



PRESS STATEMENT

HUMAN RIGHTS ORGANISATIONS CALL ON SOUTH AFRICAN GOVERNMENT TO ADDRESS THE PLIGHT OF SEX WORKERS DURING COVID-19 CRISIS IN THE INTEREST OF ALL SOUTH AFRICANS

6 May 2020

The [Centre for Human Rights](#), University of Pretoria, together with the [Sex Workers Education & Advocacy Taskforce \(SWEAT\)](#) and [Sisonke](#) is deeply concerned about the ongoing discrimination against sex workers in South Africa in response to the COVID-19 crisis and calls on the government to take urgent measures to extend its COVID-19 palliative measures to sex workers in need.

Sex workers, among other vulnerable workers, remain the most marginalised of all workers because their profession is not recognised as work in South Africa. According to Larissa Heüer, Academic Associate at the Centre, “it is sex workers’ illegal status which renders them vulnerable to abuse by police, health care providers and clients, hinders their access to justice, creates poor and dangerous working conditions and facilitates their stigmatisation. The loss of income due to the current coronavirus outbreak has aggravated this situation and caused a complete loss of income for many sex workers causing the loss of shelter, the inability to access food, medication and other basic necessities.”

Although the government has provided immediate financial and food aid to alleviate the economic and other related impacts of the Coronavirus pandemic, sex workers in South Africa have been neglected. Discriminated against because of their illegal professions, sex workers continue to be mistreated by social services and health care providers who deny them access to food parcels and medical care. These cases of discrimination against sex workers during the COVID-19 crisis are not isolated but are deeply rooted in a long-existing culture of stigmatisation and exclusion. Yet, the marginalisation of sex workers with regard to essential services undermines national efforts to curb the spread of the virus and to protect workers, especially informal workers, from the consequences of the crisis.

Lesego Tihwale, Advocacy Manager at SWEAT, the leading sex worker organisation in South Africa, notes that the “COVID-19 pandemic is revealing the ways in which sex workers are forced to operate on the margins, in dangerous circumstances, without the protections enjoyed by other workers. Sex workers have suffered enormous loss of income and are finding it difficult to survive during the times of COVID-19. Immigrant sex workers working in South Africa are being systematically excluded from any relief because of their immigration status. We demand an immediate and appropriate support to all sex workers in the form of finance, food, shelter and healthcare for all irrespective of work status.”

Also, although President Ramaphosa has promised to prioritise the lives and livelihoods of all people in South Africa, sex workers have, so far, not been included in any relief schemes. Due to the criminalisation of sex work, sex workers cannot register for the Unemployment Insurance Fund and will most likely not qualify for the Temporary Employee Relief Scheme. We wish to remind the government of its plea for solidarity and to reiterate that now is not the time to exclude already vulnerable persons such as sex workers from relief measures or to encourage their stigmatisation further.

According to section 10 of the South African Constitution, ‘[e]veryone has inherent dignity and the right to have their dignity respected and protected’. The right to dignity is further enshrined by all other international and regional human rights instruments, to which South Africa is a state party. We also recall South Africa’s obligations under the African Charter on Human and People’s Rights, its Protocol on the Rights of Women in Africa (Maputo Protocol), and the Convention on the Elimination of all Forms of Discrimination Against Women. The Maputo Protocol stresses the government’s obligation to ‘create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector’. This provision is especially relevant during the current COVID-19 crisis. In *Kylie v. CCMA & Others*, the Labour Appeal Court announced in 2010 that the illegality of sex work does not exclude sex workers from constitutional and labour rights.

Consequently, the government must protect and promote the human dignity and equality of all persons. Measures to combat the impact of the pandemic and the lockdown must, therefore, be available to everyone and benefit all people equally, including sex workers. UNAIDS and the Global Network of Sex Work Projects (NSWP) have further released a joint statement calling on countries to take immediate action to protect the rights of sex workers during the crisis.

However, despite these constitutional and international obligations of South Africa, the exclusion and discrimination of sex workers in South Africa continue. Many of the estimated 158 000 sex workers in the country struggle to make ends meet and to provide for their families.

Therefore, based on the above, we urge the government of South Africa to:

- 1) Ensure that sex workers are not discriminated against in the provision of food aid and other essential services;
- 2) Include sex workers in the Temporary Employee Relief Scheme and other future economic support schemes;
- 3) Ensure that sex workers are not discriminated against by health care providers when they present themselves for screening, testing and treatment, whether it be COVID-19-related or otherwise;
- 4) Include sex worker communities as key-stakeholders in government COVID-19-related planning;
- 5) Decriminalise sex work-related petty offences to reduce prison-overcrowding and release awaiting-trial sex workers who cannot afford bail, in line with the Principles on the Decriminalisation of Petty Offences in Africa by the African Commission on Human and Peoples' Rights, to prevent the risk of further infections;
- 6) Protect non-national sex workers and ensure that undocumented migrant or asylum seeker sex workers receive access to essential services;
- 7) Provide emergency housing for homeless sex workers.

Even beyond the current pandemic, the government must ensure that sex workers are protected from any kind of discrimination and fulfil its mandate to protect sex workers' rights to fair labour practices, the right to health care and social security as enshrined in the Bill of Rights. Therefore, we wish to remind the President of his promise to look into the decriminalisation of sex work and to continue his policy discussions with key members of the South African sex workers' movement.

The Centre for Human Rights supports efforts by SWEAT and Sisonke, the South African sex worker movement, to help sex workers who find themselves in difficulties during the coronavirus crisis.

They provide a 24-hour telephone helpline (0800 606060 or send a 'please call me' on 071 357 7632) and donations to assist sex workers in need can be made via:

www.backabuddy.co.za/champion/project/covid-19-relief-for-sex-workers

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