



Commission for Gender Equality  
A society free from gender oppression and inequality

## Media Release

**For Immediate Release: 08 March 2022**

**To: Editors, Producers and Reporters**

### **Commission for Gender Equality welcomes progress towards the decriminalisation of sex-work and sex-workers in South Africa**

The Commission for Gender Equality (CGE) welcomes the [decision](#) by the Deputy-Minister of the Department of Justice and Constitutional Development to hold consultative meetings on the issue of the decriminalisation of sex-work in South Africa. This step marks a significant progress towards exploring the possibility of the decriminalization of sex work and sex workers in South Africa.

The continued criminalisation and prohibitionist legal framework which has sanctioned sex-workers and sex-work as criminal goes against the human rights of sex-workers in South Africa. In a study done by the [Institute for Security Studies \(ISS\)](#), sex-work was found to be a decision driven primarily by financial insecurity rather than coercion and exploitation. In the opinion of the Commission, sex-work is an issue that must be dealt with through economic and social interventions rather than criminal law.

As noted in the Commission's existing [standing position](#) on the issue of decriminalisation, the continued criminalisation of sex-workers exposes them to various abuses from the public and the police services.

Sex workers continue to be marginalized and relegated to second-class citizens as a result of the continued criminalization of their profession. It is clear that the existing legal regime violates the human rights of sex workers who are entitled to all the human rights as contained in the South African constitution.

As a result of the overwhelming evidence, the Commission reiterates its position that the current regulatory regime criminalizing sex work in South Africa has failed to protect the rights of sex-workers exposing them to various abuses from the public, law enforcement and prevents them from accessing effective healthcare and healthcare facilities.



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The current criminalisation of sex work denies them their rights to human dignity, freedom and security of the person, freedom of trade and the right not to be discriminated against or treated unequally.

As per the Commission's [standing position](#) any regulation of sex-work and sex-workers in South Africa **must** follow a human rights approach that will deliver i) freedom and right of choice of work; ii) freedom for sex workers to form unions and enable sex workers to challenge unfair labour practices; iii) freedom from discrimination; iv) the right to the highest attainable standard of health; v) freedom and security of the person including the rights to be free from arbitrary arrest and detention, right to be free from violence and the right to bodily and psychological integrity.

**END,**

**Issued by Commission for Gender Equality**

**Contact Person: Javu Baloyi (Spokesperson)**

**Cell: 083 579 3306**



The Commission for Gender Equality is established in terms of Section 181 of the Constitution of the Republic of South Africa to promote respect for gender equality and the protection, development, and attainment of gender equality.

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