

A story of change:

# Joining forces to seek justice in South Africa

Safety and health can only be achieved when a broad spectrum of social groups work together. Aidsfonds supported the efforts of Sisonke, the sex worker-led network, and the Sex Worker Education and Advocacy Taskforce (SWEAT), an advocacy organisation, to ensure that sex workers gain access to justice in spite of stigma and discrimination around their work. In a further sign of change, the decriminalisation of sex work is on the horizon.

## Facts and figures

- **71% of sex workers surveyed in South Africa have experienced violence in the past twelve months**
- **24% of sex workers reported an incident to the police. Only 21% of the cases were investigated by the police**
- **56% of sex workers are HIV positive**

## Challenges

Through the Hands Off needs assessment study, a comprehensive picture of the physical, sexual and economic abuse of sex workers in South Africa emerged, along with a series of specific demands for change. It became clear that sex workers experience violence at the hands of both police and clients, as well as other groups. This makes them more vulnerable to HIV and undermines HIV prevention efforts. A lot of violence went unreported. Many sex workers got turned away at the charge office and were not allowed to lodge complaints regarding human rights violations against them. Due to sex work being criminalised and stigmatised, sex workers fear reprisal from the law. Many sex workers were afraid of law enforcement as stories of officers mocking them were common and the interpretation of ambiguous by-laws by police officers and courts was unpredictable for them.

## What we did

### 1. Human rights defenders make a difference – fostering a boost of confidence

Aidsfonds supported trainings run by Sisonke and SWEAT for sex workers who could act as human rights defenders and emergency responders. Five human rights defenders were trained. One trainer explains that 'it was about capacitation of sex workers so that they could be agents of change by supporting each other', giving survivors the confidence to access services and face down stigma and discrimination. Human rights defenders built relationships with local police officers as a way of ensuring that violence gets reported and properly investigated. This gives other survivors of gender-based violence the confidence to come forward too.

## 2. Sex workers gain access to legal aid through the Legal Defence Centre

SWEAT established the Legal Defence Centre (LDC) in 2017 to ensure that sex workers receive paralegal support, legal advice and representation in court. Their legal hotline is operating 24 hours a day and has supported 180 sex workers in need of legal support. As one sex worker says: 'The Legal Defence Centre makes a lot of difference because if you can't afford a lawyer it makes it more open to come in and lay a charge. It gives sex workers more confidence than going to Legal Aid or a space where they feel stigmatised. Support of sex workers outside court and having a few inside the court gives so much courage to challenge the law on their rights... People report the violence now.'

## 3. Cases are brought to court for justice

The LDC works with sex workers to avoid having to take a case to court. A lot of cases are resolved out of court. However, if a case is taken to court, human rights defenders will maintain contact with the sex worker as well as law enforcement. The activists will even appear outside the court buildings, drawing media attention for the case and advocating for the decriminalisation of sex work. Many cases are complex, and a lot of work goes into making the other party take sex workers seriously, rather than simply expecting them to give in. When there isn't a straightforward solution human rights defenders go back to gather new evidence. Persistence is key. Since the start of the Legal Defence Centre 40 cases of violence were brought to court, and 276 cases of violence have been documented. As well as day-to-day legal advice, the LDC undertakes strategic litigation to challenge discriminatory laws and practices.

**"If you are dealing with a rape victim it is not about numbers. It is about the quality of advice and assistance. We say: This is where you need to go for that, this is the kind of support we offer. We will go to court and give you support through the entire process. It is very difficult for the sex worker to report because the activity you engage in is criminalised, so very few do. But they need to know their options."**

– External advocate

## What has changed?

Sex workers have been able to make significant progress in terms of accessing justice in South Africa. The verdict in one case sent a clear message to clients that abusing sex workers will not go unpunished: an acclaimed artist was found guilty of murdering a sex worker, and sentenced to 18 years in prison. SWEAT members present both in and outside court celebrated the ruling. The judge explained in no uncertain terms that 'the killing of women in general will not be tolerated. The killing of sex workers in particular will not be tolerated'.

In a further legal victory, labour rights of sex workers working indoors were recognised. Sex workers' access to justice has thus been strengthened as they are now able, for example, to lodge a complaint for unfair dismissal. The ruling has already been referred to as precedent in various dispute resolution cases.

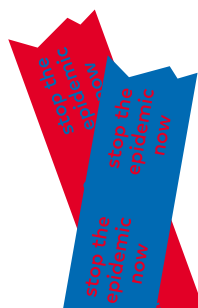
Through innovative structures such as the Legal Defence Centre, SWEAT increased access to legal services on a day-to-day basis. The centre and the paralegals have empowered sex workers to report cases of violence to local police. Sex workers have become a lot more confident in dealing with both the police and the courts.

## What's next?

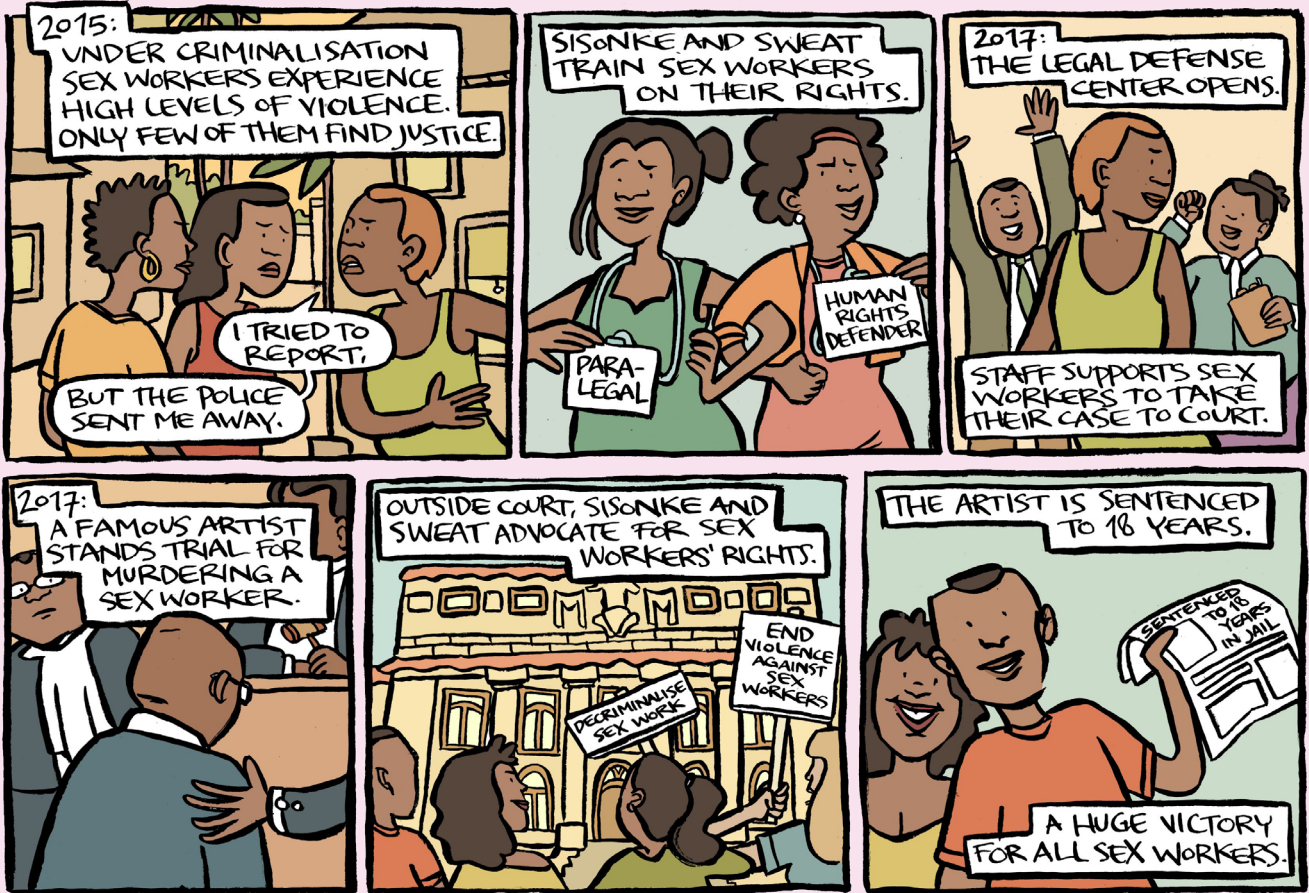
The push for the decriminalisation of sex work needs to continue so that South Africa can become a truly inclusive society in which gender-based violence and other human rights violations are no longer tolerated.

The Legal Defence Centre is working to become a more broad service for sex workers. Funds are needed to support human rights defenders who travel the country to document cases, and liaise between sex workers and attorneys.

More human rights lawyers need to be supported in their professional development and structures need to be in place, which ensure that they are available to pursue cases of sex workers rights violations.

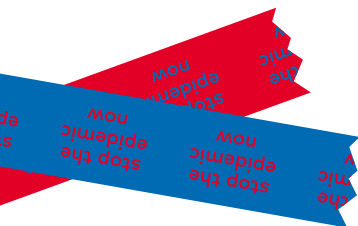


# A VICTORY FOR SEX WORKERS' RIGHTS - RIGHTS AWARENESS AND LEGAL SUPPORT IN SOUTH AFRICA



THE JUDGE STATED IN HER JUDGMENT THAT 'VIOLENCE AGAINST SEX WORKERS IS COMPLETELY UNACCEPTABLE'. THE CONVICTION SETS AN IMPORTANT PRECEDENT FOR SEX WORKERS' JUSTICE. ON TOP OF THIS, HIGH LEVEL POLITICIANS VOICE THEIR SUPPORT FOR DECRIMINALISATION OF SEX WORK!

Comic: Mas Hab



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