

MEMORANDUM

To: The Honourable Deputy Minister of Justice and Constitutional Development, Mr Andries Nel, MP

From: Sisonke National Movement in South Africa

Date: 9 October 2025

Subject: Consultation Process on the Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2023

1. INTRODUCTION

The Sisonke National Movement, its members and allies acknowledge receipt of the correspondence from the Department of Justice and Constitutional Development dated **12 October 2023**, regarding the ongoing consultation process for the development of a revised **Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2023**.

We further note the statement delivered by the Honourable Deputy Minister, **Mr Andries Nel**, during the **Sisonke National Movement's Inaugural National Sex Work Conference** held on **5–6 December 2024 in KwaZulu-Natal**, where Government of National Unity reiterated its commitment to advancing a rights-based and constitutional approach to the decriminalisation and regulation of sex work in South Africa.

However, the **Sisonke National Movement, its members and allies express concern that, to date, the Movement has not been formally engaged or updated on the outcomes of the proposed consultation process** as referenced in the Department's 2023 correspondence. This lack of engagement has created uncertainty among sex workers and civil society stakeholders who continue to anticipate clarity and inclusion in this critical legislative reform.

2. ACKNOWLEDGEMENT OF THE DEPARTMENT'S INTENTIONS

Sisonke welcomes the Department's recognition that the **decriminalisation of sex work** must be grounded in a **workers' rights and human rights framework** that prioritises the safety, dignity, equality and access to health, justice and economic freedom for all sex workers. We value the Department's invitation to nominate **five representatives from the Sex Work Sector** to contribute to the consultative process (letter dated 12 October 2023).

However, we [Sisonke National Movement] emphasise that this process must be rooted in **labour rights, workplace protections and social justice**, rather than restrictive regulation of the trade.

While Sisonke members and allies participated in good faith and remain committed to collaborative engagement, we note with concern that **no feedback or outcomes from the consultation process have been communicated to us**. It is therefore essential that the Department ensures **transparency, inclusivity and accountability**, with clear milestones, follow-up mechanisms and consistent feedback that genuinely reflect the voices and lived experiences of sex workers.

3. ACKNOWLEDGEMENT OF THE DEPARTMENT'S INTENTIONS

While we [Sisonke National Movement] recognise the Department's internal challenges and the constitutional review by the **Office of the Chief State Law Advisor and Senior Counsel**, the prolonged delay since the public comment period closed on **31 January 2023** has had severe implications for sex workers, who continue to face **criminalisation, violence, stigma, and social exclusion**.

We therefore respectfully request clarity on the following:

- a) **Consultation Feedback:** While Sisonke acknowledges that the consultation process involving the five representatives from the Sex Work Sector has taken place, no formal feedback or report on the outcomes of that engagement has been shared. We request that the Department provide a comprehensive update on the findings and recommendations emerging from this consultation.
- b) **Timeline and Next Steps:** We further request a **clear, time-bound roadmap** outlining the next stages in finalising and advancing the revised Bill, including submission to Cabinet and Parliamentary consideration, to ensure accountability and progress.
- c) **Labour Rights and Social Justice:** The process must continue upholding decriminalisation of sex work to centre on **labour rights, workplace protections and social justice**, ensuring that the lived realities and priorities of sex workers inform every stage of the legislative reform, rather than introducing punitive or restrictive measures under the guise of regulation.

4. REAFFIRMING PARTNERSHIP AND ACCOUNTABILITY

As emphasised in the Deputy Minister's address at our 2024 Conference, effective transformation in this sector requires genuine **partnership between government and civil society**. Sisonke reaffirms its commitment to work collaboratively towards a human-rights-based and labour-based legal framework.

We urge the Department to uphold its commitment to **meaningful consultation and joint accountability**, ensuring that sex workers are not merely consulted but are **active co-authors** of the legislative and regulatory process.

5. CONCLUSION

Sisonke, its members and allies appreciates the Department's acknowledgement of the constitutional necessity for reform and stands ready to engage constructively.

However, the urgency of this process cannot be overstated. Every delay perpetuates systemic harm, undermining the constitutional values of **dignity, equality and freedom** that this legislation seeks to protect.

We therefore look forward to receiving the proposed timeline and terms of reference for the upcoming consultations and remain available to convene an initial joint meeting to map out next steps.

The Sisonke National Movement in South Africa, looks forward to a response within **21-days** from the Department of Justice and Constitutional Development from today **9 October 2025**.

