per e-mail: kholib@sweat.org.za

Dear Ms Buthelezi

**PROTEST: CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT BILL, 2023**

Your memorandums dated 3 July 2023 and 13 July 2023, refer.

My office has had the opportunity to consider your memorandums concerning the Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2023 ("the Bill") and we appreciate your interest in this important matter.

As you are aware, the Bill was published for public comment on 9 December 2022 with a closing date for comments being 31 January 2023. The Bill dealt with the decriminalisation of sex work as an urgent step to ensure better protection for sex workers without any regulation relating to the work.

During the preparation of the Bill for Cabinet approval, concerns on the constitutionality of the Bill were highlighted by the Office of the Chief State Law Advisor. It was advised that the Bill should incorporate provisions for the regulation of sex work to ensure its compliance with the Constitution. This recommendation was made after a thorough analysis of the Bill's provisions and its potential impact on the rights and freedoms of children and individuals engaged in sex work. A further legal



opinion was obtained from Senior Counsel who also arrived at the same conclusion as the Office of the Chief State Law Advisor. As a result, a decision was taken that the Bill cannot proceed at this stage in its current form.

The Department will be engaging with role-players, including but not limited to government departments and civil society organisations on the drafting and preparation of a revised Bill. In considering the legislative timeframes and the various consultations which are to take place, it will not be possible to introduce a new Bill into Parliament before the 2024 elections.

I wish to stress that the Department has not 'clipped' the Bill as stated in your memorandums, but is rather committed to following due process and taking the necessary steps to ensure that the Bill is well-informed and aligns with the government's objectives, as well as to ensure its compliance with the Constitution.

We remain committed to prioritising the decriminalisation of sex work to safeguard the human rights of sex workers.

Kind regards

  
MKHOSI LAMOLA, MP  
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

Date: 21/08/2023



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# The big announcement

# 04



It's December of 2022 when the world commemorates World Aids Day when Civil Society Chair, Steve Letsike make the big announcement in Bloemfontein.

The Bill set to decriminalize sex work was put before the country. This was a step in the right direction, however, submissions to the Bill were met with comments from the State Law Advisor that the Bill would be unconstitutional on many fronts and a year later, we were back in the drawing board.



MEMBERS of Civil Society supporting the sex work Sector in challenging the Amendment of the Sexual Offences Bill, an amendment set to decriminalise the sale and purchase of sex between consenting adults.

# INPUD / SANPUD Policy Summit

BY ZINTLE TSHOLWANA

In August 2023, the South African Network of People who Use Drugs (SANPUD) hosted their annual Africa Policy Summit. The event was for 3 days and guests were from different regions in the continent. The overall purpose of the summit is to bring policy-makers, researchers and community-led organisations into one space and discuss criminalisation of key populations (especially drug users and sex workers) and the consequences of such punitive laws. The theme for this year's summit was "Putting People First"; there is a strong recognition in public health and human rights advocacy spaces that the communities we serve have to be at the forefront of tackling health and human rights issues that affect their everyday lives.

Sisonke was invited to present on the process of decriminalisation of sex work. Given the strides we have made in this law reform process, Sisonke as the Sex Work sector has extensive knowledge and experience in this process. Subsequently, the challenges we are currently facing in this process will also arise when decriminalisation of drug use becomes the part of the parliamentary agenda. Criminalisation of sex work and drug use share many similarities in terms of the implementation and effects of communities. There is also a lot of intersectionality amongst the communities; there is a significant number of sex workers who also use drugs. As a movement, we know that the enforcement of laws against sex workers and drug users brings no positive results. Instead, it leads to countless human rights violations, stigmatisation and isolation from general communities. Solidarity is key in achieving long-term policy reform that benefits sex workers and drug users in the continent. As our core principle states, "Nothing About Us, Without Us", we cannot expect or accept being sidelined in addressing issues that affect our everyday lives.



SISONKE advocacy officer, Zintle Tsholwana getting ready to address the hundreds of delegates at the Policy Summit in Cape Town.



# Sex workers and faith leaders



Faith-based leaders took the stand to support the decriminalisation of sex work under the Hands-Off umbrella.

“We are tired of collecting bodies every Monday. Those are churchgoers who pay their tithes and give generously to the church.

We can no longer stand back and watch. I know many will be passing judgement when they see us standing with sex workers and protecting their rights. Nonetheless we need to be the change we're praying.” Prof. Mbulelo Dyasi (pictured right on top image).

This was during an enlightening engagement with Sisonke members and staff forging a partnership based on human rights and advocacy in Johannesburg, leading to a series of dialogues, sensitising faith-based leaders around Gauteng Province.



# Tick Tock Decriminalisation of sex work

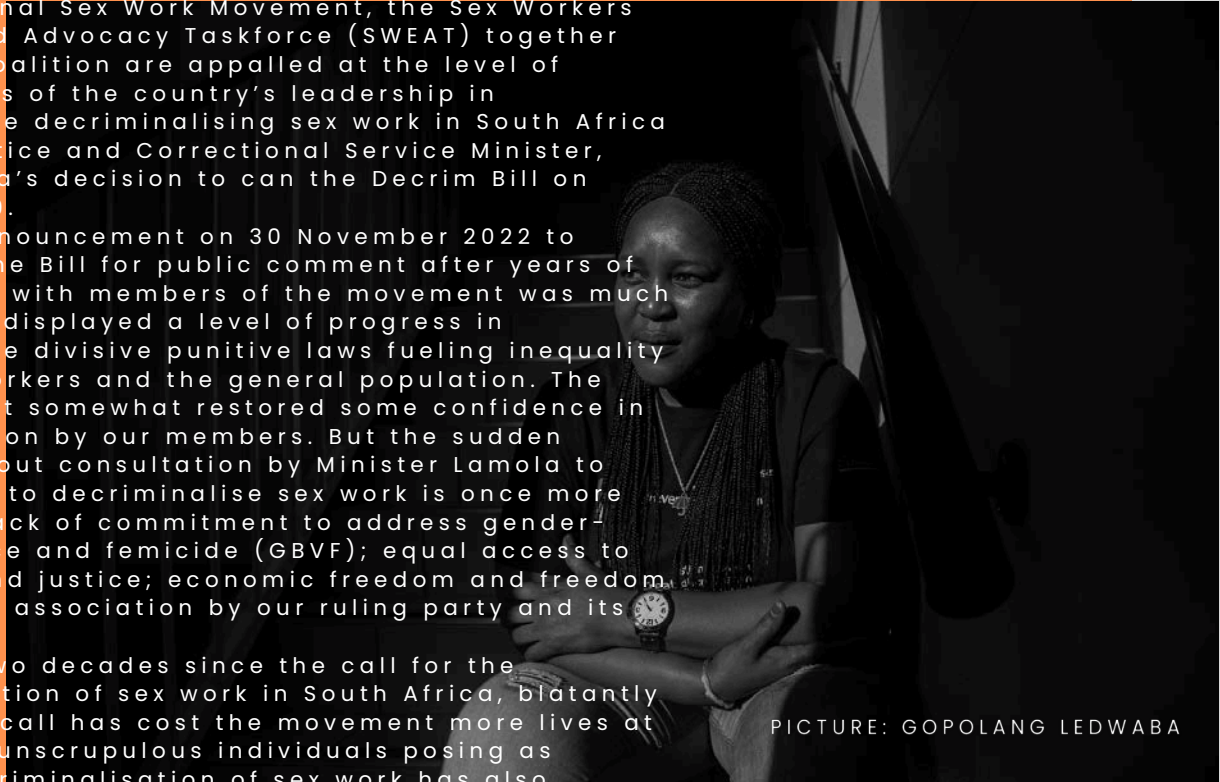
BY YONELA SINQU

Sisonke National Sex Work Movement, the Sex Workers Education and Advocacy Taskforce (SWEAT) together with Asijiki Coalition are appalled at the level of indecisiveness of the country's leadership in addressing the decriminalising sex work in South Africa following Justice and Correctional Service Minister, Ronald Lamola's decision to can the Decrim Bill on Friday, June 9.

The initial announcement on 30 November 2022 to finally take the Bill for public comment after years of consultations with members of the movement was much welcome and displayed a level of progress in addressing the divisive punitive laws fueling inequality among sex workers and the general population. The announcement somewhat restored some confidence in the Constitution by our members. But the sudden decision without consultation by Minister Lamola to halt progress to decriminalise sex work is once more proving the lack of commitment to address gender-based violence and femicide (GBVF); equal access to healthcare and justice; economic freedom and freedom of choice and association by our ruling party and its Cabinet.

It has been two decades since the call for the decriminalisation of sex work in South Africa, blatantly ignoring this call has cost the movement more lives at the hands of unscrupulous individuals posing as clients. The criminalisation of sex work has also encouraged some police officials to sexually and physically abuse our members and they [police officials] have not been brought to account for their actions. Our members have long lost confidence in justice including the safety and security systems of this country. And this confidence can only be restored once sex work is decriminalised.

South Africa is the first African country to develop a National Sex Work Strategic Plan to address GBVF, HIV, TB and STIs, but efforts to implement those Plans have been marred by the criminalisation of sex work – what wasteful expenditure and resources to develop such and let it gather dust as a tick-a-box exercise.



PICTURE: GOPOLANG LEDWABA

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**FIVE  
ADMINISTRATIONS  
LATER**

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In 2016, acting in his capacity as Deputy President, Cyril Ramaphosa launched the South African National AIDS Council (SANAC) 'National Sex Work Sector Plan 2016-2019' and presented the leader of the Sex Work Sector, Ms Kholi Buthelezi, with a sunflower as a symbol of his solidarity to decriminalise sex work.

In March 2019 President Ramaphosa committed to the decriminalisation of sex work at the signing of the Gender-Based Violence and Femicide Declaration. The President said he "will work with all relevant stakeholders to develop policy around the decriminalisation of sex work. But today we feel his deafening silence when his Cabinet minister without consultation decides to dump the Bill set to decriminalise sex work by the wayside.

The same political party led by Honourable Ramaphosa has in three of its conferences noted in their resolutions the decriminalisation of sex work, but they have failed dismally to implement this resolution.

As a movement, we have been patient enough for five administrations discussing the decriminalisation of sex work. Sixth administration, you have made the correct strides to rectify decades of human rights violations by promising to remove punitive laws by fully addressing the decriminalisation of sex work by amending the Sexual Offences and Related Matters Bill. We urge Minister Lamola to reconsider the advice from the State Law Advisor which does not serve Pillar 3 in the country's NSP to address GBVF; but contradicts what your administration had researched and approved and that is decriminalising sex work.

We call on the support of organisations with a vested interest in protecting human rights and ensuring the protection of the Constitution and Bill of Rights through their implementation. The criminalisation of sex work is and has been a long-standing human rights violation which should not be ignored.

Criminal Law (Sexual Offences and Related Matters) Amendment Bill of 2022 re the decriminalisation of sex work

The Bill repeals the Sexual Offences Act (previously Immorality Act), 1957 (Act No. 23 of 1957). It also repeals Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) to decriminalise the sale and purchase of adult sexual services.

The Bill further seeks to ensure that South Africa complies with its obligations conferred in terms of International Instruments. (For example, in the Concluding Observations on the initial report of South Africa on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by the UN Committee on Economic, Social and Cultural Rights, the Committee was concerned that sex workers do not enjoy the rights covered by the ICESCR, owing to the criminalisation of the sale of sex. The Committee recommended that South Africa consider decriminalizing the sale of sex.)

With regards to the clauses of the Bill, Clause 1 aims to repeal the Sexual Offences Act, 1957 and section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007. Clause 2 deals with expungement of criminal records of persons convicted of, engaged in, rendering or receiving sexual services from persons 18 years or older. Clause 3 of the Bill deals with transitional provisions of criminal proceedings, relating to sexual services rendered or received by persons 18 years or older, which were instituted prior to the commencement of this Act. Clause 4 of the Bill deals with the short title and commencement.

**30 NOVEMBER 2022 CABINET APPROVED THE PUBLISHING OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS)**  
**31 JANUARY 2023 PUBLIC COMMENTS TO THE BILL CLOSED**  
**9 JUNE 2023 MINISTER LAMOLA ANNOUNCES THE CANNING OF THE BILL**