



# SEX WORK AND FEMINISM

ASIJIKI  
COALITION TO  
DECRIMINALISE  
SEX WORK IN  
SOUTH AFRICA



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Feminism is a political belief system which believes women face many more problems than men in society today. It seeks to change this by creating equal political, economic, cultural and social rights for women.

Feminism is linked to sex work because most sex workers are women and clients are almost all men. There is also unequal power between women and men. This inequality is common in society as a whole, with men generally having more money and social power and sex being seen as mainly for men's enjoyment.

There are many different versions of feminism and so many different ways to talk about the issue. This fact sheet outlines some feminist views on sex work and explains why the decriminalisation of sex work is supported by many feminists and human rights campaigners.

## 1 A FEMINIST VIEW ON SEX WORK IN SOUTH AFRICA

- Poverty is still highly feminised (more associated with women) in South Africa. Women do less paid work than men, earn less per hour and are responsible for much more unpaid domestic work. 27.1% of women, compared to 15.6% of men, are found in the poorest fifth of households<sup>1</sup>. However, sex work offers quite a lot of money per hour worked, even for people with no formal education. One study in 2010 found that, although most of the female sex workers asked had not completed secondary school, they earned an average income more than double that of all employed South Africans<sup>2,3</sup>. A similar survey in Cape Town found that, depending on their level of education, sex workers earned between 1.5 and 5.4 times more than they had made in their previous employment<sup>4</sup>. Unsurprisingly, 76% of sex workers in this study reported that their main reasons for selling sex were financial. Another common reason was that sex work allows for flexible working times and so is well suited to people who have another job or need to care for children or relatives.
- Sex work is also a way to survive for many transgender people, who often suffer gender-based discrimination at work and with housing and other services. They may also be rejected by their families and have to survive on the edges of society<sup>5</sup>.
- South Africa has one of the highest rates of sexual violence in the world. One study found that 25.3% of women had suffered sexual violence and 37.4% of men admitted to being violent<sup>6</sup>. Sex workers are particularly at risk for sexual violence and sexual abuse, with one survey revealing that a third of sex workers in Hillbrow had been made to have sex against their will (raped) in the previous six months<sup>7</sup>.

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## 2 FEMINIST REASONS AGAINST DECRIMINALISING SEX WORK

- **Argument:** Some feminists suggest that selling sex should not be allowed because a person's sexuality, or having sex, is such an important part of his or her identity<sup>8</sup>.
  - **Counter-argument:** This belief does not respect people's independent ability to form their own opinions about sex, including sex outside of traditional monogamous (having only one sex partner) relationships<sup>9</sup>. This belief also unfairly focuses on sex work, since other forms of paid work, like caring for children or counselling, involve emotional or physical closeness<sup>10</sup>.
- **Argument:** Some argue that the unequal relationships between rich clients and poor sex workers – who are often discriminated against because of their gender, race or drug use – makes the sex worker's agreement to have sex worthless (this means sex worker consent does not count)<sup>11</sup>.
  - **Counter-argument:** While it is certainly true that people's choices can be limited by power differences and difficult life situations, it is again a problem to focus only on sex work. All but the most privileged of us are 'forced' to work in order to survive and many people do difficult and nasty work for little pay<sup>12</sup>. This belief also assumes that poor women, particularly women of colour, are not able to respond wisely to their situations like poor men are believed to<sup>13</sup>.
- **Argument:** A third reason points to the high rates of violence and abuse suffered by sex workers and believes that sex work should be stopped for their protection.
  - **Counter-argument:** This reasoning presumes that the level of violence cannot be changed, when in fact it is the criminalised, unsafe and discriminatory status of sex work that makes it dangerous<sup>14,15</sup>. This reasoning also promotes the belief that women should not do work that involves physical risk, whereas it is all right for men to do dangerous work like mining or professional rugby. And even though South Africa has one of the highest rates of partner violence in the world<sup>16</sup>, these feminists have not proposed that marriage should be banned!
- **Argument:** There is also a belief that sex work supports the idea that women should be sexually available to men, or be treated as sex objects, and that sex work therefore promotes sexual violence against all women<sup>8</sup>.
  - **Counter-argument:** This belief is a big problem because it shifts the blame for male sexual violence from men to largely less powerful women. It also relies on a label that says sex workers are “always available”, when in fact they agree to every sex act (consent) and limit their sexual activity with others in many ways<sup>17</sup>.

- It is an important feminist belief that everyone should have control over their own bodies and sexual behaviour<sup>10</sup>. This means that people who are forced into selling sex (which is a crime) should be helped in every possible way. But it also means that sex workers who work without being forced<sup>4,18</sup>, must be decriminalised and protected from harm.
- Many feminists who support decriminalisation agree that sex work would be less common in a more just and equal world, as would domestic work, farm work and many other forms of work that are mostly done by poor people with little power. However, decriminalisation is necessary to protect the rights of people who choose to sell sex in the real world<sup>19</sup>. People who are very poor may opt for sex work as a short-term way to survive. Criminalisation tries to remove sex work as a choice. In doing so, it takes away those people's ability to choose for themselves, as well as one means of helping themselves and the family members who depend on them.
- Marxist feminists have pointed out that the labour of women is not given its fair value by the capitalist system, both in paid work and in the domestic, emotional and sexual labour they are expected to provide for free to male partners (for example, in marriage). Sex work can be understood as a way of making women's sexual labour visible and demanding fair pay for it<sup>20</sup>.
- The stigma and discrimination against people having sex with multiple partners or having unusual (kinky) sex affects women most strongly and is the underlying cause of violence and abuse against sex workers

in particular<sup>21,22</sup>. Feminists who support decriminalisation argue that the most important goal is tackling this discrimination, which is difficult when official state policy is that sex workers' behaviour is wrong.

- Research has shown that decriminalisation is the best way to decrease violence<sup>23,24,25</sup> against sex workers, help them obtain labour rights<sup>26,27</sup> and reduce HIV transmission<sup>28</sup>. Criminalisation currently results in abuse of sex workers by the police<sup>29,30</sup> and police refusing to help sex workers when crimes are committed against them<sup>31</sup>. Decriminalising adult consensual sex work would also make sex work more visible and allow the police to focus better on the small number of cases where the people selling sex are too young or being forced to sell sex<sup>24</sup>.
- There are many groups around the world that are led by sex workers or act for sex workers and almost all of them support decriminalisation<sup>32</sup>. Feminists should listen to the voices of the women most affected by laws around sex work, namely sex workers, and join in this support. In New Zealand, 40 of the 56 feminist organisations backed the 2003 bill to decriminalise sex work, including the National Council of Women of New Zealand, the YWCA and the Catholic Women's League<sup>33</sup>.
- There is a long history of efforts made by middle class or would-be middle class women to gain "respectability" by helping "rescue" stigmatised women described as "deviant"<sup>34,35</sup>. This is wrong: feminism should support all women.

**"People who are very poor may opt for sex work as a short-term way to survive. Criminalisation tries to remove sex work as a choice."**

This Briefing was written by Dr Dean Peters and plain-language edited by Giles Griffin

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