

# African Sex Worker Conference

building alliances  
and creating  
solidarity

## 3-5 Feb 09

Every sex  
worker is  
a human  
rights  
defender

Co-hosted by



BONELA



FORD FOUNDATION



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**Report on the 1st  
African Sex Worker Conference:  
Building Solidarity and Strengthening  
Alliances**

**3-5 February 2009  
Johannesburg, South Africa**

**Hosted by:  
Reproductive Health and HIV Research Unit  
SWEAT**

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## Address from conference organisers

### Eric Harper, SWEAT

Throughout Africa gross human rights violations of sex workers occur, sadly without been exposed and legal redress. Only sensational and extreme cases capture the public's attention. This alarming situation resulted in organizations from West, East and Southern Africa coming together to high light concerns about the human rights situation facing sex workers and through the formation of an alliance, to begin to develop strategies around how best to expose, document and seek legal redress. Despite different beliefs and understanding of sex work, their was agreement that human rights violations are unacceptable and furthermore, that regardless if a sex workers wishes to leave sex work or remain in sex work we have a duty to protect the health and human rights of all sex workers. Moreover, access to health is a human rights concern. We further commit to practices of inclusion and involvement of sex workers in action that affects their lives. In was in this spirit of partnership and acceptance of differences that we organized the first ever sex worker conference action that was long standing and urgently needed and which will form the basis of future work.

Insert picture of Eric



### Lauren Jankelowitz, RHRU

The Reproductive Health & HIV Research Unit (RHRU) assisted in organizing the first African Sex Worker Conference that took place in February 2009. The objective of the conference was to bring together stakeholders to discuss human rights abuses experienced by sex workers on the continent, including lack of access to effective health care. RHRU was committed to the conference process due to our longstanding clinical and outreach work with sex workers in Hillbrow. RHRU runs a sexual and reproductive health and HIV clinical service for sex workers, precisely because sex workers are often unable to access mainstream healthcare.

The conference came up with a set of resolutions that call for the establishment of an alliance of organizations and sex workers across Africa that will attempt to address the human rights abuses. RHRU intends to assist with health-related human rights abuses on this alliance, and to share learning's from RHRU's peer education programme.

## Conference Overview

African sex workers and organisations working with sex workers in Africa joined forces to call for the decriminalisation of sex work, respect for sex workers rights and an end to impunity for perpetrators of violence against sex workers. This call was made by over 200 delegates who attended the first African sex workers 2009 Conference in February. The conference held in Johannesburg sort to create an Alliance that advocates for sex workers' rights. The main themes addressed were decriminalisation of adult sex work, documentation, monitoring and reporting human rights violations, recognition of sex work as work, free and friendly universal access to health care, building solidarity and mobilising sex workers and building the alliance the alliance ensuring participation, representation and leadership of sex workers at all levels within the Alliance. During the conference, delegates from countries such as South Africa, Zambia, Uganda, Kenya, Botswana, Zimbabwe and Nigeria, deliberated on issues ranging from change in legislation, to accommodation and safe housing, to police harassment, to the behaviour of clients, to 2010 and the alliance.<sup>1</sup>

### Aims and Objectives of the Conference:

- Forming an alliance/coalition and conference statement
- Unpacking the issues around rights and recourse - particularly looking at the decriminalization of sex work and other legal issues.
- Draft an agreed upon conference resolution
- Report from a human rights perspective

### Conference content, principles and activities<sup>2</sup>:

The conference included sex worker-only activities to facilitate the formation of friendships and create solidarity, as well as organising sessions to develop the alliances mission and principles. The immediate outcome of the conference will be prepare a position paper and petition that demands an end to the violation of sex workers' human rights that will be presented to the media and other key bodies and institutions.

The issues of sex trafficking and child sex work interact with the adult sex industry, but are pressing concerns that demand separate special attention. Trafficking should not be automatically conflated with sex work and the plight of people forced to have sex and work in abusive and exploitative conditions should not be limited to trafficked persons. Sex trafficking and child sex work are particular forms of human rights violations, and can be extreme, akin to torture and slavery. Sex trafficking and child sex work thrive in environments where sex is criminalised since those involved in the sex industry are afraid to report cases of trafficking and exploitation. The conference takes a united stand in the fight against trafficking in any form - sexual slavery, child labour, body parts. Moreover, the conference organisers believe that empowering sex workers as human rights defenders will allow sex workers to be better equipped and enabled to assist in the struggle against trafficking. Whilst this conference will explore ways sex workers

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<sup>1</sup> Sexual Rights e-News Newsletter. (2009). Decriminalise sex work. Sexual Rights Centre.

<sup>2</sup> Conference announcement

can expose cases of trafficking, the focus of the conference will have more emphasis on those adult individual who have the physical freedom to leave or remain in the commercial sex industry.

During the conference, a variety of complex issues were discussed. The participants examined the controversial debate on sex work. Often sex work is considered in binary terms, defined as being —all good or —all bad. However, like all other activities, sex work has its advantages and disadvantages, its good moments and bad moments. The sex work argument has become clouded by other interacting debates on morality, religion, sexuality, love, desire, relationships, health, the body, laws, public-private distinctions, gender identity, and different power relations. The conference will aim to dispel prejudices, embrace different viewpoints, and look at sex work in all its complexities. As a sex work-led campaign, it will represent all kinds of sex workers, demonstrating that great diversity exists within the sex worker population in terms of gender, class, race and sexual orientation.

Furthermore, the conference will fully recognise that sex work *is* work and sex workers need rights, not rescue.

From here, the conference will be able to ensure that sex workers be given a human face. Overly simplistic and essential arguments about sex work frequently lead to sex workers being stripped of their human integrity; sex work is but one dimension of that person's life, it is not all of who they are or what they do. The participants will avoid over victimisation, and instead focus on how sex workers are active agents of their lives. This way, the conference will give more credit and analysis to the dynamic ways sex workers manage their own livelihoods. By handling the risks, challenges, and consequences of sex work on a daily basis, sex workers are already human rights defenders.

The conference will talk about health rights, particularly sexual and reproductive health rights: how to combine the knowledge of one's health with the knowledge of one's rights to health; how to ensure that health care services and facilitates treat sex workers effectively and fairly; and how to include sex workers in national health policies, programmes and projects.

In addition, the conference will come up with new ideas and ways to enhance and empower sex workers' capacity to defend and demand their human rights. It will deal with issues of law and law enforcement; how to decrease the number of arbitrary arrests; how to get legal recourse for police brutality and state sanctioned violence; and how to advocate for the decriminalisation of sex work.

It will discuss labour issues; how to make working environments safer; how to increase the bargaining power of sex workers in their client relationships; and how to guarantee that sex workers are treated fairly by their employees.

It will examine basic human rights as a concept and practice; why sex workers deserve the same rights as everyone else; why sex workers are denied their basic human rights; and how sex workers can successfully claim their rights from their communities and governments.

The conference will explore the ways in which sex workers can organise (mobilise) themselves; why it is important to unite and collectivise; how to find safe spaces for sex workers to assemble; and how to manage national, regional and global sex worker-led movements.

The conference represents an immense opportunity to make a positive change in people's lives, not only for sex workers, but also for their children and other dependents. It can improve the well being of communities and empower other marginalised groups. The conference is a way legitimising democracy, diversity, and development. It can demonstrate that violating a sex worker's human rights is only one step away from violating anyone and everyone's human rights.

In summary the conference addressed the following issues, but was not limited to:

- Definitions and understandings of sex work
- Stigma and discrimination - focusing on sex workers' human rights
- Criminalisation and structural violence
- Police brutality and arbitrary arrest
- Abuse, violence, and exploitation within the sex industry
- Health risks, access to health care services and facilities, and sexual and reproductive health rights
- Diversity, representation, and collectivization

#### Conference organisers

Sisonke - South African Sex Worker Movement
Sex workers from Botswana, Kenya, Malawi, Namibia, Nigeria, Senegal, Uganda, Zambia, Zimbabwe and South Africa
Sex worker organisations and Organisations with sex worker programmes and projects
Botswana Network on Ethics, Law and HIV/AIDS - Bonela (Botswana)
Centre for the Development of People (CEDEP) - Malawi
Gays and Lesbians of Zimbabwe (GALZ) - Zimbabwe
International Centre for Reproductive Health (ICRH) - Kenya
People Opposing Women's Abuse (POWA) - South Africa
Sex Worker Education and Advocacy Taskforce (SWEAT) - South Africa
Reproductive Health and HIV Research Unit (RHRU) - South Africa
The Rainbow Project (TRP) - Namibia
Uganda Coalition for Crisis Prevention (UCCP) - Uganda
Women's Organisation Networking for Human Rights Advocacy (WONETHA) - Uganda

## Overview of Sex Work

Across the continent, sex workers are subjected to grave abuse and discrimination at the hands of their governments and communities. The following is a only a small account of the number of rights violations sex workers experience.

Since sex work is a criminalized offence in the legal framework of almost all African countries, sex workers are often underground where there are more vulnerable to exploitation, health risks, and violence. In Botswana, many roadside sex workers have to work in hazardous conditions like in the bush or in their client's vehicles. In many Eastern and Southern Africa countries, criminalisation means sex workers are unable to demand or defend their labour rights. Without labour rights as employees, many sex workers are at the mercy of brothel owners and managers – a situation that frequently leads to exploitation such as mobility restriction, withholding of wages, prevention of medical assistance after violence, and arbitrary fines.

Most laws prohibiting sex work are biased: most of the offence is placed on the seller of sexual services and rarely the buyer. This has gender implications since most sellers of sex are women and most buyers are men. However, male and transgender sex workers will experience the same system of patriarchy that disregards the men that create an economic demand for commercial sex. Nonetheless, transgender sex workers will likely experience different kinds and levels of abuse since their identity is further stigmatized and even more discriminated.

Sex work is widely misunderstood. UNAIDS defines sex workers as —Female, male and transgender adults and young people who receive money or goods in exchange for sexual services, either regularly or occasionally, and who may or may not consciously define those activities as income-generating<sup>11</sup>. Whilst the South African Law Reform Clinic notes that the conventional understanding of prostitution usually encompasses ‘the exchange of sexual acts for money or goods’.  
‘Prostitution’ means indiscriminately having sex with another person(s) for reward.

Consequently, sex work is often not recognised or accepted as a form of work and sex workers are often characterized as evil, deviant, and immoral. For example, it is widely conceived that sex workers enter the industry for their own promiscuous nature, when really most sex workers interviewed in various research projects across Africa state that they entered and remain in the industry for economic reasons so that they could earn enough money to care for themselves and for their families. Economic necessity is also accompanied with the fact that they had few educational and occupational opportunities and/or were escaping abuse in their homes and communities. Additionally, as sex workers from South Africa argue, sex work is a highly lucrative livelihood when you do not have many educational or vocational qualifications. Nevertheless, financial benefits of sex work can often be inconsistent: research in Namibia shows that a sex worker can accept price four times less than the going rate in order to secure money for a day's meal. This situation is similar across Africa, and exemplifies the bare economic facts of poverty.

There are few organisations and individuals that genuinely work towards breaking down the stereotypes of sex workers. There is need for more neutral and accurate information that will remind society that sex workers are rightful human beings and contributing citizens. It is a violation of human rights when a sex worker is unable to attend her/his religious place of worship for fear of harassment. It is also an abuse of human rights when a sex worker dutifully votes in elections, but is mistreated and marginalized by the government that is accountable to him/her.

Furthermore, as a result of the misconceptions, stigma, and discrimination, violence is widespread throughout sex work communities. Since sex workers are often not seen as rightful human beings, many groups and individuals feel justified in violating their human rights and preventing sex workers from seeking legal and social recourse. In Cape Town, street based and brothel based sex workers experience violence but are unable to report it to the police due to fear of further brutality and mistreatment. This is apparent in Zimbabwe, especially from police and border guards who continue to harass, steal, and harm sex workers instead of fulfilling their duties in protecting civilian rights. In Mombasa, Kenya, many sex workers say they experience violence occasionally, while some sex workers report that it is a common occurrence.

Additionally, sex workers face structural violence when they are discriminated by public health practices and health care facilities. Sex workers are often blamed for Africa's ongoing HIV crisis. While many sex workers are fully aware of how to prevent the spread of sexually transmitted infections, they have little power to enact this knowledge: many clients will force sex workers to have sex without a condom or offer a higher price for unprotected sex. This risk is heightened by sex workers' poor access to contraception since government exclude sex workers from many safer sex campaigns and initiatives.

### **Sex work and health care**

—Since the beginning of the AIDS epidemic, sex workers as a group have been at high risk of contracting HIV and STIs (Richter and Yarrow, 2008; UNAIDS, 2002; Evans, 2005). Factors such as criminalisation of sex work, concurrent sexual relations, the difficulties in using HIV prevention technology, on-going exposure to high levels of violence (in particular gender based violence), stigma and the barriers to accessing health care services and interlock to render sex workers particularly vulnerable to HIV/AIDS (Richter and Yarrow, 2008; Scambler and Paoli, 2008; UNAIDS, 2002; WHO, 2005; Open Society Institute, 2006). It is therefore not surprising that HIV prevalence levels amongst sex workers in Hillbrow were found to be 45% in the late 1990s (Rees et al., 2000).ll

## Key note address

Eric Harper

### **“Every Sex worker, a human rights defender”**

On day 2, director of SWEAT, Eric Harper, took the opportunity to address the conference delegation. He outlined the importance and necessity of bringing together sex workers, organisations supporting sex workers, researchers, policy makers and the media in the aim of speaking as a collective on the issues that sex workers in sub Sahara face on a daily basis. He believed that this was an opportunity for sex workers to explore the ways in which they can organize themselves: why it is important to unite and collectivize; how to find safe spaces for sex workers to assemble; and how to manage national, regional, and global sex worker-led movements.

#### **Why are we here**

To expose the human rights violations that occurs in SA and other parts of Africa! Nothing about us without us! Form an alliance, formed in partnership with sex workers, move away from the view that sex workers are broken, but rather they are active agents of change, activists, and equal partners.

In summary:

***“This conference represents an immense opportunity to make a positive change in people’s lives, not only for sex workers, but also for their children and other dependents. It can improve the well-being of communities and empower other marginalised groups. The conference is a way of legitimising democracy, diversity, and development. It can demonstrate that violating a sex worker’s human rights is only one step away from violating anyone and everyone’s human rights.”***

Eric Harper highlighted some of the obstacles in attaining a united voice in speaking against the human right violations that sex workers experience. These were:

- **Lack of Respect** i.e. self respect, respect towards each other and respect from others
- **Inability to listen and be heard** i.e. individuals need to openly embrace the experiences of others and realise that their reality is not the ONLY reality. Sex workers globally are faced with similar problems and in order for there to be united voice, the commonalities need to be discussed and solutions derived.
- **Shifting the simplistic views of sex work** i.e. individuals and organisations need to move away from the simplistic view of sex work being a —professionll for people who like to have sex, but rather understand that there are various reasons why people go into the sex work industry and stay. Sex work is a very complex and simple issue, in that sex work IS work, each individual should be entitled to the same basic human rights that are afforded to any other citizen, and that sex workers have complicated lives as well due to the difficult decisions they have to make. Sex workers are mothers or fathers trying to put

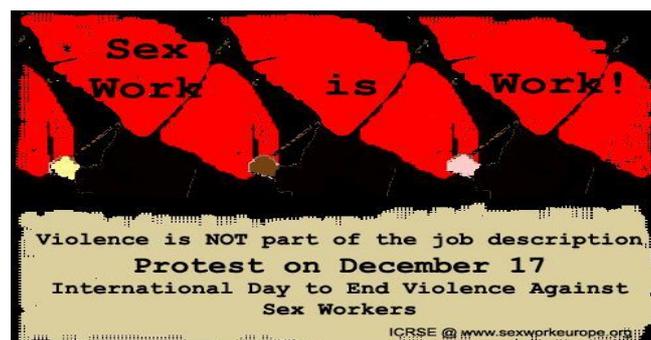
their children through school, supporting families etc. Therefore, we cannot generalise from one sex worker to another, as circumstances will differ. Relates the story of women being trafficked from Somalia and Nigeria - I would not be doing the work if all I heard was torture, but rather hear that they have many different life experiences. One aspect of their life is to be trafficked, so need to embrace people in their entirety.

- **A society's shame** - Sex work brings to the surface and exposes what society does not want to admit to and deal with. By admitting to the abuse, violence, discrimination that sex workers face, the community is faced with a problem that they have to find a solution to. By ignoring it, it can be swept under the carpet of injustice. For example, sex work exposes the violence against women, and this highlights that if violence against sex workers are tolerated then NO women is safe
- **Hate crime** - Exposes issues around hate crime - because someone does not have the same access to the law as I do, they have a right to exploit and discriminate them
- **Transactional sex in the era of capitalism**
- **Challenge the age old constructs of love, marriage and romanticism** - Sex work challenges us to think about love, marriage - why does society not understand that sex can happen without love, or vice versa

From the above, we can see that society can be extremely imaginative in devising ways to exploit and discriminate sex workers or marginalized groups, but show very little in finding the human face. Therefore, the key message resonating from the opening address was that sex workers are like everyone else, not just a sex worker, but a human being.

In closing, Eric Harper reviewed some of the findings from Day 1 of the conference which was comprised of ONLY sex workers wherein each shared their country experiences, opinions around decriminalisation and legalisation of sex work, concerns and expectations around sex work etc. From this deliberation, the following key actions were called for by sex workers:

- Demand for rights as human beings and not rescue
- Give us rights as human beings, citizens are speaking and have a duty to listen and act
- Recognition that sex work is work
- Call to end the suffering of Zimbabweans
- Call to action to put an end to the abuse, rape, physical and emotional abuse experienced from police and other service providers by both South Africans and non citizens



## Chapter 1: Background to sex work: A country perspective

A series of panel presentations were conducted, with the aim to developing an understanding of the similar socio-political, legal; cultural and economic contents of sex workers from the various countries represented within the delegation. Much of the information presented stemmed from an open debate and group discussion which occurred over the first 2 days of the conference. Each country representative presented an overview of sex work, highlighted some of the political and legislative impediments to legalising and or decriminalising sex work, as well as documenting human rights violations.

### a. Malawi

#### i. Socio-cultural and religious context

Malawi, a conservative society, has a population of approximately 12 million people. Malawi is considered to have a patriarchal society where heterosexual marriage is so revered that anyone who deviates from this is considered an outcast and a ‘\_child’. It is estimated that 92% of all citizens are of the Christian or Muslim denomination. Religion, particularly Christianity and Islam, is an important identifier in guiding norms and values, as such, informs public attitudes, policy and legislation. From a cultural and religious perspective, sex workers are seen as immoral, sinners, and are also responsible for the break up of marriages.

#### ii. Nature of sex work

In Malawi prostitution means any sexual activity with another person for money or something of economic value, or the offer or acceptance of an offer made to engage in sexual activity in exchange for money or something of economic value. The most noticeable form of sex work in Malawi is street, night club, hotel and bar based. The least noticeable form of sex work is brothel based. The most visible sex workers are female. The existent laws within the country criminalize activities such as soliciting, loitering etc. Sex workers do not have any legal protection and as a result are exposed and vulnerable to an array of human rights abuses such as being frequently arrested by police without provocation and charged with loitering; sexual abuse, robbery, violence and killings. Sadly there is no recourse for the acts of violence and abuse experienced by sex workers.

With regard to health care, sex workers are at extreme risk of HIV and other related sexual and reproductive illnesses. The HIV prevalence alone is documented at 71% in the sex worker population. Provisions have been made for sex workers in the national HIV/AIDS policy; however, they are currently not recognised by this document which has not been fully implemented. Access to friendly health care services is considered a barrier to obtaining health care as clients are exposed to and vulnerable to discriminatory practices if identified as a sex worker. The country representative recalls a case where a sex worker, seeking ARV treatment, was discriminated against by a nurse in a government run hospital in Zomba. The nurse stated:

*–Why do you bother us, its better for people like you to die, why should the government waste money treating people like you other than giving the medication to important people”*

Consequently, sex workers are unable to access the simple measures of protection against HIV and AIDS such as free condoms. Additionally, HIV programmes rarely target places where sex workers meet their partners, therefore, sex workers are unable to neither access the amenities of the formal health sector nor receive care away from the discriminatory practices and environments. In an attempt to increase access to VCT services and curb the incidence of HIV among sex workers, the Malawian government has drafted provisions that will mandate compulsory testing of HIV for sex workers in Malawi. The draft law is yet to be tabled in Parliament. However, concerns surrounding this proposition are 1) if implemented, mandatory HIV testing will violate the fundamental rights to privacy and bodily integrity protected by international treaties to which Malawi is a party, and 2) Why only sex workers? What about the health and well being of clients in the general population?

### **iii. Malawi's Constitutional and Legislative Frameworks:**

#### **Legal status of sex work**

Sex workers in Malawi do not enjoy legal protection. The actual statute governing sex work in Malawi is the penal code (laws of Malawi; chapter 7:01) of which the relevant sections being 143 to 147 and section 184(b). There are no actual provisions that target the sex workers however the statute outlaws what are known as —offences against moralityll and specifically, criminalizes prostitution. Section 147 provides that the words —sexual activityll includes sexual intercourse whether in form of genital, oral-genital or anal- genital contact or otherwise, whether between person of the same or opposite sex, masturbation, touching of the genitals, buttocks, breasts, sadistic or masochistic abuse or other deviant sexual relations.

Therefore, based on the above, the existent laws criminalize the following;

- Soliciting
- Pimping (living off the earnings of prostitution)
- Brothel keeping
- Forced prostitution (sex slave trade) / procurement
- Being found as rogue and vagabond/ loitering.

#### **Constitutional rights afforded to sex workers**

Section 29 of the constitution states that everyone shall have the right to freely engage in economic activity, to work and pursue a livelihood anywhere in Malawi. Section 20 (1) of the constitution states that —discrimination of persons in any form is prohibited and all, persons are, under the law, guaranteed equal and effective protection against discrimination on the grounds of race, color, sex, language, religion, political or other opinion, ethnic or social origin, disability, property, birth or any other *status*. Section 24 (1) of the constitution advocates for the non discriminatory treatment of women and the section says:

1) *“Women have the rights to full and equal protection by the laws and have the right not to be discriminated against on the basis of their gender or marital status.”*

2) *Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate such customs and practice*

*particularly practices and discrimination such as sexual abuse, harassment and violence.*

In the midst of these bill of rights sex workers rights continue to be gravely violated. These bill of rights have never been practically implemented by the Malawi government.

The issues that sex workers face are often silenced and ignored within human rights and HIV/AIDS discourses. The civil society including women organisations in Malawi lacks interest in defending sexual rights. Although human rights organizations are well mobilized in defense of economic and political rights, they have no interest in sex workers rights. In Malawi, sex workers continue to experience various forms of violence, stigma and discrimination. This is because laws governing sex work promote isolation of sex workers, setting them apart from the rest of the society, placing them in a legal or social status that facilitates their exploitation.

Sex workers, HIV/AIDS and human rights are usually sidelined by local donors and the government, however one organisation in Malawi is committed to addressing the needs and challenges of minority groups including sex workers (see figure 1)



Centre for the Development of People (CEDEP) is a registered organisation and was established in order to address the needs and challenges of minority groups in Malawi in the context of human rights, health and social development. Presently the organization focuses on minority groups such as prisoners, commercial sex workers and people involved in same sex relations.

Since its establishment, in 2006, CEDEP has carried out several activities in the areas of HIV/AIDS and human rights for its target groups. These activities have been in form of research, mobilization, HIV/AIDS awareness campaigns, peer education, advocacy and lobbying.

Address the needs of vulnerable groups i.e. sex workers, prisoners etc.

CEDEP has documented the sexual and human rights abuses experienced by sex workers in Malawi:

1. **Frequent arrests by Police and court charges as vagabonds (using rogue and vagabond/ loitering section of the penal code).**
  - In 1998 Mary Kasawala and six others were arrested in Zomba District and charged with rogue and vagabond.
  - In 1999 Bridget Kaseka and 7 others were arrested in Salima for allegedly immoral purposes after being found in rooms in rest houses in Salima District. Some of them were found with male partners, some were alone. Although the section ostensibly applies to both males and females, only females were arrested.
  - In 2003 the president issued a decree to arrest all the sex workers found loitering in streets, hotels and bars. Scores of sex workers were arrested. They were paraded in court and told to pay 20 Kwacha (one Rand)
  - In December 2008 police in Nkhotakota District arrested over a Dozen of sex workers under rogue and vagabond.
  - During patrols police harass sex workers, demand sex and money.

## 2. Sexual abuse, rape, harassment, robbery, violence and killings.

- Violent clients. Refusal to pay after sexual services. Often this is followed by beatings and grabbing whatever money the sex worker has.
- In the rural district of Dowa in the Central region of Malawi. In November 2008 one sex worker was killed gruesomely and had a broken bottle of beer inserted into her vagina.
- In Zomba, in December 2008 during Christmas one sex worker was seriously hacked her arms and had to be amputated both of her arms. The client who was involved is still at large.
- On 23rd of January 2009 one sex worker in Blantyre was found dead, beheaded and her private parts removed and the body was left naked
- Beatings and rape resulting from sex workers refusal to have unprotected sex (sex without using a condom). Some HIV positive clients demand unprotected sex and promise to pay more.
- The fear of having to move during the night in the face of rape, harassment, beatings and robbery.
- Due to the —lesserll position that sex workers hold in society, and that they do not have equal access to the protection of the law. They are inhibited from coming forward with complaints of sexual harassment, assault or rape.
- The people to whom they would turn for assistance such as the police are usually the first ones to harass them for example they are arrested as rogue or vagabond. They would rather keep as wide a berth as possible between themselves and the police.

### Recommendations

- There is a need to document human rights abuses that sex workers face and produce annual human rights reports.
- Establish proper reporting mechanisms for human rights abuses of sex workers. A need for Hotlines where sex workers can call for help.
- There is also need for instituting legal strategy on sex workers legal cases representation.
- Sensitize governments, national and international human rights organizations including the UN system on human rights situation in each country.
- Develop petitions to parliaments, governments, human rights bodies on human rights situation of sex workers in each country.
- Need for implementation of comprehensive human rights/HIV/AIDS programs that can empower sex workers to realize and defend their rights.

Figure 1: A snapshot of CEDEP

## b. Uganda

A short description of the situation in Uganda revealed that as is the case in many of the other countries, sex work is illegal. There are 3 different classes of sex workers i.e. high, middle and low class where the middle and low class are in most need. Illiteracy is a big problem which impacts on the ability of sex workers to bargain and negotiate for safe sex and pricing. Formulation of policy and legislation has been at the expense of sex workers, even in the case of laws that affect them directly. This has largely been due to the lack of consultation and transparency in the process of drafting bills and policies which dictate and regulate the movement and practices of sex workers countrywide. The recommendation to avoid this is for organisations must form an alliance with sex workers on board, in consultation and not in isolation. It was commonly felt by citizens of Uganda, as by other delegates from various countries, that the

recognition of their human rights was foremost important as opposed to rescuing and rehabilitation.

### **c. Nigeria**

#### **Status of Sex Work**

In Nigeria, an estimated 2% of the country's population of women are sex workers (SFH Study 2001). Sex work and sex workers are generally not accepted by religious groups, the police and women groups seen as most unfriendly to sex workers. The legal status of sex work is ambiguous as soliciting sex, owning a brothel or earning income from facilitating sex work are against the law while sex work itself is not seen as unlawful. In opposition to the views of the police and other right wing groups, the National Human Rights Commission supports the rights of sex workers. As with other countries, sex workers in Nigeria experienced human rights violations. Examples of these human rights abuses:

- Physical violence by customers (including verbal abuse, robbery, harassment from area boys, rape and murder, etc.) Reported by 82% of sex workers in 2008
- Physical Violence Exploitation by owners of sex establishments (inflated rents, lack of basic facilities, unserviceable rooms, poor hygiene, lack of toilet facilities) Reported by 99% of sex workers
- Exploitation by owners of sex establishments
- Arrests and prosecutions by police and sometimes immigration officers on unfounded charges (rape, strip-searches, physical assault, extortion of money and sex). Cases of this have been reported by approximately 92% of sex workers in 2008.
- Use of sex workers as research subjects
- Social discrimination and stigma affect access to health and social services (HIV/AIDS services: counselling and testing, PMTCT, care and support for positive people, access to condoms and lubricants, legal services and basic health care services)

The current country response/ national intervention involves consultations between government and non government partners etc. in an attempt to frankly talk about human rights and health issues surrounding the sex worker industry. The government is currently drafting a national framework for HIV prevention in sex work settings, where programmes such as these will act as an entry point for sex workers to accessing general as well as sexual and reproductive health services.

### **d. South Africa**

#### **Background**

Sex work has almost received no attention in South Africa. It is often regarded as a social ill and a symbol of a society's —moral degeneration, sex workers are expediently ignored in public consciousness or alternatively focused on as:

- —vendors of vice
- —a core reservoir of STDs and HIV
- —vectors or —source of disease;
- —a potential hazard to society
- —bitches, chippies, floozies, *gentoos*, Harlots, hookers, molls, sluts, strumpets, tarts, trams, trollops, wenches, whores

- [makosha isikhebereshe, umahosha and isifebe.](#)<sup>3</sup>

Hence, terminology is an important issue and there needs to be standardization of terminology in order to manage a response.

### **Legal Status of Sex Work in SA**

Sex work in SA is illegal according to Section 20(1) (aA) of the Sexual Offences Act of 1957. Before 1988, sex work was not illegal, however —soliciting, brothel-keeping and procuring<sup>ll</sup> were regarded as offences under the Sexual Offences Act. However since then, the Sexual Offences Act was amended to include sex workers, where provisions are made for sex workers who are abused by the client i.e. Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 notes that the client can be prosecuted. Not many sex workers are charged under the Act due to obvious difficulties with providing sufficient evidence that someone has engaged in a sexual act for —reward<sup>ll</sup>. But this does not impede the authorities in finding ways to taunt sex workers i.e. authorities persecute sex workers through a plethora of municipal by-laws that relate to —public nuisance<sup>ll</sup> or —indecent behaviour<sup>ll</sup>.

The South African Law Reform Commission (SALRC) issued the development of a paper on —Adult Prostitution<sup>ll</sup> in 2002 which outlined 3 options for the sex worker industry:

- Criminalise all aspects of adult prostitution as criminal offences;
- Legalise adult prostitution within certain narrowly circumscribed conditions;
- Decriminalise adult prostitution which will involve the removal of laws that criminalise prostitution

Unfortunately, as of 31 March 2009, the SALRC has still not released its Discussion Paper – **more than 6 years later!**<sup>3</sup>

A description of sex worker conditions, challenges and barriers to access were highlighted and these conditions were viewed through the lens of an area in Cape Town, where the capacity to access health care and justice for sex workers is limited; however it should be noted that these circumstances will not remain the same as you travel throughout the Cape or other places in South Africa. A report on —Selling sex in the city<sup>ll</sup> noted that between Feb- April 964 sex workers worked in doors and 205 worked out doors. It was also noted that there were many reasons for why people entered the sex work industry, not just only poverty and unemployment, however education is a strong correlate in empowering sex workers to understand and take charge of their circumstances! Apart from the environmental and structural differences, it has also been noted that within the sex worker industry, there is a class difference, and within this sect, reaching the most marginalized group of sex workers who are unable to access resources and make their voices be heard, will be the most challenging.

### **Health Sector Responses to Sex Workers**

Sex workers as a group have been at high risk of contracting HIV and STIs since the advent of the HIV/AIDS epidemic. Some of the factors that impact on vulnerability are:

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<sup>3</sup> Marlise Richter (2009) 4<sup>th</sup> South African Durban AIDS Conference. From Presentation “Pimp my ride for 2010: Sex work, legal reform and South Africa’s AIDS epidemic.”

- Criminalisation of sex work;
- Concurrent sexual relations;
- The difficulties in negotiating safer sex;
- On-going exposure to high levels of violence;
- Stigma;
- And, the barriers to accessing health care services



The HIV prevalence amongst sex workers in South Africa has been documented as 45% in Hillbrow (1998); 69% in Carltonville (1998) where sex workers had a HIV prevalence rate that was more than 3 times higher than the prevalence rate of that segment of the general population, and 50.3% in KZN Midlands (1997). Therefore it is imperative that prevention interventions are implemented in sex worker communities and this remains at the forefront of the response to HIV and AIDS. The distribution ratio of male to female condoms is one such response which needs to be revisited, as the ratio leans towards greater distribution of male condoms in comparison to female condoms. It is important to empower females within the industry, as they are in the majority, to ensure that they have control and ability to negotiate safe sex with clients. The National response to the vulnerability of sex workers to HIV and AIDS has been tabled in South Africa's National Strategic Plan 2007-2011 which explicitly rejects discrimination against sex workers, acknowledges the increased vulnerability to HIV; and recommends the rolling out of customised prevention packages for sex workers. Significantly, the NSP recommends that sex work in South Africa is decriminalised, yet, little progress has been made on any of these targets or recommendations.<sup>3</sup>

### Recommendations

- It needs to be recognised and documented that sex work IS work
- Need to move away from the common thoughts that sex workers are the vectors of disease
- Implement and sustain a sex worker led movement, which takes charge, works and looks at personal development, what skills and tools are needed to articulate and open up safe spaces etc. This can only be achieved through co-option which requires sustained engagement and clear identification and understanding of the needs of sex workers and partner organisations, therefore becoming real partners and agents of change in the process. However, it is imperative to identify what are the risks, challenges and obstacles in taking the lead to taking up sex workers rights and driving this campaign
- The challenge also remains in that how do we organize sex workers in other countries to take arms

### e. Kenya

#### Background

Commercial sex work is a wide spread practice in Kenya and sex tourism is rapidly increasing, and is widely being accepted as a form of income. About 30,000 girls under the age of 19 are engaged in prostitution with an estimated 2000 aged between 15 and 18 years now engaging in full time sex work. Sex workers are

mainly concentrated in urban centers and transit stop points along the northern corridor. Most of them combine commercial sex work with other income generating activities and their mobility is very high.

### **Child Abuse**

Child sexual exploitation is on the rise especially along the coastal towns. Most children involved in sex work are under the age of 18. The reasons for this high rate of child sexual exploitation include:

- Booming tourism industry;
- Laws against child sex tourism which are not strictly followed due to corruption;
- Lack of parental guidance, peer pressure, low self esteem and poor social circumstances;
- And, poverty facing families especially in the rural areas.

### **Issues of concern**

- Sex workers are faced with a range of issues which include:
- The risk of HIV infection due to sex with multiple partners, physical abuse and harassment by their clients;
- Most of them are knowledgeable of the risks of HIV but are pushed into unprotected sex by socio-economic factors which put their lives at a higher risk of HIV infection especially those operating along the transport corridors.
- Sex workers are stigmatized, marginalized, isolated and discriminated against. They have limited access to legal, health and social services which increases their vulnerability.
- Constant arrests and harassment by law enforcement agencies and lack of recourse in cases where they are genuinely abused or attacked. This is because they cannot seek legal attention since sex work is an illegal activity.
- Most girls engaging in sex work have limited education and no capital for business or formal employment.
- Sex workers in Kenya have higher education levels than their counterparts in the rest of the neighboring countries yet they earn less from the trade.
- Some abuse drugs and this exposes them to greater risks of HIV infection and other effects of drug abuse.
- Gender based violence – sex workers experience gender based violence from close friends and clients

### **Recommendations and way forward**

- Develop and implement an international code of conduct for the protection of children from sexual exploitation i.e. the Kenyan Tourism Ministry and the Kenya Association of Hotel Keepers and Caterers have introduced the —International code of conduct for the protection of children from sexual exploitationll.
- Local and international NGOs support the fight against the human rights abuses i.e. A number of both local and international Organizations e.g. SOLWODI, DANIDA, the Bar Hostess Empowering and Support Programme (BHESP) and Straight Talk programmes fights for justice and welfare of bar hostesses and commercial sex workers and their children in Kenya.
- Training of male and female sex workers as peer educators, and VCT counsellors to increase the knowledge around HIV and AIDS;

- Sex workers should be trained in income generating activities and given start up business capital - implement capacity building initiatives
- Induce positive behaviour change
- Increase demand for VCT services
- Increase acceptability, availability of health care services



**International Centre for Reproductive Health - Kenya (ICRHK)**

ICRHK has been on the front line in reducing transmissions of STI /HIV among sex workers. Since 2000 ICRHK has trained 674 female and 140 male sex workers as peer educators with basic counseling skills and 24 female and 12 male sex workers as VCT counselors working in VCT centers within ICRHK network. 74 Sex workers have also been trained in income generating activities and given start up capital for their businesses.

ICRH in collaboration with the Coast Provincial General Hospital has set up a gender-based violence and recovery centre. ICRHK uses peer education as the main strategy in female sex work programmes to:

- Increase knowledge on HIV/AIDS /STI.
- Induce positive behavior change amongst female sex workers.
- Increase demand for VCT services.
- Increase acceptability, availability and confidence in condom use.

**Activities and Projects**

- Community leaders' sensitization.
- Mapping and zoning of the priority area.
- Pre and post intervention cross-sectional surveys.
- Recruitment, training and supervision of FSW peer educators.
- Establishment of a **drop-in** centre for the sex workers.
- Condom promotion and distribution.
- Other trainings e.g. IGA management, basic counseling skills, and VCT counselor training.
- Community education outreaches.

<p><b>APHIA II:</b>  <b>Goal:</b> To reduce HIV transmission and mitigate the impact of HIV and AIDS in Mombasa, Kwale and Kilifi Districts.</p> <p><b>“Okoa Jahazi”:</b>  <b>Goal:</b> To provide skills for alternative sources of livelihood to sex workers.</p> <p><b>RESECY:</b>  <b>Goal:</b> To rescue, rehabilitation and reintegration of sexually exploited children and youth.</p>	<p><b>A Health and Legal Rights programme</b> to complement the ongoing peer education and Gender based violence projects.</p> <p><b>Enumeration of sex workers</b> in the Coast province.</p> <p><b>Training of female sex workers</b> as community health service providers for a community directed intervention with WHO support.</p>
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Figure 3: Profile of ICRHK

## **f. Botswana**

### **Nature of sex work in Botswana**

Botswana has an indirect sex worker industry as opposed to brothel-based. This is due to absence of such establishments. There is criminalization and severe societal and cultural stigma associated with being a sex worker, therefore resulting in sex workers hiding their identity. This is in fear of subsequent law enforcement harassment. As a result, these rights abuses hinder HIV prevention and care programmes targeting sex workers which compromise the health of sex workers nationwide.

### **Socio-political factors**

Sex workers are surrounded by web of gate-keepers i.e. law enforcement authorities, intimate partners, family (children), clients, media, and health workers. With regard to intimate sexual partners, sex workers are equally faced with difficulties in convincing them that condom use is vital. This is mainly due to the adage that their intimate relationships are less risky. In addition, for those sex workers who do have partners outside of the industry, their work is kept secret.

### **Law enforcement**

Sex work is not regarded as work therefore not considered legal; hence there are no policies to protect against violence, corrupt police and health worker discrimination. Sex workers in Botswana, as with other countries, experience perpetual threats, beatings, sexual harassment and swindling. Possession of condoms is used as intent to commit ‘prostitution’ and hence warrants arrest. In cases of reported rape and harassment, authorities dismiss claims as they believe that the sex worker was at fault. Due to this sex worker violence is tolerated and accepted as part of job and the belief that sex workers are deserving of punishment is strong.

### **Sex worker interactions**

#### 1) Health providers

It has been noted that health care providers are hostile towards sex workers, subjecting them to disapproval, taunting, blame and refusal when attending to health care problems. The discrimination usually includes the breach of privacy and confidentiality, as well as the administering of STI/HIV test without consent.

#### 2) Clients

Cheat, refuse to pay and to use condoms, beat, molestation

#### 3) Media

Stigmatizing, discriminating and derogatory language, publish sex worker photos which are obtained from the police without consent.

#### 4) Family/Community

Sex work is deemed to bring shame, humiliation and embarrassment, therefore, sex workers keep their professions a secret so as to save their dignity, ensure security and maintain their self-esteem. Children are targeted; therefore, they are paid not to divulge any information.

## 5) Organisation/Solidarity

Research show pockets of informal organisations based on friendship, and nationality. There is a collective agreement among sex workers on condom use, finding clients, healthcare seeking and emotional support. It is understood that gender dichotomies of age, economic status and race breed competition, rivalry, conflict and division, which compromise chance to negotiate prices, condom use, and safety. Migrant sex workers face different working conditions i.e. frequent and indiscriminate police arrests, multiple discrimination as non-citizens.

## **Structural and Spatial Constraints**

### 1) Space

Lack of space for work results independency on clients, which evades autonomy. Sex workers are forced to use secluded unsafe spaces i.e. under bushes, toilets, buildings, or streets, inside cars, bars, trucks (weighbridges), designated homes (until disclosed and raided), hotels, and motels.

Migrant workers share 1 room with peer, share living costs, safety against violent customers.

### 2) Economic

Sex workers face economic prejudice for selling sex due to moral code accorded to sexual act, not the labour. Sex work is most instant to fulfill immediate needs such as food, shelter and clothes. On average sex workers earn 50.00 - 4,000BWP per month, however, payment is not always in cash, sometimes receive remuneration in the form of a meal, beer, or a ride home. The earning capability is dependant on the venue, caliber of clients, negotiation skills, number of clients per night and time. The longer one works in one venue the earnings are less, clients who buy from sex workers based on the street, cheat, become violent, abusive and indecent. Foreign clients pay reasonably well and in foreign currency whilst locals are inconsistent and refuse to pay.

Sex workers have to often they bribe police to evade arrest, but if the bribe is not taken, they are exposed to abuse and are thrown in jail.

### 3) Time

The middle of the business week and mid month is considered slow as the number of clients decrease and regular clients are more prone to negotiate. Higher earnings are negotiated if client wants to spend a night or wants more.

### 4) Saving

The relationship with money is linked to the economic status and family background of the sex worker. Sex workers cater for own upkeep and needs of their extended family/families. The money earned is spent on lifestyle items i.e. alcohol, meals, costumes, therefore saving habits are neither uniform nor consistent. Most sex workers do not have the discipline to save.

## The Botswana Network on Ethics, Law and HIV/AIDS

Bonela was started in 2007 to address issues of sex workers vulnerability to HIV and human rights abuses. The organisation worked closely with district AIDS Committees in training sex workers on human rights and HIV issues. Bonela strongly advocates for sex workers to be able to openly access health services and HIV prevention programmes without discrimination and persecution.

Sex workers are not regarded as work therefore not included in labour or legal debates. \_We do not have the word sex worker in any of our statutes' (Mmegi, Feb, 22, 2008). Sex work is considered a shameful, indecent behaviour not an occupation Sex work is charged under Penal Code sections 176, 179 and 182 (a nuisance, idle, rogues, vagabonds and disorderly persons).

There are assumptions that all sex workers do not like what they do

No policies to protect against violence, corrupt police and health workers.

Current sex worker research largely focuses on HIV/AIDS motives for entering the industry rather than assessment of working conditions. Motives depicted as different from anyone's reasons for involvement in any occupation. Stakeholders and support systems (Women's Affairs, DAC) tend to pity sex workers resulting in moralistic interventions aimed at rehabilitation therefore giving sex workers little chance to choose.

Figure 4: Bonela



### g. Zambia

#### Sex work in Zambia

In 1996 research was conducted in Zambia and the findings were as follows: Sex work in Zambia is a consequence and has completely deprived women and children. It is very common source of income, where men pay a premium especially if unprotected. Only 15% of women and 25% of men do take part in sex work (ZDHS, 2007). It was noted that women who are engaged in sex work are usually orphaned and come from broken homes or widowed. Rarely girls who are not disadvantaged join sex work. If they do, it will be due to peer pressure. The HIV prevalence among sex workers in Ndola (region in Zambia) was documented at 69%.

#### Lessons learnt

Increasingly the majority of sex workers in Zambia are very young i.e. age of girls starting sex work is 11 years. Increasingly school leavers hit the streets immediately after leaving school. The driving forces behind entering sex work are poverty, orphan hood and lack of equal opportunities to education and employment, widowhood and lack of resources to support their children, and peer pressure and influence.

*“Women in our country do not love to be sex workers; they do it because they have no alternatives.” However, they also support women who prefer to continue in sex work by providing them with outreach education and a medical health services.”*

Mrs . Luo, Chairperson of Tasetha

The women are not paid enough for the service. Sex work is not necessarily associated with pimps or brothels. There is a lot of violence associated with sex

work as police and clients tend to abuse these women. Trafficking of women is associated with sexual exploitation.

It is important to mobilize sex workers and to reintegrate them into society, ensure safe sex practices amongst these women and also provide them with alternatives to sex work such as education.

### **Tasintha “we have changed” Project**

Tasintha has worked with 7,000 sex workers to date

#### **Programme objectives:**

- Mobilize sex workers, reintegrate them in society, ensure safe sex practices amongst these women and also provide them with alternatives to sex work such as education
- Address and reduce children’s and young women’s vulnerability by providing them with opportunities
- Ensure that these women’s rights are protected
- Reduce trafficking of these women internally and externally

#### **Project activities:**

- Focus awareness raising to influence behavior change
- Training in life saving skills and entrepreneurship
- Counselling including spiritual counselling
- Resettlement and reintegration in society
- Economic empowerment of women through provision of grants to the graduating girls
- Provision of health services especially reproductive health including family planning and ART. The centre has a clinic
- Advocacy for human rights and protection of women
- Care and support of the children, including their rights to play. We are renovating one of the buildings and converting it into a children’s playing centre
- Lobbying and advocacy
- Removing children from the street engaged in selling at bars or the streets and putting them back in school. This programme is in partnership with ILO.
- Research

#### **Outputs and Achievements**

- Certificate and grants have been awarded to 628 women.
- Worked with the Sex headquarters and broke through.
- 50 children of sex workers have been supported
- One of the son’s of a transformed sex worker is studying medicine in fourth year while one has completed as a clinical officer and is working at Petauke Hospital.
- Several of the girls are doing well in their businesses and several are now proud owners of properties
- Tasintha programme has demonstrated that women can stop prostitution.
- Majority of women are in sex work as a source of income
- If opportunities are available to women it may reduce the numbers of women in sex work.
- Sex work is associated with gender based violence
- It maybe necessary to lobby and advocate for the enactment of pro-life laws and policies that enhance and facilitate improved quality of life

#### **Challenges**

The numbers of girls in sex work is on the increase and the programme is not able to cope  
Limited resources and hence we cannot open out to other sites

Figure 5: Profile of Tasintha Programme

## h. Zimbabwe

**“Sex work is a crime in Zimbabwe. However, for many sex workers in Zimbabwe one of the main problems are minor pieces of legislation that are manipulated by the police and lead to many human rights violations against sex workers that go unnoticed, unreported and undocumented. The legislation is misogynistic and discriminatory.”**

*Director of Sexual Rights Centre in Zimbabwe*

Due to the political situation in Zimbabwe, the governance challenges and general human rights issues are enormous. Sex workers are also stigmatised and discriminated against by health care workers. No formal brothels, therefore there are no safe spaces for sex workers to engage in sex work, therefore increasing their chances of arrest and abuse. As a result, some sex workers are forced to take clients home, which poses a risk to their children. Sex work is forced as a result of economic hardship and sometimes sex workers carry out sexual acts in favour of transport, visas, food etc. Due to the illegality of sex work in Zimbabwe, sex workers face challenges in getting recourse and exerting their rights, deportation is a serious concern particularly for sex workers. There are a range of human rights abuses (verbal, physical incl. rape), particularly by the police. However, in spite of the fact that there are human rights issues within the country, there still remain many more human rights violations outside the country- e.g. women getting ill and dying, police harassment etc. An example related during the conference was of a female sex worker who was offered a R1000 to go home with a client where 12 men were waiting. She was raped, some used condoms, some did not and the police did nothing!!!! This was all because she was an illegal immigrant!!!

Next to the violation of sex workers human rights, the issue of HIV and AIDS is another. The rates of HIV/AIDS are reportedly very high, but unfortunately there are no statistics to verify this. Sex workers are unable to protect themselves from disease, as condoms have to be bought and not freely available, and in the face of economic hardship, this becomes an additional barrier to safety and security. In addition, it has also been documented that there is a rise in mental health issues in sex work community. Lastly, it has been noted that conducting research in Zimbabwe is difficult, which poses a problem as research is an avenue to describing, documenting and improving the circumstances in Zimbabwe. Without this, the situation cannot be remedied.

There are also NGOs claiming to work with sex workers and not actually working with them- programmes are being imposed on sex workers without their input which is increasing their stigma and isolation. The ability to form supportive alliances with the police within Zimbabwe is not possible in foreign countries. The

spread of organisations supporting sex work is thin on the ground although the need for support services to sex workers is increasing

### **Advocacy challenges**

We need to prioritise working on the ground- going to a higher level tends to jeopardise progress- and many women not ready to come forward. Not ready for legislative changes.

### **Way forward**

- New inclusive government- issues of access to health could improve;
- GFATM money available, we may be able to get a significant amount from this
- Mapping

## Chapter 2: Statement from Sex Workers

*“Where are we going to get our rights- we need it from our communities, our policymakers. We need to get out of the closet.”*

Sex worker delegate

### Key messages stemming from this session:

- —A journey of a thousand miles begins with one step and this conference is step one is a long journey to 1) exposing the injustices and human rights violations that sex workers experience, and 2) to mobilising sex workers to take control through the formation of an alliance
- Sex workers demand rights not rescue

This session provides the findings of both Day 1 (Sex worker only day) and Day 2. It was important at the outset of the conference to highlight the aim of the conference, create and ensure a safe space for sex workers to voice their concerns and issues, and to determine the agenda so that they can speak for themselves as opposed to having others speaking on behalf of both of them. One such way to ensure a safe space was to discuss the involvement of the media in the conference. There were varying views regarding the participation of the media in documenting the conference, where some people felt that the media should be allowed, in order to bring the voices of sex workers to influential people, policy makers and community leaders. On the other hand, others felt that the first day was dedicated to sex workers only, that the media had not been isolated, but had been allocated a time during the day to be involved. For those who opposed the involvement of the media, their concerns stemmed from the view that the media had gone against their word before and should be allocated a specific time to engage with the delegates.

The common themes explored during this session were:

- Human rights violations;
- Litigation;
- Mobilization and capacity building;
- Decriminalisation;
- And the formation of an alliance

**The context of the statement “every sex worker, a human rights defender”**

An NGO (OSI) conducted research in the SADC region, excluding Zimbabwe, and found that sex workers demanded rights not rescue. Therefore the slogan of —every sex worker, a human rights defender was born out of the realisation that sex workers need to be capacitated and empowered. The need to feel safe and empowered is of the utmost importance and just as crucial to the movement is the documentation of human rights abuses and violations. Sex workers need to be supported in taking legal action against such acts. They need to be made aware of their rights and despite their work being considered illegal,

**NOTHING  
US**

**TO**

**BE**

**SAID**

**ABOUT**

**US!**

they are entitled to the same rights as everyone else i.e. fundamental rights. There currently is a lack of capacity to support the fight against human rights abuse, therefore need build the legal capacity to fight the prejudices experienced. This prejudice can be seen in the statement that a sex worker cannot be raped!

### Drama and dance performance

Delegates conducted a dramatisation and dance performance to illustrate how sex workers are treated and what their rights are in seeking recourse for acts perpetrated against them. It was agreed on that in order to exercise your rights; you must know what your rights are. This is concisely captured in an easy to read handbook developed by SWEAT, which highlights the rights of sex workers.

[Download:](#)

[www.womensnet.org.za/files/conferences/resources/decrim%20booklet%20complete\\_web.pdf](http://www.womensnet.org.za/files/conferences/resources/decrim%20booklet%20complete_web.pdf)



### Defining Sex Work

The discussions around this was made as personal as possible, to ensure that sex workers were able to voice their opinions without judgment. In addition, this discussion assisted in informing the process of agreeing on a standard definition or terminologies related to sex work and sex workers. It was seen that through the definitions, people saw a common thread of what sex work is, and that is, that sex work, like any other profession, IS work. In addition, they are enablers of change where they can influence and advocate for condom use etc.

Sex workers defined sex work as:

*“We are services providers and we are also targets to people out there who have these other and weird ways of doing things. We are multi-tasked people, we are mothers, daughters”*

*“Having sex in exchange of money due to poverty, others are sex-a-holics and they need money. The state must recognise that we render a service, it is a profession. As sex workers we need to stand together and protect each other”*

*“We are human beings who deserve like other people, we have feelings like others. We deserve to be treated with respect”*

*It is a job, we support our families, we are single parents, and we are breadwinners.”*

*“It is a career like any other, but in the eyes of society it is not and they call us names. So we have to show them that we are something more than just sex workers, we are peer educators. Need to educate clients and other sex workers who refuse to use condoms. Need to join movements.”*

—Sex workers are unemployed women who are using their bodies to make a living

—A sex worker is someone who is earning and selling for an exchange of money. We help those who are in need of sex. We are market sellers because we are marketing ourselves!

### **What terms should we use?**

Based on the discussion above, sex workers attempted to come up with common terminologies for the sex workers. It was apparent, that people had a range of ideas for what they would like to be called (as can be seen below), but the common idea behind all of this, was that whatever term was decided on, it must be steeped in respect and pride. Sex workers agreed that vulgar language would be considered extremely unacceptable such as whore, magosha, and prostitute.

Commonly accepted terms were:

- Sex worker is preferred over prostitute;
- Ambassador
- Nightwalkers
- amatoiyis
- activist woman
- Survivors, because no matter where I go, there will always be clients to make money off
- Ladies of the night
- Entertaining ladies
- Escort

### **Recommendations to the alliance**

The aim of the conference is to form an alliance in which both sex workers and organisations supporting sex work can be represented, and by doing so can mobilise and advocate for sex worker rights. Sex workers were asked to identify some of the issues that they would like the alliance, once established, to address. These were some of the issues raised:

- Lack of support from the community,
- Protection from police harassment, abuse and unjust prosecution
- Respect and tolerance within the sex worker community, particularly when dealing with immigrants. Non citizens should not be discriminated against or persecuted based on their on residency status.
- Legalization and decriminalization of sex work
- Access to legal recourse, health care, insurance, housing
- Create a platform for sex workers and organisations supporting sex workers throughout Africa to network and share experiences
- Implement programs that can empower sex workers to realise their full potential i.e. peer educator programmes
- Address the human rights situation in other countries
- Create safe working spaces
- Address stigma and discrimination
- Recognition that sex work is work

Sex workers were asked to identify their training needs (resources and materials) that they would require in order to contribute to the formation and

implementation of the alliance, and the following was identified as being paramount:

- Paralegal understanding in relation to human rights, sex work, participation with local organisations/institutions i.e. HRC, IDC, IEC and chapter 9 institutions
- Writing and capturing data;
- Self development;
- Counselling skills,
- Monitoring and Evaluation;
- Sexual and reproductive health,
- Negotiation skills

## Chapter 3: Towards an alliance: Exploring the common ground on which to build an alliance and identifying 3 major themes

Thinking towards an African Sex Worker Alliance was born in a European Union funding proposal. The two objectives of the proposal were:

- a) to contribute to an empowered sex worker sector in Southern and Eastern Africa
- b) And, that sex workers (one third of the sex worker population) are significantly enabled to assert their human rights, with mechanisms to address these rights through legal and institutional means.

In order to achieve this, one of the activities proposed was the formation of a sex workers human rights alliance.

It was apparent from the representation and enthusiasm that the formation of an alliance was welcomed and supported across the board i.e. from sex workers to leadership of partner organisations.

The basis for developing a sex workers human rights alliance stems from the following:

- High rates of abuse, police abuse and harassment
- Difficulty in accessing health care for HIV and other medical conditions
- The need for the development of strategies that empower and create peer education networks
- Lack of solidarity among sex workers in the past
- High mobility of sex workers making it difficult to offer services
- Migration and lack of rights
- Socio-economic realities related to SW
- Child exploitation
- Challenges related to criminalisation - criminal and moral attack for supposedly undermining the moral fiber of society

In creating a structured approach to determining what the common face of the organisation will look like, i.e. what the identity of the alliance would be, who the group will be comprised of and what they will do, the following questions were asked of delegates.

### (1) VISION AND PURPOSE

- a. **When you think of an African Sex Worker Alliance, what is your DREAM of what it could be?**

**An agent which will:**

- **Build capacity** - Develop skills for sex workers to go back to school and obtain finance and management skills, skills to access new economic opportunities, training, negotiation, communication and advocacy. Be educated and literate so as to make their voices be heard across countries. This will facilitate the exchange of skills and resources with agencies throughout Africa. It is important to capacitate small sex worker organisations to run effectively; completion of schooling in the sex worker population to obtain degrees and increase access to better and safer socio-economic professions etc. Additionally, exchange visits and mentoring programmes would be beneficial for members of the alliance.
- **Change community perceptions of sex work** - Recognition of sex work as work;
- **Unite all sex workers (LGBTI)**; Promotes visibility and voice of sex workers
- **Work towards decriminalising sex work** - through opposition and challenge of the current laws; ensure access to labour rights and increase training and skills for sex workers; create an environment to work free of injustice, rape, criminalisation; standardise pricing to reduce pricing competition; support immigrants to access health care and justice systems due to status; build sex worker friendly services; to facilitate a sex worker led agenda
- **Be a recognised body in Africa** - train and help, paralegals to be respectful, prosecute human rights abuse; be powerful, strong effective efficient and led by sex workers; driven by common goals such as decriminalisation of sex work and be an alliance where sex workers are able to demand rights and fight against injustices. The alliance should comprise of managers and agencies who will support sex workers and prevent harassment of the agency. The alliance should be an independent alliance thereby not requiring the assistance from a third party organisation. It should influence policy, to advocate for sex workers and report human rights abuse and create an environment where this is not tolerated
- **Be a common voice for all African sex workers** - regardless of ethnicity and class; participatory, broad based alliance inclusive of friends, community, police; influence attitudes and behaviour of society towards sex work and recognise that it is a profession. By working with sex workers directly, they will be involved in making decisions; decriminalisation of sex work; advocacy and lobbying; creation of alternative income and skills development.
- Be a strong support network for all sex workers in Africa and countries; have open membership where all sex workers feel like home and its their right to join the alliance; be reflective of sex workers needs;

- Be an African Sex Workers Alliance; with a structure e.g. secretariat, committee, membership (open to all, but who is all i.e. all sex workers in Africa) and other associated organisations that are working with sex workers

**b. What could the alliance DO that would most support the ongoing work of existing sex work organisations and projects?**

- Create jobs and provide skills for sex workers e.g. hospitality, set the standards of working conditions and develop and adopt a universal constitution; support all organisations that advocate for sex workers and human rights such as Sisonke; Strengthen relationships with other social movements
- Enhance and empower the lifestyles of sex workers; advocate regionally on agreed upon issues with people around Africa; lobby donors and mobilise resources to carry out the purpose of the alliance; increase visibility and train and empower the sex workers as well as brothel and hotel owners/managers
- Be a collective voice; oppose poor policies; set a common agenda, documentation of human rights abuse; building leadership and capacity; creating and strengthening other organisations, not just the alliance; lobby and advocate for sex workers at the local and international government level, influence policy
- Work on special strategy to protect underage sex worker; encourage and coordinate research around sex worker
- Document and expose human rights violations;
- Become implementers of M&E in different countries;
- Create a regional forum with an annual gathering to share experiences and lessons learnt, incl. strategic objectives and fulfilment
- Assist with the decriminalisation of sex work;
- Create learning networks for sex workers - Form study groups to build literacy among interested parties, help to travel to other countries to work e.g. Zimbabwe; create mentorship programmes and to access resources such as condoms; Exchange visits i.e. horizontal learning among sex workers

**Summary**

In summary, the sex worker alliance must be a sex worker led alliance in which sex workers voices are amplified. The major theme must be decriminalisation of sex work; a stronger force will be born of people work together. The alliance should promote the visibility and voice; unites all sex workers; recognise and push for the

continental face that sex work is work and a profession. There must be education and training through the alliance; documentation of human rights violations and protection of underage sex workers.

## (2) What are the 5 core issues that the alliance should work on in the next 2 years?

### Issues that were raised in group discussion regarding priority action items for the alliance:

To promote the alliance with sex workers and stakeholders  
Safe and secure working environment  
Raise issues at national and international platforms  
Mechanisms in place to provide safe working places  
Decriminalisation of sex work and change of labour laws in SA  
Safety (police/client abuse)  
Document and report HR abuse  
Raise awareness of sex workers as a profession  
Information, Education and Communication (IEC)  
Integration of sex workers into society  
Creating one voice  
Est. a strategy and support the development of small organisations  
Research and doc HR abuse  
A strategy on how to defend cases of HR abuse  
Empowering sex workers with information  
Recognition and respect for sex workers e.g. clinics, banks, furniture, shop etc.  
housing, burial  
Right to justice  
Training and empowerment of sex workers in order for them to train others  
Exchange visits for sex workers from different countries

### Issues summarised and voted on (see voting process in appendix)

Decriminalization of sex work  
Research, document and report human rights abuses  
Raise awareness of sex work as a right and sex work as profession and educate -  
Changing labour laws  
Safety from harassment from police and border officials and justice for violations  
committed  
Peer education, human rights defenders in every country and documenting HR abuse  
Provide and access to free and friendly health service

### Membership of the alliance:

Delegates were asked to discuss who would belong to the alliance. 2 different models of membership were clearly noted:

1) The alliance should be led and driven by sex workers,

2) And, the alliance should be driven and led by sex workers but also has open membership.

It needs to be determined from the above, which would be inclusive of other organisations that support sex workers. A sex worker led alliance is integral with support from organisations as they will mentor and steer them in the right direction.

**However, the question remained:**

How do we manage that relationship? Between sex workers and organisations particularly there is a power relationship. It is important to ensure that the party with the resources does not shape the agenda of the alliance.

**Who should belong to the alliance?**

What are the criteria that will allow a new person or organisation to join the alliance, who are not themselves driven or owned by sex workers?

- Independent body, led by sex workers
- Sex worker organisations would play an advisory role and would not influence the long term agenda and structure of the alliance,
- It is necessary to look at resources and stages of development (power), as it was felt that the organisations would need to exit the alliance at some stage
- It is imperative to include organisations with advocacy skills

The membership and structure of the alliance is explored further in Chapter 4. Here you can find decisions made on the structure and components of the sex worker alliance.

## Chapter 4: Rights and Recourse

A panel discussion was held on the rights and recourse around sex work. This highlighted that easy solutions can be agreed upon when there is political will and impetus. However, legal advocacy and the ability to exert these legal rights varies from country to country and not all countries have a healthy legal environment. Two questions were posed to the panelists, which

**1). From a legal advocacy lens, what have you as a country and organisation experienced that has worked or not worked?**

**2). Are there positives associated with use of legal advocacy routes or are there negatives?**

Take action against the crisis in Zimbabwe through an organisation called —Get up, stand up and payll;

An example of the cholera outbreak and the dissidence that accompanies the outbreak at government level was described. Jik for Zimbabwe – the use of Jik in water to purify water from cholera, therefore the movement aims to provide jik to households who are infected and affected with the disease, via NGOs based in Cape Town and other provinces in SA, as well as countries within the Africa. This highlights that the human right is a fundamental right and that abuse experienced by sex workers in different countries is the same (a minute of silence was observed for those sex workers who were killed). The main message behind this is:

**“Insult to one is an insult to all”**

### Senegal

Necessary to clarify that sex work is illegal in Senegal, but there are laws that support it for about 40 yrs. In the law, a women who is 21yrs who wants to be a sex worker can enter the industry, as well as foreigners. there are documents that are administrative, as well as health care structures that monitor psychological, social services that support the sex work. Laws were created before the onset of HIV/AIDS, but have become very useful in the regulation of the industry. There are underage sex workers, but it is mandated at the age of 21yrs. The law has to be revised to make provision for instances where sex workers are arrested for no reasons, such as loitering and to include the provisions for the National plan on HIV and AIDS. In the ministries of health and family, sex work has been included in their action plans.

Association involved in prevention, education of peer counsellors, distribution of condoms, medical help, psycho-social help, nutritional support, home visits and women’s health care, support of children of sex workers. Income generating activities. Advocacy – started activities on educating sex workers on their rights, also legal personnel accompany sex workers when they have to report problems. They have specific programme which teaches legal advocacy, and also addresses the

difficulty of accessing health care. Have worked with journalists, ministries, armed forces, NGOs, lawyers and parliamentarians, Grouped all stakeholders in a workshop and a follow up committee was created which aims to influence policy. Must reclaim our rights, but must know what our limits are.

Sex workers receive medical aid every month and are allowed to access health care free of her duty.

## **Zimbabwe**

Legislation and laws are framed in a religious and moral framework. Criminalisation of sex work is mentioned under crimes of morality in the constitution, unfortunately the implementation and adherence to the laws is lacking and there is prejudice in the judiciary, Therefore, there is no transparency and regulation of this. There is a difference in customary and civil law, where customary law has been prioritized over the civil law, often to the detriment of the person seeking justice. But there is some potential to be revised. The laws do not reflect the reality on the ground e.g. sodomy, gays and lesbians, but due to broken down systems, the potential and opportunity to change is enormous. Sex work is criminalized i.e. procuring, facilitating, and soliciting. Loitering - people are arrested for standing on the street for talking, only women can be arrested, gives the police a lot of power. It only has a charge of community service, but it usually results in illegal detainment over the weekend! The smaller pieces of legislation have a larger impact than the actual soliciting of sex workers. Termination of pregnancy - abortion is illegal, but under special circumstances can apply to court for termination of pregnancy, so if this is done outside of that, considered illegal, But the courts take sometimes 7 months, and by that time its too late, so result in abandonment, killing of children etc. Very few cases of rape come to court because documents are lost etc. Due process is not followed.

Success in Zimbabwe - domestic violence act which was passed - through addressing the chiefs directly, because they usually act against as antagonists to this process. How difficult is it to decriminalise sex work in Zimbabwe? And what will this look like on the ground? The law is usually the last to change, as it is a bottom up approach (ground up). Appeal to alliance, have some sort of legal sharing, particularly SA, where can we slot some of these ideas into Zimbabwe. Establish a learning network for legal advocacy. What are those countries in which Zimbabwe people live in going to do to protect the rights of those people living in their countries? Once people leave the country, difficult to seek recourse for human rights abuse etc.

## **South Africa**

Some things that are universal across all countries e.g. access to health care, as an alliance, start building cases where there is HR abuse locally, and take it to court and prevent police from doing that again, and then put in on a shared website for others to review - not to reinvent the wheel. Important for NGOs to take control (power dynamic), but for sex workers to put them in their place and keeping their interests first, how that process will impact on their day to day life. The information and

empowerment needs to be disseminated to all, not just those who have had the privilege to attend this conference. Disseminate lessons and practices. Build a profile for human rights abuse. By working together, it can be a response in which everyone mobilizes against human rights abuse and not just sex workers.

### **Women's legal centre**

Need to know that sex workers have rights and will exert it in the face of abuse, discrimination etc. The legal process is long and expensive, e.g. 3 yrs to take a case to constitutional court. Therefore need to appeal to the high court.

In summary, the common thread is that even though there may or may not have a legal framework, all sex workers experience some sort of human rights abuse, some through inappropriate legal actions for loitering. There is a lot that can be done moving towards the formation of an alliance and changing policy. Cases should be framed in a broader context, rather than just a case on sex work, so that everyone can relate to, and that speaks to fundamental principles such as access to health care, police brutality and harassment. Therefore, the abuse of sex worker rights will be framed within this larger context. We need to be creative in changing and developing appropriate and effective legal frameworks that protect the rights of sex workers at both national and local levels.

### **What went well/not well in the education of sex worker in their rights?**

Association includes all the sex workers and all the partners as well. Sex workers are members at all levels and form part of the office as well. All sex workers form part of the decision making process. There must be reinforcement of their capacities. Sex workers are ahead due to the life skills training and are active in voicing their concerns and problems. As well as, in workshops, the sex workers stood against the issues, even against the police. There are problems when the court reports on violence and abuse, and what they do envisage is to get people who can give evidence for the sex workers so that can strengthen the cases for them.

Non-traditional ally, use of advocacy avenues to bring in other people into the alliance.

### **Questions that have arisen as a result of the discussion:**

#### **1) Stigma in the judiciary for sex workers - Is it possible to use the judiciary for some issues and if yes/no, what are these?**

Strong culture of legislation in Zimbabwe, good and bad, but certainly the court offer an important opportunity to report and document some of these. There are many organisations who are willing to pay for litigation, but the brain drain has impacted on this, as allies in the judiciary have left the country. Certain issues can be dealt with, but there are basic issues that need to be dealt with first.

Lack of respect to each other, among sw. If you are abused as a sex worker, don't abuse other people.

Alliance - sex workers and both NGOs should work in a consultative process, not each taking the lead. A lot to discuss regarding the membership and direction of the alliance.

2) **Legalising sex work** - countries like Germany was able to get away with that because of the world cup, and Jackie Selebi has expressed that this may be a possible. Has any NGOs looked at piggy backing on this?

3) **Human trafficking** in relation to the decriminalising of sex work? Do they see this happening?

Issue is that its only happening to improve the economy of the country, and will benefit the male population. Already a lot of trafficking, as SA does not meet its obligation to stop or reduce human trafficking.

Only for the period of World Cup

Decriminalisation means there will be no law linked to it, can do as please, but legalization means that there will be a lot of laws that need to be linked to that.

Difficult to support it, cos they do not specify what these regulations are. May just make things worse, as a short term strategy may make things worse for sex workers. not be possible to have a legislation for sex work before the world cup.

4) **Where do sex workers fit in regarding the advocacy?**

They currently do a lot of grass roots work, addressing some of the fundamental rights issues, before moving towards decriminalisation of sex work

And also, learn from other countries who have already est. this such as Latin America etc.

5) **Is the issue just the rights or do we need more things to bring to the table in the formation of the alliance?**

What are the 3 things we need to focus on if we are going to take a rights based approach? In the case of Senegal, who was at the helm of implementing the supportive laws? Need to address the issues of customary laws as well.

Peer education in Kenya - sensitization meetings with chiefs etc. Having engaged with them on minor policy issues, acts as a conduit to talk about other rights based issues and that related to sw.

Need evidence based research, documentation of the sw abuse etc to influence change in policy.

Sex workers need to be at the helm of behaviour change even before NGOs e.g. SWEAT get involved.

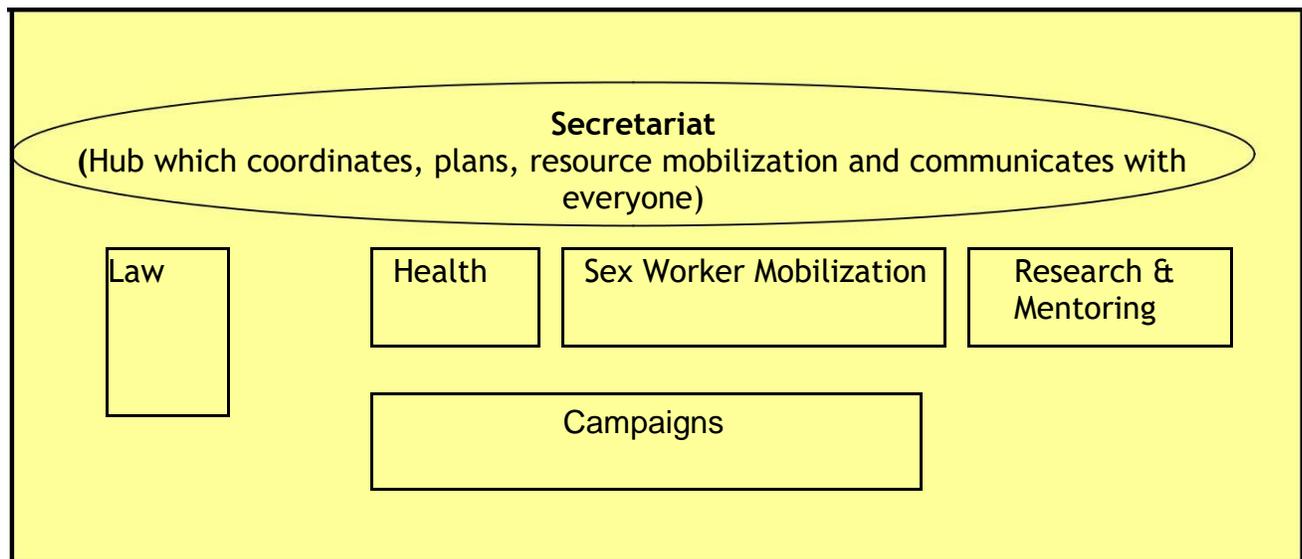
There must be a multisectoral response in addressing the issues facing sw in Africa.

The legal advocacy point is to first ask what happens to sex workers if they get arrested. What is the next step? How do we link sw with legal advocacy and human rights organisations to help them when they get arrested and abused? This has to be the rate determining step!

Need to stop thinking in silos!

**What can we do practically to develop and implement the alliance?**

3 funding proposals sent out, but a final decision on funding has not been made or received.



The below principles must work and be implemented at every level of the alliance

**Principle 1 - sex worker participation and representation at every level**  
**Principle 2 - Peer educators as human rights defenders**

**What can be done to make this model better?**

- We have to unite as sex workers
- Self confidence
- Building skills and capacity
- ID key issues that can be addressed by the campaign
- Ensure that people understand the law and enforced
- Sex workers need education and skills
- 60% sex workers and 40% are experts and NGOs; country or regional representatives (balance of academic knowledge and expertise)
- Media awareness, collective responsibilities
- Voice for sex workers
- There must be country reps within the secretariat, and from there each one will decide on their committee members

### **How do we make it work?**

- Sex workers need to know who to call when they get arrested, an advocate
- Sensitization of all sex workers on the model
- Peer educators to mobilise on the model
- Participatory M&E of the model to determine if the model is proceeding as planned
- Office bearers who will be full time

### **What is my role?**

- Mobilisation within sex worker circle
- Contribute to the alliance
- Raise funds for the alliance to work
- Report HR abuse of all sex workers
- Each person has a practical role in destigmatising the issue of sex work
- Peer education of all sex work
- Create awareness about the alliance
- Networking - both personally and at an organisational level
- Media
- Each member will have a role within the different units which allows information to flow in a vertical and horizontal manner

### **Do we have clarity on the alliance: relationship between NGOs (service providers etc.) and sex workers?**

- Organisations as support?
- Representation and participation of sex workers in all structures
- Alliance should act as a union which has more of a progressively political stance, taken seriously

### **Do we have common understanding on:**

- a. context - terminology and who are we talking about (definition and clarity of sex work)
  1. Foundational principles
    - i. Intersection of discrimination
    - ii. Non-homogeneity of sex workers (diversity)
- b. key areas of
  1. priority
    - i. decriminalization put in place mechanisms that ensure safety and security
    - ii. to ensure protection from police and border officials
    - iii. research, document and report HR abuse
    - iv. free, friendly and universal health care
    - v. sex work is work - change of labour laws
    - vi. sex work mobilization - building the movement
    - vii. Peer educators as human rights defenders
- c. platform for action
  1. What are our demands?

2. Who are we taking this to?
3. Who do we want to hear this?

**We strongly recommend (Call to action)**

Continental HR bodies  
Government  
International aid agencies  
Donor community  
Sex workers  
Private sector

There needs to be clarity in that not everyone who wants to be apart of the alliance would want to be a member, so need to articulate the criteria and levels of membership. This will dictate what an associate member

**Membership discussion:**

**1. Criteria** - 2 types of membership (full only open to sex work) and half (organisations based on working with sex workers and who bring a particular skill to enhance the alliance). Final voting is left to the sex workers only. Affiliate members will be potential donors, e.g. UN, and did not feel that they should become members.

**2. Structure** - Membership making up the core body and at the next level is secretariat and then exec committee who are all accountable. Like the HRC, where the country will host the alliance like Kenya for 2 years, where the secretariat will be housed. Their role is to be the communication and hosting body for the exec comm. (10 people) and then regional voting, as each country may become too comprehensive it too many countries join, who will then vote for a chair and vice chair, treasurer etc. The executive committee will be entirely made up of sex workers, where one sex worker from each country represented in the alliance.

Organisations will take a secondary role in the alliance.

Concern with being only sex workers as they don't have the capacity, mentoring from organisations on the executive committee. Possibility of doing training for incoming committee members so they will be capacitated. Who will do the assessment for what they will have to trained in and ensure that it functions, so at the beginning org can be involved to look at technical issues, resource mobilisation and then train and capacitate and then leave. Need to be more realistic in terms of skills, as there is a lot of high illiteracy among sex workers themselves.

More regional rather than 1 person per country e.g. 3 per region. Mentoring, sex workers and organisations who have experience (ex-officio members in the exec comm.)

60-40% everywhere in the alliance, therefore executive committee should be 40% NGOs and 60% sex workers

This can be an evolving strategy as organisations start to express an interest  
The idea of the structure was because we had no money, so the alliance may start with no funding and therefore need to think about how to get funding and will be key in mobilization.

Some sex workers are qualified and get the training, the problem is with getting equal opportunity. This may be because people do not have the practical, technical skills.

## **Chapter 5: Conference resolution and media statement**

A press conference was held in which the conference resolution and statement was read out, indicating a call for action from various institutions and bodies of influence and support.

### **CONFERENCE DECLARATION AFRICAN SEX WORKER CONFERENCE EVERY SEX WORKER A HUMAN RIGHTS DEFENDER**

We, over 150 participants including sex workers and representatives from national and international Non-Governmental Organizations, Development Agencies, and activists from more than 11 countries, having met at the 1<sup>st</sup> African Sex Worker Conference in Johannesburg, South Africa from 3 - 5 February 2009, note:

There are different political, economic and legal realities in different countries and that these translate into unique experiences for sex workers, however there are common experiences and human rights violations that are shared by sex workers in Africa, including:

- Political instability and conflict which causes migration
- Persecution of sex workers using laws and policies which criminalise sex work and aspects of sex work industry
- Violence and discrimination including police harassment and brutality and other forms of state-sponsored violence
- Denial of access to basic services including sexual and reproductive health, psycho-social, justice and legal services
- Exclusion from financial and other socio-economic institutions
- Exclusionary and discriminatory practices from civil society organizations and service providers

Having considered reports that highlighted the rights violations in particular human crises in Zimbabwe,

We acknowledge that some good work has already been done in Africa in advancing sex workers rights, and amplifying sex workers voices.

Make the following declaration:

#### **We affirm that**

- Human rights are universal, inalienable and indivisible. Sex workers rights are human rights.
- Sex work is one of the multiple identities if the individual.
- Sex workers are subjected to a multiple forms of discrimination

- Sex workers are not a homogenous group, and possess diverse identities including sexual orientation, race, culture, gender, class, HIV and socio-economic status.
- There are many reasons why sex workers enter into sex work.
- Adult sex work is a legitimate form of work.

**1. We commit ourselves over the next 24 months to a Framework for Action that includes:**

- (a) decriminalization of adult sex work
- (b) documenting, monitoring and reporting human rights violations;
- (c) recognition of sex work as work
- (d) free, friendly universal access to healthcare
- (e) building solidarity and mobilizing sex workers
- (f) Building the Alliance ensuring participation, representation and leadership of sex workers at all levels within the Alliance

**2. We demand,**

- (a) International, continental, bodies and instruments and programs
  - \* include and recognize sex workers rights as human rights within existing human rights frameworks
  - \* include HR violations against sex workers as part of their mandate (including in their monitoring and reporting)
- (b) All African States
  - \* decriminalize adult sex work
  - \* protect, respect and fulfill the rights of sex workers in line with international, regional and national human rights standards
  - \* multi-sectoral inter-ministerial response and engagement
- (c) Civil Society
  - \* to support in all programs and services
  - \* inclusive of sex workers within programs
  - \* collaboration and act as allies
  - \* consider joining / affiliating to the Alliance
- (d) International aid organizations / Donor Community
  - \* provide resources

- \* no strings attached
- \* prioritise sex work and commit to percentage of funding allocation

(e) Private Sector

- \* recognition of sex work as legitimate work
- \*management and ownership of brothels - abuse and exploitation
- \* CSI

(f) Media

- \*STOP sensationalizing sex work, accurate unbiased reporting
- \*privacy of sex workers - name and photographs \*educating and advocating
- \*publish good stories - balanced and fair reporting

(g) Sex workers

- \*respect each other, non-discrimination
- \*claim Alliance as a space
- \*voice and agency
- \*abuse and exploitation
- \*breaking the silence

## Conclusion

The first African Sex Worker Conference took a rights-based approach to sex work issues and advocated that all sex workers are human rights defenders. Sex workers and organisations in support of sex workers have led the conference, the formation of the alliance and have taken charge of their own civil, socio-economic, cultural, and political development and progress. This conference platform represented a unique opportunity for active, meaningful, and unified participation from sex workers of different backgrounds and highlighted that despite the difference in context, all sex workers are exposed to and affected by the same issues i.e. sex workers have more commonalities than differences.

To recap, the conference has highlighted that the criminalisation of sex work has resulted in the following for sex workers:

- Increases stigma of profession
- Limits access to health care, legal and social services
  - Access safer sex education?
  - Access to condoms?
  - Access to STI/HIV testing and treatment?
  - Mobilisation?
- Increase exploitation and abuse of sex workers by clients, partners, brothel-owners, pimps and the police
  - Barriers to legal recourse
- Sex workers often have no choice but to live in dangerous, squalid conditions - these conditions attract social and criminal ills
- May force sex workers to relocate often - social disintegration

*“This conference signifies the growth and recognition of sex workers and their work particularly in the area of constituting itself into a viable socially acceptable entity.”*

*“I think this conference has been amazing in bringing together so many sex workers and NGOs from around Africa. For me it has been wonderful learning opportunity and made me hopeful that we will make progress on these issues.”*

*“This conference has helped me to appreciate the African diversities. Its made me to know that the dehumanisation of sex workers has been institutionalized by the various governments who also got services from sex workers. I have seen and felt the spirit of AFRICAN UBUNTU, it shouldn't just end here but also be carried forward out of this conference.”*

ANONYMOUS DELEGATES

Sex workers and supporting organisations have called for the decriminalisation of sex work. It is imperative that the audience understands what this entails in comparison the legalisation.

That is:

**1. Criminalisation**

Keep the *Status Quo*



**2. Decriminalisation**



Strike down all legislation that criminalises consensual adult sex work Sex work becomes like any other job

**3. Legalisation/Regulation**

Decriminalise sex work but put specific legal frameworks in place to regulate sex work

State control of the industry

Mandatory health checks

Registration of sex workers

Designation of specific areas - ‘red light districts’



*“I think decriminalisation is in many settings, our ultimate goal. We need to be strategic. What would be the best way to achieve this in the different countries? Are there other laws that will be easier to overturn and that could pave the way for decriminalisation? Do we want to legalise sex work? Who will determine what it will look like? And will it benefit the “average” sex worker?”*

*“I think that if it will help de-stigmatise the industry and help to lessen the violence and discrimination against the industry, then it should be decriminalised.”*

*“Think sex work should be decriminalised but it will be a long, hard road in most of Africa. Do think advocating for “smaller” rights - like ending police abuse, discrimination in accessing health care and in obtaining loans can be key moments in the longer struggle for decriminalisation.”*

ANONYMOUS DELEGATES

**Therefore, in conclusion, the conference called for the following:**

1. Peer educators as human rights defenders;
2. Framing health as a human rights issue;
3. Documenting and Researching- e.g. human rights violation which will serve as a lobbying tool;
4. Legal strategic litigation- e.g. Women’s legal centre- commitment to take cases to court.
5. Decriminalization of sex work

**It was agreed on that the above will be achieved through:**

1. Mentoring, exchange learning visits, increased participation of organisations in creating learning networks;
2. Formative assessments and baseline surveys of sex worker conditions, human rights violations etc.
3. Network mapping of organisations to determine the organisations who and where they are situated. It is also important to sift out the organisations that are not working with sex workers. This process will facilitate the development of strategic alliances i.e. human rights groups, health group alliances, women's rights groups, legal organisations (WLSA), LGBTI groups, parliamentary caucuses, UN system, National Aids Councils. In addition to this, government alliances may arise from this as some organisation may be willing to put into policy but may not be willing to implement programmes. Through these alliances, sex workers can be assured of a forum which addresses the needs of sex workers, and moves away from being a marginalised sector of society.
4. Formation of a sex worker led and sex worker driven alliance

## **Additional Resources**

Working with Sex Workers: A Resource Pack for Health Care Providers. Reproductive Health and HIV Research Unit, January 2009.

SWEAT(nd). Know your rights: A pocket rights booklet for sex workers.

Richter, M. (2009). Human Rights are for Everyone: Why Sex Work should be decriminalised in South Africa. Steve Biko Centre for Bioethics, University of the Witwatersrand.

Sisonke (nd) Sisonke training manual.

## Appendices

### 1. Conference Programme Outline:

Programme	Facilitators
Statement from Sex Workers Meeting	Delegates
Key note speaker: Every Sex worker, a Human Rights Defender	[REDACTED]
Drama and dance performance	Creative Space Participants: Cape Town
Country Reports: Understanding the socio-political legal; cultural; and economic context of sex work in Africa	[REDACTED]
Towards an Alliance: Exploring common ground on which to build an alliance and identifying the three major themes	Everyone
Vision, mission and membership criteria of the alliance	[REDACTED]
Rights and Recourse - A panel discussion	[REDACTED]
Case study	[REDACTED]
Every Sex Worker, a human rights defender (4 break away groups)	[REDACTED]
Feedback from break away sessions	[REDACTED]
Conference Resolution and media statement	[REDACTED]
Invite media and presentation of media statement	[REDACTED]

## 2. Delegate and organisation list

COUNTRY	NAMES	ORGANISATION
Uganda	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Kenya	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Nigeria	[REDACTED]	[REDACTED]
Malawi	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Bostwana	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Senegal	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
Namibia	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]
Zimbabwe	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
Zambia	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
South Africa Rustenburg	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]





### **3. Press Release**

#### **EVERY SEX WORKER IS A HUMAN RIGHTS DEFENDER**

When our governments are campaigning for our votes they say –vote for us and we will deliver ". We have voted but our governments have not delivered. We try to raise our voices about human rights violations that we face on a daily basis, no one listens. Once we have voted they forget us. From our government we need law reform and the decriminalisation of sex work so that we have the spaces to access our rights. We demand rights and not rescue.

As 153 sex workers from 10 African countries: South Africa, Senegal, Zambia, Zimbabwe, Botswana, Malawi, Uganda, Kenya, Namibia and Nigeria. Today we demand our governments to honour their agreement that every citizen has human rights, and give us the rights that we are entitled to as human beings. Your citizens are speaking, you have a duty to listen and act.

Today is the first day of the African Sex Worker Conference, which will end on Thursday. Today was a milestone in our fight for our basic human rights. Sex workers from different African countries were able to come together and speak to each other. We saw our commonalities and differences that we face doing our work. Yes - sex work is work and it is time that every one started to recognise that sex work is work.

Many participants spoke about the serious situation in Zimbabwe commenting that neighbouring countries take advantage of Zimbabweans. We, as sex workers, in other countries join the call for an end to the suffering of Zimbabweans.

The purpose of this conference is to come together and give sex workers a platform to their experiences and voices in support of each other. The challenge that we face as 153 participants from different countries are almost similar. Many of us face violence and discrimination on a regular basis. Regardless of which country we are from many of us have experienced being raped, verbally, emotional and physical abuse from police, clients and community members. There is unfair discrimination from service providers. Sex workers are not protected or defended by the law when they are exploited and abused. We demand that these violations stop immediately and decisive action is taken against perpetrators.

From this alliance we would like to see more work within and across organizations all over the continent. Put your stigma, discrimination and judgments aside. Let us work together to ensure that all Africans live equally and freely as human beings.

(This statement was delivered to the press by a delegation of female and male sex workers representing a cross section of African countries. It was an historic moment).

## 4. Evaluation of the Conference

Developed by: Annie Leatt

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### Background and Introduction:

SWEAT is a South African NGO based in Cape Town. In partnership with a group of NGOs and Funders (Novib-Oxfam), they put together a funding proposal to the EU for the establishment of a Southern and Eastern Africa civil society building alliance. At the time of the conference they did not know if their proposal was going to be successful. It has since been turned down.

I was commissioned by Eric Harper at SWEAT to evaluate the African Sex Worker Conference to be held in Johannesburg from the 3<sup>rd</sup> to the 5<sup>th</sup> of February in two respects. The first was to assess the success of event of the in light of the proposed development of the alliance. The second was to use the opportunity of the presence of many partners and potential partners in the alliance to ask ‘difficult’ questions about the strategic development of the alliance, its objectives and its strategies.

### Method:

At Eric’s suggestion, I contacted Novib and Ford, asking them to raise questions or strategic considerations for the partnership and conference. Their suggestions assisted in guiding questions during interviews with delegates. I read various documents supplied by SWEAT including material about the conference (notice, fliers etc) as well as the EU funding proposal.

I attended the second and third days of the conference during which time I observed the proceedings, and conducted short interviews with many representatives of the potential partners as well as individual sex workers. Aside from many short conversations with Eric and other SWEAT staff, I was able to conduct 10 interviews of between 30 and 45 minutes each - three with South African organisations, and the rest from other African partners.

Although not stipulated in my brief, my activities on the last day of the conference included plenary input about potential forms and structures of the alliance. In addition, I assisted in a range of other tasks in organizing break away groups, finding people for media interviews etc. These activities were a direct result of the logistical weaknesses of the conference.

The report below is divided into 5 sections, covering what appear to me to be the most important strategic issues going into and arising out of the conference.

## 1. The objectives of an alliance

An alliance or network structure is always complex because of its multiple roles. While a campaign with similar membership promises no institutional support to member organisations outside the political / legal / policy objectives, an alliance needs to work both internally (within and between organisations) and externally (with policy makers, funders, public opinion, law courts etc.) It is advisable to plan and develop strategies for both aspects of the alliance's work.

This dual role is implicit in the EU funding proposal which promises the strengthening of civil society actors in the sector as well as improvements in the conditions for sex work across Africa. The two objectives of the proposal were (a.) to contribute to an empowered sex worker sector in Southern and Eastern Africa' and (b.) that sex workers (one third of the sex worker population) are significantly enabled to assert their human rights', with mechanisms to address these rights through legal and institutional means. In order to achieve these objectives - 4 activities were envisioned: peer education, data gathering on human rights abuses, lobbying and advocacy, and a sex workers human rights alliance. The proposal anticipated that SWEAT would coordinate the implementation of the programme in the field'.

There is no doubt that there was enormous support for an alliance across the board from participants at the conference - from sex workers to the leadership of partner organisations. This is a very good basis for its development.

There were, however, a wide range of views about what the objectives of an alliance should be. The diversity of views is not negative, but does need to be taken into consideration in the structure of its formation and work. When asked what the alliance was there to achieve, participants gave a range of answers including the following:

- to improve visibility of the problems experienced by sex workers,
- to learn from other organisations working with sex workers (best practice models, how to target sex workers in health programmes'),
- to formulate exit-strategies for sex workers,
- to raising the voice and solidarity of sex workers,
- to facilitate exchange visits between sex workers and sex worker mobilization,
- to develop a call for action at government and regional levels,
- to research Human Rights violation, or to commission research, to show the magnitude of the problem',
- to formulate policy (for national and regional instruments),
- to help break the resistance of governments to address sex work issues,
- to strengthen smaller organisations,
- to start new organisations and projects where there aren't any at the moment,
- to help get funds for working with sex workers,
- to strengthen alliances with other marginalized groups - such as gays and lesbians,

- to host regional meetings
- to foster partnerships between individual organisations by kind of work or region,
- to lead advocacy,

There are, in other words, three levels of objectives:

1. External work
2. Internal work
3. Mentoring and mobilization

External work could include campaigns, political mobilization, policy development, resource mobilization. Internal work could include facilitating networks, learning, the development of strategies, and joint projects for research. Mentoring work might include sex worker mobilization as well as support for emerging organisations and projects. Some organisations were clear that their work with sex workers were only just beginning, and therefore they were looking to the alliance for assistance in starting up programmes, supporting staff new in this work, and in learning appropriate models.

All three levels are legitimate expectations and objectives for an alliance. There are some strategic questions that will need to be addressed in order to clarify the content of these objectives - to set collective objectives - in each area.

After considering all the above, I recommend the following objectives for an alliance. Each of these objectives needs to be formulated as a structure or regular event:

- To provide a learning space for member organisations
- To advocate human rights and peer education approaches within member organisations and other organisations - by the development of models, materials, and impact research.
- To coordinate cross country campaigns
- To support smaller organisations in their development. (see section re funding and alliance structure)
- To coordinate activities across focus areas for specialist organisations: I would suggest HIV/AIDS and health, law and criminality and research.
- To work with sex workers across Africa to improve self-esteem, mobilize, and strengthen civil society networks.

## **2. The place of sex workers**

One of the strongest themes during the conference was the ambiguous relationship between sex workers and organisations working with sex workers. This emerged through questions about sex worker leadership in NGOs and the alliance, agenda setting, resource allocation, and perspectives on what should be done about the problems that exist for sex workers in their areas of work.

It was unclear at the conference just how much of the dynamic between SWEAT and SISONKE was played out in the debates about the relationships between sex workers and organisations, and the importance of sex worker representation in the network. Certainly the question was raised most strongly by South African sex workers and ex sex-workers. It was not clear to me how extensive this dynamic was in the other African partners.

I suggested during my input that a principle of sex-worker representation be built into whatever structure is eventually agreed upon. This seemed to be well received by delegates, although there were many questions about how to operationalise such representation and leadership. Strict criteria with respect to sex-workers leadership could well restrict membership in the alliance, as none of the current founding partners (with the exception of Sisonke and Wonetha) are sex worker led, SWEAT included.

Since the partnership was started by civil society organisations, the majority of which are not led by or comprised of sex workers, it will be very important to build sex worker representation into every step of the establishment of the alliance, and communication with sex worker networks as well as tangible opportunities for sex workers and ex sex workers will be essential to its legitimacy.

Having said that, it was clear that many of the partner organisations had an idyllic view of the partnership between SWEAT and SISONKE, and were very impressed with the idea of services combined with political and psycho-social mobilisation. It would be valuable to bring some of the history and complexities of this relationship into discussion in an open way, accompanied perhaps with its documentation as a case study to bring to alliance partners. This could well be the first best-practice and information sharing.

### **3. Strategies of work**

Implicit in the presentations at the conference was an analysis of the problem-places or places of violation in the lives of sex workers.

These include:

- other sex workers [undermining, competition, lack of solidarity]
- clients [violence, rape, failure to pay, degradation]
- police [harassment, rape, fining, false arrest]
- pimps / brothel owners [exploitative labour regimes, trafficking, violence, rape]
- communities from which sex workers come [social exclusion, taunting, the influence of religious leaders and doctrines]
- media [stereotyped and degrading representation, false reporting, exploitation of sex worker informants]
- Organisations that claim to be working with and for sex workers [tokenism]
- Government service providers (especially nurses and health system policies) [degrading treatment, failure to treat, failure to provide condoms]

- The legal system [which creates conditions in which sex workers are not protected, and are subject to local level exploitation by clients, pimps etc.]

The question for member organisations as well as the alliance as a collective is - what will provide leverage for each of these places or relationships? There were two sets of strategies presented - the first from the EU funding proposal, and the second in a list of objectives agreed in plenary at the conference.

There were six objectives agreed to in the session on day two of the conference, with a mandate given to the emerging alliance to work on them over the next 24 months. These six are:

- a. the decriminalization of adult sex work,
- b. the documentation, monitoring and reporting of human rights violations;
- c. the recognition of sex work as work,
- d. free, friendly universal access to health care,
- e. building solidarity and mobilizing sex workers,
- f. building the alliance ensuring participation, representation and leadership of sex workers at all levels within the Alliance.

Items a (decriminalisation) and c. (sex work as work - presuming this is recognition in law and by policy makers) are external objectives. Items b. (documenting and researching violations) and f. (building the alliance) are internal objectives. Items e. (mobilising sex workers) and f (building leadership and representation of sex workers) are mentoring objectives. Item d. (access to health care) is primarily a local and national level objective that would best be addressed at partner level, but supported by the alliance as a place of learning.

It is highly unlikely that this agenda will be completed in 24 months, particularly without the large funding that had been anticipated.

It is unclear how these objectives will relate to the two strategies outlined in the EU proposal - sex workers as human rights defenders and peer education as a strategy. I will deal with these two strategies in brief.

This issue will be raised again below, but it is very important to separate out the role of the alliance from that of direct service providers, particularly where they are members. If this distinction is not clear, it is very possible for the alliance to enter into competition with its own membership. For this reason, I do not think it appropriate for SWEAT or any other organisation to do cross-alliance direct service provision in the area of peer-support. It is a more role for the alliance to advocate; to convince its members to pursue this as an overarching strategy, and to offer support through training, evaluation, learning hubs, facilitating country level partnerships etc.

Having said this, the strategy of peer support is clearly very effective, and is an important way of developing sex worker leadership in the alliance and its member

organisations. Peer support as a strategy also cuts across some of the ideological differences about rescue versus rights or improved conditions for sex workers. It was clear in Professor Luo's presentation which stated categorically that their project was working towards exit, that peer education was a strategy to this end. Peer support work is paid for by and through NGOs, and is an important part of that exit strategy in as much as it can develop life and work skills and expose sex workers to other educational and skills development opportunities.

There are a number of differential constraints on strategy for member organisations and member countries. These will have to be taken into account in developing strategy for the alliance as a whole as well as for individual campaigns around health and law. The alliance will have to consider how individual country members can pursue their own agendas as appropriate to their circumstances and pursue collective agendas too.

Human rights were spoken about in two registers at the conference. In the first, sex workers were presented as bearers of rights through their innate human dignity which they can be robbed of when violated. These violations then constitute human rights violations. This is a very powerful idea, and the sex workers were drawing on this vocabulary in order to assert claims to their own dignity. I suspect that the call for decriminalisation is operating in much the same way for sex workers, on the assumption that they should not be criminalised for what they are doing.

Human rights were also referred to as a principle of law - a universal entitlement that can be mobilised for legal and political reform. In this domain, human rights claims are very explicitly political. While nobody at the conference would argue against human rights claims for sex workers, it is clear that in some country and organisational contexts, human rights claims may not be the most effective strategy for improvements in the lives and work conditions of sex workers.

In the first instance, in some countries (Swaziland, Zimbabwe and Botswana, for example) human rights claims are likely to be viewed with suspicion as (variously) un-traditional, foreign, anti-patriotic etc. In these cases, a varied strategy may be necessary with trans-national human rights claims being asserted in concert with more diplomatic or programme oriented claims at national or local level.

While it is possible that Obama's presidency will bring about changes in PEPFAR and other US funded HIV-AIDS programmes, UN agencies are also extremely constrained in the ways in which they present their work. In these cases - with certain funders and agencies - it may well be more effective to consider sex work projects under the guise of HIV prevention and treatment programmes and 'hard to reach groups'.

Neither of these programmatic or political considerations should prevent the individual and peer support work with sex workers being presented in a human rights framework. But it will be important to be sensitive to the local and national contexts

for member organisations, and to preclude, as far as possible, backlash against very vulnerable individuals and NGOs.

One more consideration was raised at the legal panel with respect to human rights and the use of the courts for redress through decriminalisation and legalisation. Most of the panellists concluded that there was a vast gap between law and practice, and that most violations occurred on the grounds of municipal legislation, loitering, morality etc. charges. Decriminalisation may not address these questions. It is therefore necessary to develop dual legal strategies (at the very least) dealing with cases against sex workers whatever their enabling legislation, as well as changes to legislation.

This section began with a list of areas where sex workers reported being particularly vulnerable to abuse. One of the tasks of an alliance will need to be to work creatively with partners to deal with these local level considerations, perhaps by suggesting alternative interventions. Just a few come to mind: If women are isolated in their work, they could form collectives or live together in households. If brothel owners and local police are a problem, it might be possible to reach local level monitoring arrangements between these agencies in order to strengthen the possibility of sex workers being able to determine who their clients are and what they are willing to do. This could be part of the learning facilitation by the alliance.

#### **4. The Structure and membership of the Alliance: making strategy work**

It is very important that the alliance formulates realistic but expansive goals and strategies in terms of funding, activities, and campaigns. Perhaps one of the greatest lessons for SWEAT at this conference was the extent of resources necessary to facilitate pan-African work, and the difficulty of impossibly raised expectations.

The EU proposal anticipated that SWEAT would host or lead the alliance, as well as being somehow responsible for the running of the peer-educator model of intervention; developing a curriculum (already started), training and presumably also mentoring peer educators in the field. Not getting the proposal funded is a good opportunity to rethink the independence of an alliance from SWEAT (even as it may provide substantial leadership).

SWEAT did a magnificent job in leading this partnership, raising funds for the conference and pulling it off. It is also clear that SWEAT has neither the administrative ability nor the internal cohesion necessary to take on the alliance as a project under the current conditions. I would therefore recommend that the alliance be set up as a modest independent structure that will be able to grow on its own terms. At the beginning, this could be a quite loose arrangement, with perhaps one coordinator that could be located at one of the organisations.

During the conference, I presented a possible model for the alliance. The final report of the conference should include the lists of questions and suggestions to further develop the model and make it sufficiently flexible, representative and effective. After reviewing the available conference minutes as well as notes from various interviews, I remain convinced that the broad structure of the alliance should follow the model I suggested, but with the addition of a Board structure.

The alliance, in this view, would be comprised of the following:

1. An executive structure
2. A secretariat - a management and administrative structure
3. A membership (individual, full and affiliated)
4. An annual or biennial meeting - in different countries each time
5. A series of focus groups - on law / decrim, HIV/AIDS, sex worker mobilisation and research. It might also be necessary over time to develop sub-regional groups, or Francophone or Lusophone groups.
6. Campaigns that can be run by the whole alliance, individual focus groups or regional groups.
7. A set of working principles; peer-educator methodology, and sex worker representation.

It would be possible to start this structure with few resources. It would be ideal to be able to employ one person who is management / administrative to be the secretariat to coordinate input into funding proposals, develop membership, plan for events, mentor where possible and host focus groups in developing strategies for external work.

While not getting the EU funding was a disappointment, there is the silver lining of being able to grow a small and stable base for the development of the alliance. The first place to turn for support for the alliance, particularly if it is to have a modest start, is its membership. UNFPA in particular said it would be willing to contribute something of its programme budget to the secretariat. The FORD and AWDF funders at the conference both suggested that the alliance would be a welcome initiative to most funders who work in cognate fields, and they thought that the alliance would have little difficulty in receiving funding for its work once established.

Both AWDF and OSI questioned the current membership of the partnership. It is clear that there are a number of other organisations, particularly those in the gender and HIV/AIDS fields that could be potential members or affiliates of the alliance. AWDF has a new data base of organisations across Africa that might be eligible, and are willing to share this with the alliance.

## **5. Conclusions**

Despite some logistical weaknesses, the first ever African Sex Worker Conference was a huge success. It mandated the start of an alliance structure and demonstrated clear

need for and support of this collective strength. The buy in was strong from all sectors that were present at the conference, sex workers, media, legal NGOs, potential partners etc.

The African Sex Worker Conference itself was a success, and was clearly a moving time of solidarity for sex workers across Africa and a good experience for many of the South African sex workers. The attempts to discipline unruly members of the sex worker contingent themselves was a good development under trying circumstances.

It is not necessary to analyse the logistics of the conference in depth. Given this experience, suggestions for future conferences include having an MC who can take care of time keeping, continuity etc, clarifying expectations between partners, and getting administrative assistance. What the logistical problems of the conference do reveal, is a need to move forward in the alliance in a planned manner that does not anticipate being able to walk before one can run.

I was unable to follow all the media coverage of the conference, but clearly this aspect was a success with good selection of people to speak at the media, measured and thoughtful presentations, etc.

The conference was a wonderful platform for continued plans for the establishment of an alliance. There is a great deal of good will from sex workers and current partner organisations, and many indicators that there is work to do and support to do it. The next steps are to consolidate the gains of the conference, establish a basic structure, and do as much as is possible without funding while also seeking resources for the expansion and development of the alliance.

## **5. Malawi Media Statement on Sex Workers**

Malawi has signed and ratified numerous international human rights instruments or agreements, most notable ones being the United Nations Universal Declaration on Human Rights (UNDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (ACHPR) to mention but a few.

Human rights are legal entitlements that are inalienable and universal, which entails that every person must enjoy them simply on account of him or her being a human being without consideration for one's social or otherwise status.

However, conditions on the ground show that sex workers are among the most disadvantaged people who suffer physical ill-treatment, preferential access to public benefits and minimal enjoyment of their human rights.

In Malawi, sex workers continue to experience various forms of violence, stigma and discrimination. Sex workers suffer from police arrests and imprisonment.

Sex workers often are raped by their clients and sometimes are forced into unprotected sex without any hope of help from authorities. In one extreme case, a sex worker was brutally killed by her client without any apparent reasons. This happened in the rural district of Dowa in the Central region of Malawi. The situation was made gruesome in that the sex worker had a broken bottle of beer inserted into her vagina.

Like many other African countries, Malawi criminalizes sex work thereby by impeding or denying the right of sex workers to seek legal protection if they suffer abuse or poor working conditions. Due to this lack of legal protection and constitutional freedoms, sex workers in Malawi have been suffering from high levels of verbal violence, stigma and discrimination from the general Malawian society. There has been violation of the rights of sex workers through hate sentiments made by the media, community, politicians, religious groupings which in effect contributes to high levels of fear amongst sex workers.

**The combination of criminalization and the failure to recognize sex work as work means that sex workers are cut off from state benefits and regulations that guarantee them a right to economic freedom like any other Malawian citizen.**

**Section 29 of the Malawi Constitution states that "Every person shall have the right to freely engage in economic activity, to work and to pursue a livelihood anywhere in Malawi".**

**Further, Section 20 of the Constitution of the Republic of Malawi provides for "guaranteed equal and effective protection against discrimination on grounds of**

**race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.”**

Contrary to this, prostitution is criminalized and is charged under section 184 of the penal Code (Cap 7:01 of the laws of Malawi), with the crime of rogue and vagabond, and Section 180 with the crime of idle and disorderly persons.

Article 16 of the African Charter on Human and Peoples' Rights, read together with Sections 13(c) and 30(2) of the Malawi Constitution, provides for the right to enjoy the best attainable state of physical and mental health. This right is inseparable from the enjoyment of other human rights, such as the right to life, development, education, privacy, the enjoyment of the benefits of scientific progress and its applications, access to information, freedom of association and assembly, freedom of movement, freedom from cruel, inhuman or degrading treatment, freedom from discrimination and many more.

Though sex workers are protected by these international conventions, they are subjected to sexual violence and coercion and are unable to negotiate safe sex with their male counterparts. This state of affairs has made them vulnerable to HIV/AIDS infection and prevented them from getting the information, resources and services that are necessary for their health. **HIV prevalence amongst sex workers in Malawi is at 71 percent. Free condoms and HIV programmes rarely target places where sex workers meet their partners.**

This situation has been partly exacerbated by the emphasis on the part of the state through controlling sex work activities through criminal law. In its annotated international guidelines, the United Nations Programme on HIV/AIDS, UNAIDS Handbook, Guideline number 4 proposes that states should review and reform criminal laws and correctional systems to ensure that they are consistent with international human rights obligations and are not misused in the context of HIV/AIDS or targeted against vulnerable groups. It notes specifically that criminal laws prohibiting specific sexual activity between consenting adults in private such as adultery, sodomy, fornication or acts against the order of nature or social order or morality, can impede the provision of HIV/AIDS prevention and care programmes. Many jurisdictions have repealed these laws because they are ineffective and out-of-date. Protection of the human rights of Privacy and Equity also support repealing these legislations.

We strongly feel therefore, that as human beings, sex workers are also entitled to enjoy the conditions that would enable them to realize their right to health and social well-being.

Government should therefore create conducive environment by decriminalizing sex work so that sex work should also be recognized as work.

We urge the Malawi Government to ensure that it acts in tandem with the international conventions that it has signed which gives freedom to sex workers. As things stand today, the penal code of Malawi contradicts the convention that the government signed committing itself to protecting the rights of all human beings. The actions of government and its arms such as the police are also in sharp contradiction with what is provided in the Constitution of the Republic where rights of all human beings are guaranteed without discrimination.

There are also policies in place that guarantee the humanity of sex workers. The National HIV/Aids policy for example articulates that HIV prevention programmes must also target sex workers because they too are vulnerable just like any other human being. The actions of government against sex workers are hindering efforts from organisation that would have put in place interventions on HIV among sex workers.

We trust that our concerns, as expressed in this press release will be considered. We believe that state is obliged to guarantee and promote human rights amongst its citizens. These rights range from rights to economic activity, equality, arbitrary arrests, right of access to health. Equality requires a pointed effort by the state to come up with policies and laws that protect the wellbeing of sex workers. In order to realise democracy's promise of fundamental social transformation, we must work collaboratively to develop an informed and unified strategy towards ensuring that, in the spirit of our Constitution, all citizens are able to enjoy all their rights as human beings.

**6. Anonymous questionnaire for conference delegates**

We would like it if you could ANONYMOUSLY share your thoughts on the following:

Please feel free to turn the page over and write as much you like. All your comments and thoughts would be most appreciated and will be kept private.

1. Which country are you from? \_\_\_\_\_

2. What does this conference mean to you?

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3. What are your thoughts on decriminalization/legalization of sex work and human rights?

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4. HIV, sexual and reproductive health, access to health care for sex workers?

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5. What would you like to see happen for sex workers after this conference?

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6. Would you like to share any other thoughts with us?

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Thank you for your kind participation. Once completed, could you please leave this form on the table at the back of the room.

## **7. Delegate responses to questionnaire**

### **1. What does this conference mean to you?**

—This is a wonderful opportunity for sex workers from different countries to get to know each other, to find out what the situation and challenges are in different countries and to build solidarity. It is also an opportunity for sex workers and NGOs working with sex workers to share experiences and strategise around what is possible re. a realistic way forward.||

—This conference signifies the growth and recognition of sex workers and their work particularly in the area of constituting itself into a viable socially acceptable entity.||

—This conference means that with the alliances' for my human rights.||

—Sex work is a profession. Sex workers are human beings just like everybody. Platform where sex workers could voice their problems and listen to and support.||

—It means that I get to learn more and to familiarise myself with the sex work industry as I do not know a lot about it.||

—I think this conference has been amazing in bringing together so many sex workers and NGOs from around Africa. For me it has been wonderful learning opportunity and made me hopeful that we will make progress on these issues.||

—This conference has helped me to appreciate the African diversities. Its made me to know that the dehumanisation of sex workers has been institutionalized by the various governments who also got services from sex workers. I have seen and felt the spirit of AFRICAN UBUNTU, it shouldn't just end here but also be carried forward out of this conference.||

“This conference means that all sex workers are together. It is because a lot of people are suffering all over the world. It means that prostitutes are not seen as animals, but are together, taken as you are.||

### **2. What are your thoughts on decriminalisation/legalisation of sex work and human rights?**

—I think decriminalisation is in many settings, our ultimate goal. We need to be strategic. What would be the best way to achieve this in the different countries? Are there other laws that will be easier to overturn and that could pave the way for decriminalisation? Do we want to legalise sex work? Who will determine what it will look like? And will it benefit the —averagell sex worker?||

—Sex work is work and like any other work they need a legal framework within which to operate.||

—Why is sex work a criminal offence, when abortion which is murder, is not!. Sex workers are human and should enjoy human rights like any other human. Brothel sex workers (profession) point of view was missing from the conference.||

—I think that if it will help de-stigmatise the industry and help to lessen the violence and discrimination against the industry, then it should be decriminalised.||

—Think sex work should be decriminalised but it will be a long, hard road in most of Africa. Do think advocating for —smaller|| rights – like ending police abuse, discrimination in accessing health care and in obtaining loans can be key moments in the longer struggle for decriminalisation.||

—Generally sex workers have been there since the beginning, so it is high time to decriminalise it and legalise it, as it was a legal profession. It puts food on the table, pay for children’s school fees etc.||

### **3. HIV, sexual and reproductive health, access to health care for sex workers?**

—In Namibia, sex work is not recognised, but the government is finally beginning to realise that attention must be given to the health of sex workers. However, at the moment we have no free or friendly health services for sex workers, male or female. Male sex workers are beginning to access newly introduced health services for LGBTI persons. Health care for sex worker’s which include mental health is an absolute priority.||

—Sex workers are human beings and deserve all social and health services to address their health care.||

—Since they are vulnerable to rape and forced sex without condoms, they should be regarded as vulnerable group to STIs and HIV/AIDS.||

—Just like everyone, sex workers should have easy access to sexual and reproductive health.||

—Sexual and reproductive health for women in general is severely compromised in southern Africa. It is even worse for most sex workers given stigma and discrimination.||

—There shouldn’t be any discrimination of anyone on the basis that he/she is a sex worker. It is a fundamental human right to assist everyone without bias. On this the health care services should be sensitised on things like this.||

—We are using a condom to protect from STI or HIV. If we are not using a condom, we are going to die with this disease.||

### **4. What would you like to see happen for sex workers after this conference?**

—Is there anyway in which we can, in the different countries, make sure that the sex workers return to a safer working environment? Is there a number/person/organisation to call? Can we look at the possibility of running programmes where sex workers are informed/trained around our rights? Are there possibilities of sensitising the police? Can we target police stations in areas where we work?||

—Sex workers should leave thinking they have started a process they initiated and must commit to moving the outcomes of the conference forward.||

—Starting a campaign of decriminalisation of sex work. Research, data capturing and publication of human rights abuses of sex workers.||

—I would like to see sex workers becoming more empowered.||

—I would like to see the alliance formed and be an active force in advocating for sex workers rights in Africa and help educate NGOs working on the issue in Africa.||

—More education for sex workers to know their rights as human beings and they should demand the right to be treated with dignity since they are mothers, sisters, daughters, workers, citizens and above all human beings making the human race.||

—I am going to use a condom to protect myself.||

## **5. Other thoughts on the conference?**

—Congratulations to SWEAT and partners for pulling this together. How can we assist organisations working with sex workers to capacitate their members/beneficiaries? What do we expect the organisations present to do while the structure and funding come together?||

“Logistics need to be improved; the Johannesburg Hotel is dirty e.g. room and linens. Please send the report of this conference to organisation, especially presentations. Our lobbying and advocacy must be directed to African parliament.||

—The Alliance should engage with other movements for social justice. Sex workers shouldn't work in isolation. More empowerment to them and a model of the Zambia integrations by Prof. Nkandu Luo should be looked into to assist other structures in other countries of this African Sex Workers Alliance.||

—We are sharing together with my family to advise on this situation.||

## 8. Minutes of Directors Meeting

### 1. Opening and Introductions

Eric Harper, Director of SWEAT opened the meeting and suggested that the discussions focus around what the group thinks can be accomplished with the funds that are raised?

Each organisation gave a short brief introduction of the organisations and countries which they are representing.

Highlight: The Zambian orgs are well ahead in sex work advocacy, empowerment and education, and have a lot to share with orgs and countries that are still in their infancy. Speaking about the situation of female sex workers in Zambia, Mrs. Luo, Chairperson of Tasetha said, —women in our country do not love to be sex workers, they do it because they have no alternatives. However, they also support women who prefer to continue in sex work by providing them with outreach education and a medical health services.

**2. Apologies-** a number of apologies were made on behalf of people whom were unable to attend. These included Botswana rep Anna Chalmers from Botswana, the POWA group

**3. Organiser's Remarks:** Reminder that organisations around the table at different stages of engaging in sex work advocacy and education. He went further to clarify that SWEAT as an organisation does not encourage not discourage sex work, and that it rather attempts to help women in the circumstances that they find themselves in rather than impose a particular position. He commented that, —the realities [of women] are very complicated and therefore, as an organisation, SWEAT, we have a position of not holding a position on what women should do and how to do it. Some women want to exit sex work, others are okay and yet others and interested in getting into sex work. We have to look beyond the colonized mind and embrace difference and allow for differing views. —

### Comments from the floor

- Mrs. Luo commented that —We have more commonalities than we have differences. Thus the next step is to decide how we are going to work as an alliance keeping each of our interests and remain informed by what the women themselves want- whether it is to help women to exit or to remain in sex work safely. How we are going to help the women. ||

- someone else built on this by suggesting that we consider what are we currently doing, and what are we doing in common and what are we doing differently? Peer education for instance is a mainstay of most projects.

### Organiser's Comments: Eric asked the question, what is the added value?

- Peer educators as human rights defenders;
- Framing health as a human rights issue;

- Documenting and Researching- e.g. human rights violations- serves as a lobbying tool;
- Legal strategic litigation- e.g. Women's legal centre- commitment to take cases to court.

**So, what can be done? Some Ideas that were raised are:**

5. Mentoring, exchange learning visits, roles of organisations;
6. Formative assessment, baseline surveys;
7. Network mapping of organisations - deadline end of March;
  - Which groups to be mapped
  - Areas to map and who to map
  - Sifting out organisations that are not working with sex workers
  - Strategic Alliances- human rights groups, health group alliances, women's rights groups, legal organisations (WLSA), LGBTI groups, parliamentary caucuses, UN system, National Aids Councils --
    - Government alliances- some may be willing to put into policy but may not be willing to implement programmes

**Kenya-** forum for organisations serving sex work organisations  
8. Development of champions- 2-page paper

**Action:**

- March 31- mapping of organisations that may support sex work alliance

**Comments:**

- There are very different situations in each country- How we are going to deal with the different levels of sex work development?

The following are presentations that were given by a few of the country reps at the meeting on the suggestion by the Organiser.

**Zimbabwe**

Political Challenges: political situation affecting everything in the country including governance, human rights issues

- There is information blanked out from the media making it difficult to distribute info to sex minorities; Access to information a challenge- difficult to know what is happening within the country unless through international media;
  - The printing materials expensive

Economic challenges: Budgets required are typically much larger for operations and programmes than would be expected in other countries due to the high inflation; although looks like impact is minimal. Sometimes it is difficult to convince donors of the excessiveness of resource needs.

### **Situation of sex workers in Zimbabwe:**

- Wide distribution of sex workers across the country
- Sex workers human rights issues one of a many number of human rights violations
- Legal issues: Sex work is criminalised, changes to this situation a long way to go: judicial, executive and legislative opposition to sex work making it almost impossible
- Social stigma exists against sex workers
- The number of sex workers have increased, as well as the demand has increased
  - Although she does not have empirical evidence to support her assumptions, Sian believes 's that the reason the demand has increased is from clients who earn money outside the country and come back home on holidays with the funds to pay for the services of sex workers
- There is a rise in mental health issues in the sex work community as well
- There are also NGOs claiming to work with SWs and not actually working with them- programmes are being imposed on sex workers without their input which is increasing their stigma and isolation
- However, in spite of the fact that there are human rights issues within the country, there still remain many more human rights violations outside the country because there are fewer protections from sex workers outside the country- e.g. women getting ill and dying, police harassment etc.
- The ability to form supportive alliances with the police within Zimbabwe is not possible in foreign countries
- The spread of organisations supporting sex work is thin on the ground although the need for support services to sex workers is increasing

### **Advocacy challenges**

We need to prioritise working on the ground- going to a higher level tends to jeopardise progress- and many women not ready to come forward. Not ready for legislative changes. (???)

### **Where would you start?**

- New inclusive government- issues of access to health could improve;
- GFATM money available, we may be able to get a significant amount from this

- Mapping

**Comment & Suggestions of where to go next:**

- to initiate a peer educators programme with a regional component working also in the area of cross border work (Centre for Immigration Studies)
- documentation of what is happening in Zimbabwe move towards constitutional change
- building networks on the ground

**Senegal**- *apologies- this area was not adequately documented.*

- Prostitution very regulated- 15 years
- From 1992, sex work registered in Senegal
- Law allowed for regulation, but is becoming obsolete
- Before HIV, regulation on treatment of syphilis and gonorrhoea- health care services and follow-ups were available
- Prostitution criminalised but tolerated, and organised
- There are two kinds of prostitution- official prostitution, clandestine (hidden) prostitution
  - Official- there are many sex workers involved in official sex work which refers to sex work performed by women who are registered as sex workers- the levels of knowledge very high; distribution of condoms is high; there is a lot of information on HIV
  - Clandestine sex workers are those who are not registered and they are many more than official sex workers. They do not access enough information. There is a push in Senegal for them to register
- There are many organisations supporting official sex workers in the areas such as research on sociological situations and health
- We were involved in research conducted by social anthropologists
- We have conducted many different workshops: Workshops with sex workers to start research; workshops with medical personnel, police, lawyers, parliamentarians and NGOs—they discussed the recommendations that came out of research and established a committee—parliamentarian chairs the committee which has been tasked to assist in the revision of the existing law

**Challenges**

- Senegal is a Muslim country, but it is considered necessary to address sex work health related challenges since or else —all our efforts will be for nothing.!!

**Activities:** Professional Training, medical care

The women are very organised, and received training in micro projects and in process of running activities from our organisation

There is sex worker involvement and they assist in decision making and administration of the organisation

**Comments & Questions:**

- *Why would women prefer clandestine prostitution to official prostitution?*

It is difficult to present oneself as a sex worker (social stigma). Law does not provide much in way of protection

- *What about MSM?* There has been a large emergence of MSM and homosexuals are often imprisoned. Homosexuals are there but they remain hidden.

**Are there any things which we would like to highlight from the Senegalese situations?**

- Suggestion to conduct a study of Senegalese situation, which has a unique situation from which the other countries may be able to learn- a country with a law to regulate sex work. The research could assess what has changed with the advent of HIV for instance? Also the existence of different forms of sex work- official and clandestine sex work. It was described as a country which sits in between the two situations- women in sex work officially and others who want to exit. The ability for Senegal to engage the police and policy makers—contributed to successful situation. Also the complications brought on by HIV- affected the law

**Botswana**

**Common issues-** Low literacy, stigma, SW and HIV & health- access and stigma, cross border issues, gender based violence, police harassment, criminalisation of sex work - however, where we are in sex work activism, mobilization and education are different;

Only a handful of organisations with programmes in sex work and more emerging particularly in the area of HIV prevention around ‘most at risk populations’ (MARPS)- there are only two dedicated sex work organisations, however both are primarily peer education programmes with the aim of sex work rehabilitation and exit

There is very little advocacy, although there is one organisation, BONELA which is working to help create space for sex workers in the national response to HIV through a rights based approach.

- There is policy recognition for the health and HIV challenges of sex workers. However at this time it is not clear whether the interest in sex work is due to the renewed focus on prevention, tied to the belief that sex work breeds infection and sex workers are ‘key drivers of the epidemic’, which is not empirically founded. There is need to know what the intentions and approaches of the government are to the interest in sex workers in the HIV national responses. The stance of government needs to be clarified

Orgs shying away from supporting sex work advocacy due to its stigmatised and criminalised nature. There are however organisations, with a little convincing, that would be willing to support sex work activism, education such as Gender & Development orgs and human rights organisations (in the area of strategic litigation and human rights activism)

#### **Where we could start?**

- Conduct a thorough formative assessment
- There needs to be sex work mobilisation and movement building
- Organisational and service mapping
- Strategic alliance building
- Policy analysis on sex work
- Engaging the state
- Resource mobilisation

#### **Challenges**

- Cultural barriers- House of chiefs; Denialism
- Challenging the status quo may adversely affect

#### **Highlight what we need to pick out from presentation**

- There appears to be much more educated and younger chiefs- take advantage of dynamism- —if that culture is infringing on the health and lives of the people, we need to deal with this
- Research- education and sex work?
- Who sets the agenda? Many different agendas... frames the way that we think about things
- Nationally driven sex work or project driven?( Stop being donor dependent- generate money of your own)
- Involvement of state actors in doing work- e.g. research: co-investigators in studies
- Partnership with networks??

#### **Comments:**

- We need to evaluate ourselves as Africans, our own attitudes
- Stop being donor dependent- generate money of your own

#### **Uganda**

- Law:** sex work is illegal and penalised: regularly and habitually holds him/herself as available for intercourse or other sexual gratification for monetary or material gain
- Living on the earnings of prostitution- subject to maximum sentence of 7 years
  - No laws addressing human trafficking
  - There is a proliferation of married female sex workers- to gain things that partners cannot give them materially
  - Want to tax sex workers at borders
  - Rape, HIV vulnerability, police harassment, no standardised fees- very little money
  - Illiteracy- many sex workers want to return to school. Some say that this will enable them to better negotiate with foreigners
  - 100,000 Sex workers in Kampala alone, fewer in organised centres

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## 9. Election Process & Results

Issues addressed by delegates	No. votes received	
	Round 1	Round 2 (Total votes received)
Decriminalisation - put in place mechanisms that ensure space and safety (56 votes)	52	56
Documentation of human rights abuses		N/A
Training and empowerment of sex workers on HR, HIV prevention		N/A
Change of labour laws and recognise sex work as work	9	13
Exchange visits/programmes of sex workers in different countries	4	N/A
To promote the alliance with respect to sex workers and stakeholders and for the alliance to co-ordinate regular platforms/conferences	6	N/A
To provide safe and secure working environment	9	9
Alliance to raise awareness at international level of sex workers issues	1	
To provide and increase access to free and friendly health services	4	4
To ensure protection from police and border officials (and justice for violations committed)	19	40
Safety (police/client abuse)	11	12
Integration into society		
Creating one voice	9	18
Peer education/human rights defenders in every country in the alliance	26	26
Strategy est. and support development of isolated and small organisations	36	36
Research and documentation and reporting of HR abuses	34	35
Development of a strategy on how to defend HR of sex workers	1	1
Raising awareness of sex work as a profession and the rights	2	2
Skills training and capacity building		

## **10. Botswana Network on Ethics, Law and HIV/AIDS (BONELA)**

**By: Anna Mmola-Chalmers**

### **SEX WORK CONDITIONS IN BOTSWANA**

In 2002 a sex work prevalence assessment, largely based on police arrest statistics, conducted by National AIDS Coordination Agency (NACA), recorded sex work population in Botswana, mostly women, to be 1 482 mainly concentrated in major towns, mining towns and major transport routes. This data does not truly reflect an exact picture of sex work prevalence in Botswana because sex workers operate in a clandestine manner hiding detection of the law, societal stigma, police violence, blame and rejection. Despite evidence that many women and young girls in Botswana are involved in the trade, there is however denial of the existence of sex work largely fueled by the cultural silence around discussion of sex and criminalized sex work under the Penal Code cap 08.01 sections 176, 179 and 182 which forbid offences such as ‘common nuisance, idling and disorderly persons’. Because of the secrecy and ‘taboo’ surrounding the industry, sex workers are ignored, marginalised, discriminated against by health providers, and denied access to condoms, treatment, dignity and vital knowledge on economic empowerment.

As in many countries in the Sub-Saharan region, Botswana women enter the industry largely because of the need to take care of children, siblings, orphans, unemployment, low wages, gender roles, poor education, early sexual abuse and poor parental care. After turning to sex work as a solution, the sex workers’ statuses are compromised by the unsafe and unsuitable working conditions that they have to operate under. Due to their criminalized and stigmatized position, sex workers in Botswana operate under hazardous conditions that pose danger to their safety, dignity and health. Dialogues with sex workers in Botswana as carried out by BONELA bear witness to these women being forced to work under bushes and inside long distance trucks making them vulnerable to rape and HIV, violent clients, exploitation of their services, harassment and indiscrete arrests from police.

Sex workers in Botswana do not have a voice. They do not have organized bodies that can address their issues, advocate and protect their rights to health, dignity and privacy. However, in the recent years as efforts to address and scale up on HIV prevention, a couple of youth groups were formed to rehabilitate sex workers; these include Matshelo Community Development Association (MCDA) and Nkaikela Youth Group. Sex workers turn to these NGO’s to access information on prevention, health services and receive condoms. As an organisation committed to advocating for the human rights of marginalised groups in addressing HIV/AIDS epidemic, BONELA through partnerships with existing NGO’s, trained sex workers on human rights and HIV/AIDS, treatment literacy and their legal rights. BONELA is committed to advocating for sex workers to openly access basic health services and HIV prevention programmes without facing discrimination through educating both sex workers and health providers about their right health, confidentiality, dignity and treatment.