



SEX WORK, MIGRATION AND TOURISM

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COALITION TO
DECRIMINALISE
SEX WORK IN
SOUTH AFRICA



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More and more people are travelling abroad or within their own country to join family, find work or simply go on holiday. The 2011 census shows that South Africa is similar to other parts of the world, with foreign nationals making up 3.3% of the South African population (1.7 million people) and millions of South Africans living outside the province where they were born¹.

South African tourism has been booming since the beginning of the century, with the number of foreign arrivals increasing from 6 million in 2000 to over 15 million in 2013². This fact sheet provides information on the links between migration, tourism and sex work – particularly in relation to the decriminalisation of sex work – and clears up some common misunderstandings.

1

THE NUMBERS BEHIND SEX WORK IN SOUTH AFRICA

- Many people do not have regular, paid work in South Africa, which means many people are very poor³. As a result, many seek work outside of the formal sector. Sex work requires no formal training and often pays quite well. One study in 2010 found that, although most of the female sex workers asked had not finished high school, they had an average income more than double that of all working South Africans^{4,5}. A similar study 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 in their previous job⁶. 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.
- Recent research shows that there are probably around 150 000 sex workers in South Africa, most of which are women⁷. This is about a third (33%) of the number of South Africans who work in mining and around a quarter (25%) of the number who work in tourism⁸.
- The number of sex workers who come from other countries varies from place to place. In Cape Town, only a few sex workers surveyed in 2008 were foreign-born^{6,10}. In contrast, 60% of sex workers talked to in Hillbrow, Johannesburg and two cities in Limpopo Province said they were foreign-born. In addition, all the South African-born respondents had moved from other parts of the country¹¹. A 2010 study of 1,653 female sex workers in Johannesburg, Rustenburg and Cape Town found that 39% were foreign-born and 46% from other parts of South Africa. However, in Cape Town the numbers were only 7% foreign-born and 26% from other parts of South Africa¹².
- It is not known how many clients of sex workers are tourists or foreign-born residents. Brothel owners in Cape Town have told researchers that they see foreign clients “from time to time”¹⁶ although some sex workers work specifically with mobile populations of truck drivers¹³ and sailors¹⁴, many of whom are foreign. Sex workers have reported to researchers that they are usually happy to see foreign clients, who are often more polite than locals and spend more money^{15,16}.
- The International Labour Organisation says that the growth of the sex work sector is linked to how modern a country’s

economy is. Modernisation makes women move to cities to find work on the back of growth in global trade and tourism¹⁷. Women, especially poor black women who move to cities or other countries to find work, are often – wrongly – seen as victims. Men who make similar journeys are not seen as victims^{18,19}. Sex work may allow people to save money, allowing them to start a small business or build a house^{20,21}, so sex workers, including migrant sex workers, should not automatically be seen as victims.

2

BENEFITS OF SEX WORK DECRIMINALISATION

- Under decriminalisation, the buying and selling of sex becomes legal. Employment of sex workers is also legal. South African labour law has strong protections for employees so sex workers would be protected by this under decriminalisation. Sex workers would be able to organise (form a union) legally and employers (e.g. brothel managers) would have to obey health and safety labour laws (e.g. providing condoms and safer sex information). Force, trafficking and other abusive labour practices would remain illegal.
- The most important reasons to support decriminalisation are that it has been shown to reduce violence^{22,23} against sex workers, help them secure labour rights^{24,25} and reduce HIV transmission²⁶. At present criminalisation leads to abuse of sex workers by the police^{27,28}. Criminalisation increases stigma and discrimination against sex workers, which is the main cause of violence and abuse against them^{29,30}.
- To avoid arrest under criminalisation, sex workers try to work out of sight. This makes them at risk of attack^{31,32} but it also means they cannot be reached for services, like condom delivery. A hidden work sector cannot be well controlled, possibly putting both sex workers and clients at risk.
- Decriminalising adult consensual sex work would make sex work more open and transparent and allow the police to focus more on the small number of cases where the people selling sex are under age and/or forced into the sex industry. The 2003 Act decriminalising adult sex work in New Zealand also criminalised adults who buy sex – or help people buy sex (e.g. brothel-owners) – from children. These laws have resulted in successful arrests³³. Often clients are the only people who know someone is being forced into selling sex^{33,34}, yet they are scared to report abuse because they fear arrest themselves.

- Many people worry that big sporting events that attract many tourists, like the 2010 Soccer World Cup in South Africa, might increase sex work, as well as trafficking for sexual abuse and other abusive practices¹⁰. In fact, there is no proof that trafficking increases around big sporting events^{35,36}. A study of sex workers before, during and after the 2010 Soccer World Cup found that the number of foreign clients did increase a little during the event, but that overall demand for sexual services stayed about the same³⁷. No cases of trafficking were found.
- Migration, tourism and sex work are normal in a modernising, outward-looking country like South Africa. Criminalisation has not ended sex work or sex tourism in South Africa, but only made sex workers and their clients less safe. Decriminalisation would respect the choices of sex workers, make sex work safer and allow it to be controlled better. This, in turn, would stop abusive practices.
- Some people think that decriminalising sex work would give South Africa a bad name for sex tourism and stop other types of tourists visiting, leading to an overall drop in visitors and less money coming into the country. This belief does not appear to be true if you consider countries like Thailand and the Netherlands that are known for sex tourism: they continue to have increasing numbers of visitors³⁸. One possible reason for this is that, when the sale of sex is legal, it often happens in particular areas³⁹, which tourists can simply choose to avoid.
- Other people worry that decriminalised sex work would increase the sexual abuse of children and other abusive sexual practices. There are known cases of these practices occurring in South Africa, but it must be remembered that these are quite rare and that most paid sex work in South Africa takes places between adults who agree to it. For example, a large study of sex workers in Cape Town found that only two (out of 164 people interviewed) had ever been victims of trafficking under the UN definition. In addition, these events had mostly been in the past and the sex workers in question had escaped those circumstances by themselves⁴⁰. The same study found only five children selling sex and none of them were being forced to do so.
- We need to make serious efforts to stop these and similar cases of sexual abuse in sex work. However, media or NGOs who say that tens of thousands of children have been trafficked into sex work in South Africa or in other parts of the world typically take their stories from hearsay that cannot be trusted. These claims are also not supported by high-quality research^{41, 42, 43, 44}.

“Criminalisation has only made sex workers and their clients less safe.”



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